

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 157—Rules for the Protection of the Marine Environment Relating to Tank Vessels Carrying Oil in Bulk

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 168—Escort Requirements for Certain Tankers

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 46: Shipping

Part 15—Manning Requirements

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 and 50 CFR 224

- (6) **United States Coast Guard**—33 CFR 26, 80, 81, 82, 88, 89, 90, 110, 117, 147, 157, 160, 161, 162, 164, 165, 166, 167, 168 and 169; 46 CFR 15

- (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)

§922.4 Boundaries.

(29)

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

(30)

Subpart G—Channel Islands National Marine Sanctuary

(31)

§922.70 Boundary.

(32)

The Channel Islands National Marine Sanctuary (Sanctuary) consists of an area of approximately 1,110 square nautical miles (nmi²) (1,470 sq. mi.) of coastal and ocean waters, and the submerged lands thereunder, off the southern coast of California. The Sanctuary boundary begins at the Mean High Water Line of and extends seaward to a distance of approximately six nmi from the following islands and offshore rocks: San Miguel Island, Santa Cruz Island, Santa Rosa Island, Anacapa Island, Santa Barbara Island, Richardson Rock, and Castle Rock (the Islands). The seaward boundary coordinates are listed in Appendix A to this subpart.

(33)

§922.71 Definitions.

(34) In addition to those definitions found at § 922.11, the following definitions apply to this subpart:

(35) *Motorized personal watercraft* means a vessel, usually less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The vessel is intended to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull. The length is measured from end to end over the deck excluding sheer, meaning a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not included in the measurement. Length is stated in feet and inches.(36) *Oceangoing ship* means a private, commercial, government or military vessel of 300 gross registered tons or more, not including cruise ships.(37) *Pelagic finfish* are defined as: Northern anchovy (*Engraulis mordax*), barracudas (*Sphyræna spp.*), billfishes (family *Istiophoridae*), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus spp.*), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias spp.*), swordfish (*Xiphias gladius*), tunas (family *Scombridae*), and yellowtail (*Seriola lalandi*).(38) *Stowed and not available for immediate use* means not readily accessible for immediate use, e.g., by being securely covered and lashed to a deck or bulkhead, tied down, unbaited, unloaded, or partially disassembled (such as spear shafts being kept separate from spear guns).

(39)

§922.72 Prohibited or otherwise regulated activities—Sanctuary-wide.

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

(41) (1) Exploring for, developing, or producing hydrocarbons within the Sanctuary, except pursuant to leases executed prior to March 30, 1981, and except the laying of pipeline pursuant to exploring for, developing, or producing hydrocarbons.

(42) (2) Exploring for, developing, or producing minerals within the Sanctuary, except producing byproducts incidental to hydrocarbon production allowed by paragraph (a) (1) of this section.

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

(44) (A) Fish, fish parts, or chumming materials (bait) used in or resulting from lawful fishing activity within the Sanctuary, provided that such discharge or deposit is during the conduct of lawful fishing activity within the Sanctuary;

(45) (B) For a vessel less than 300 gross registered tons (GRT), or an oceangoing ship without sufficient holding tank capacity to hold sewage while within the Sanctuary, biodegradable effluent generated incidental to vessel use by an operable Type I or 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. 1321 *et seq.* Vessel operators must lock all marine sanitation devices in a manner that prevents discharge or deposit of untreated sewage;

(46) (C) Biodegradable matter from:

(47) (1) Vessel deck wash down;

(48) (2) Vessel engine cooling water;

(49) (3) Graywater from a vessel less than 300 gross registered tons;

(50) (4) Graywater from an oceangoing ship without sufficient holding tank capacity to hold graywater while within the Sanctuary;

(51) (D) Vessel engine or generator exhaust;

(52) (E) Effluent routinely and necessarily discharged or deposited incidental to hydrocarbon exploration, development, or production allowed by paragraph (a) (1) of this section; or

(53) (F) Discharge allowed under section 312(n) of the FWPCA.

(54) (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 those listed in paragraphs (a)(3)(i)(B) through (F) of this section and fish, fish parts, or chumming materials (bait) used in or resulting from lawful fishing activity there.

(55) (4) Drilling into, dredging, or otherwise altering the submerged lands of the Sanctuary, or constructing or placing any structure, material, or other matter on or in the submerged lands of the Sanctuary, except as incidental to and necessary to:

(56) (i) Anchor a vessel;

(57) (ii) Install an authorized navigational aid;

(58) (iii) Conduct lawful fishing activity;

(59) (iv) Lay pipeline pursuant to exploring for, developing or producing hydrocarbons; or

(60) (v) Explore for, develop, or produce hydrocarbons as allowed by paragraph (a)(1) of this section.

(61) (5) Abandoning any structure, material, or other matter on or in the submerged lands of the Sanctuary.

(62) (6) Except to transport persons or supplies to or from any Island, operating within one nmi of any Island any vessel engaged in the trade of carrying cargo, including, but not limited to, tankers and other bulk carriers and barges, any vessel engaged in the trade of servicing offshore installations, or any vessel of three hundred

gross registered tons or more, except fishing or kelp harvesting vessels.

- (63) (7) Disturbing marine mammals or seabirds by flying motorized aircraft at less than 1,000 feet over the waters within one nautical mile of any Island, except to engage in kelp bed surveys or to transport persons or supplies to or from an Island. Failure to maintain a minimum altitude of 1,000 feet above ground level over such waters is presumed to disturb marine mammals or seabirds.
- (64) (8) Moving, removing, injuring, or possessing, or attempting to move, remove, injure, or possess a Sanctuary historical resource.
- (65) (9) Taking any marine mammal, sea turtle, or sea bird within or above the Sanctuary, except as authorized by the Marine Mammal Protection Act, as amended, (MMPA), 16 U.S.C. 1361 *et seq.*, Endangered Species Act, as amended, (ESA), 16 U.S.C. 1531 *et seq.*, Migratory Bird Treaty Act, as amended, (MBTA), 16 U.S.C. 703 *et seq.*, or any regulation, as amended, promulgated under the MMPA, ESA, or MBTA.
- (66) (10) Possessing within the Sanctuary (regardless of where taken from, moved, or removed from) any marine mammal, sea turtle, or seabird, except as authorized by the MMPA, ESA, MBTA, or any regulation, as amended, promulgated under the MMPA, ESA, or MBTA.
- (67) (11) Marking, defacing, damaging, moving, removing, or tampering with any sign, notice, or placard, whether temporary or permanent, or any monument, stake, post, or other boundary marker related to the Sanctuary.
- (68) (12) Introducing or otherwise releasing from within or into the Sanctuary an introduced species, except striped bass (*Marone saxatilis*) released during catch and release fishing activity.
- (69) (13) Operating a motorized personal watercraft within waters of the Sanctuary that are coextensive with the Channel Islands National Park, established by 16 U.S.C. 410(ff).
- (70) (b)(1) The prohibitions in paragraphs (a)(3) through (13) of this section and in §922.73 do not apply to military activities carried out by DOD as of the effective date of these regulations and specifically identified in section 3.5.9 (Department of Defense Activities) of the Final Channel Islands Marine Sanctuary Management Plan/ Final Environmental Impact Statement (FMP/ FEIS), Volume II: Environmental Impact Statement, 2008, authored and published by NOAA (“pre-existing activities”). Copies of the document are available from the Channel Islands National Marine Sanctuary, 113 Harbor Way, Santa Barbara, CA 93109. Other military activities carried out by DOD may be exempted by the Director after consultation between the Director and DOD.
- (71) (2) A military activity carried out by DOD as of the effective date of these regulations and specifically identified in the section entitled “Department of Defense

Activities” of the FMP/FEIS is not considered a pre-existing activity if:

- (72) (i) It is modified in such a way that requires the preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, relevant to a Sanctuary resource or quality;
- (73) (ii) It is modified, including but not limited to changes in location or frequency, in such a way that its possible adverse effects on Sanctuary resources or qualities are significantly greater than previously considered for the unmodified activity;
- (74) (iii) It is modified, including but not limited to changes in location or frequency, in such a way that its possible adverse effects on Sanctuary resources or qualities are significantly different in manner than previously considered for the unmodified activity; or
- (75) (iv) There are new circumstances or information relevant to a Sanctuary resource or quality that was not addressed in the FMP/FEIS.
- (76) (3) In the event of destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an incident, including, but not limited to, discharges, deposits, and groundings caused by a DOD activity, DOD, in coordination with the Director, must promptly prevent and mitigate further damage and must restore or replace the Sanctuary resource or quality in a manner approved by the Director.
- (77) (4) All DOD activities must be carried out in a manner that avoids to the maximum extent practicable any adverse impacts on Sanctuary resources and qualities.
- (78) (c) The prohibitions in paragraphs (a)(3) through (10) and (12) and (13) of this section and in § 922.73 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 issued pursuant to subpart D of this part and § 922.74.
- (79) (d) The prohibitions in paragraphs (a)(3) through (11) and (a)(13) of this section and in §922.73 do not apply to any activity necessary to respond to an emergency threatening life, property, or the environment.
- (80) (e) The prohibitions in paragraphs (a)(3) through (11) and (a)(13) of this section and in § 922.73 do not apply to any activity necessary for valid law enforcement purposes in the Sanctuary.

(81) **§922.73 Additional prohibited or otherwise regulated activities—marine reserves and marine conservation area.**

- (82) (a) *Marine reserves.* Unless prohibited by 50 CFR part 660 (Fisheries off West Coast States), the following activities are prohibited and thus unlawful for any person to conduct or cause to be conducted within a marine reserve described in appendix B to this subpart, except as specified in paragraphs (b) through (e) of §922.72:

- (83) (1) Harvesting, removing, taking, injuring, destroying, collecting, moving, or causing the loss of any Sanctuary resource, or attempting any of these activities.
- (84) (2) Possessing fishing gear on board a vessel unless such gear is stowed and not available for immediate use.
- (85) (3) Possessing any Sanctuary resource, except legally harvested fish on board a vessel at anchor or in transit.
- (86) (b) *Marine conservation area*. Unless prohibited by 50 CFR part 660 (Fisheries off West Coast States), the following activities are prohibited and thus unlawful for any person to conduct or cause to be conducted within the marine conservation area described in appendix C to this subpart, except as specified in paragraphs (b) through (e) of §922.72.
- (87) (1) Harvesting, removing, taking, injuring, destroying, collecting, moving, or causing the loss of any Sanctuary resource, or attempting any of these activities, except:
- (88) (i) Recreational fishing of pelagic finfish; or
- (89) (ii) Commercial and recreational fishing for lobster.
- (90) (2) Possessing fishing gear on board a vessel, except legal fishing gear used to fish for lobster or pelagic finfish unless such gear is stowed and not available for immediate use.
- (91) (3) Possessing any Sanctuary resource except for legally harvested fish.

(92)

§922.74 Permit procedures.

- (93) (a) A person may conduct an activity otherwise prohibited by § 922.72 or § 922.73 if the 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.
- (94) (b) Permit applications should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Superintendent, Channel Islands National Marine Sanctuary, University of California Santa Barbara, Ocean Science Education Building 514, MC 6155, Santa Barbara, CA 93106–6155.

(95)

Appendix A to Subpart G of Part 922 – Channel Islands National Marine Sanctuary Boundary Coordinates

(96)

[Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.]		
Point	Latitude	Longitude
1	33.94138	–119.27422
2	33.96776	–119.25010
3	34.02607	–119.23642
4	34.07339	–119.25686
5	34.10185	–119.29178
6	34.11523	–119.33040
7	34.11611	–119.39120.

[Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.]

Point	Latitude	Longitude
8	34.11434	–119.40212
9	34.11712	–119.42896
10	34.11664	–119.44844.
11	34.13389	–119.48081.
12	34.13825	–119.49198
13	34.14784	–119.51194.
14	34.15086	–119.54670
15	34.15450	–119.54670
16	34.15450	–119.59170
17	34.15142	–119.61254
18	34.13411	–119.66024
19	34.14635	–119.69780
20	34.15988	–119.76688
21	34.15906	–119.77800
22	34.15928	–119.79327
23	34.16213	–119.80347
24	34.16962	–119.83643
25	34.17266	–119.85240
26	34.17588	–119.88903
27	34.17682	–119.93357
28	34.17258	–119.95830
29	34.13535	–120.01964
30	34.13698	–120.04206
31	34.12994	–120.08582
32	34.12481	–120.11104
33	34.12519	–120.16076
34	34.11008	–120.21190
35	34.11128	–120.22707
36	34.13632	–120.25292
37	34.15341	–120.28627.
38	34.16408	–120.29310
39	34.17704	–120.30670
40	34.20492	–120.30670
41	34.20492	–120.38830
42	34.20707	–120.41801
43	34.20520	–120.42859
44	34.19254	–120.46041
45	34.20540	–120.50728
46	34.20486	–120.53987
47	34.18182	–120.60041
48	34.10208	–120.64208
49	34.08151	–120.63894.
50	34.05848	–120.62862
51	34.01940	–120.58567
52	34.01349	–120.57464
53	33.98698	–120.56582
54	33.95039	–120.53282
55	33.92694	–120.46132

[Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.]

Point	Latitude	Longitude
56	33.92501	-120.42170
57	33.91403	-120.37585
58	33.91712	-120.32506
59	33.90956	-120.30857
60	33.88976	-120.29540
61	33.84444	-120.25482
62	33.83146	-120.22927
63	33.81763	-120.20284
64	33.81003	-120.18731
65	33.79425	-120.13422
66	33.79379	-120.10207
67	33.79983	-120.06995
68	33.81076	-120.04351
69	33.81450	-120.03158
70	33.84125	-119.96508
71	33.84865	-119.92316
72	33.86993	-119.88330
73	33.86195	-119.88330
74	33.86195	-119.80000
75	33.86110	-119.79017
76	33.86351	-119.77130
77	33.85995	-119.74390
78	33.86233	-119.68783
79	33.87330	-119.65504
80	33.88594	-119.62617
81	33.88688	-119.59423
82	33.88809	-119.58278
83	33.89414	-119.54861
84	33.90064	-119.51936
85	33.90198	-119.51609
86	33.90198	-119.43311
87	33.90584	-119.43311
88	33.90424	-119.42422
89	33.90219	-119.40730
90	33.90131	-119.38373
91	33.90398	-119.36333
92	33.90635	-119.35345
93	33.91304	-119.33280
94	33.91829	-119.32206
95	33.48250	-119.16874
96	33.44235	-119.16797
97	33.40555	-119.14878
98	33.39059	-119.13283
99	33.36804	-119.08891
100	33.36375	-119.06803
101	33.36241	-119.04812

[Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.]

Point	Latitude	Longitude
102	33.36320	-119.03670
103	33.36320	-118.90879
104	33.47500	-118.90879
105	33.48414	-118.90712
106	33.52444	-118.91492
107	33.53834	-118.92271
108	33.58616	-118.99540
109	33.59018	-119.02374
110	33.58516	-119.06745
111	33.58011	-119.08521
112	33.54367	-119.14460
113	33.51161	-119.16367

(97)

Subpart H—Greater Farallones National Marine Sanctuary

(98)

§922.80 Boundary.

(99)

(a) Greater Farallones National Marine Sanctuary (Sanctuary) encompasses an area of approximately 2,488 square nautical miles (nmi²) (3,295 sq. mi.) of coastal and ocean waters, and submerged lands thereunder, surrounding the Farallon Islands and Noonday Rock along the northern coast of California. The precise boundary coordinates are listed in appendix A to this subpart.

(100)

§922.81 Definitions.

(101)

In addition to those definitions found at §922.11, the following definitions apply to this subpart:

(102)

Cruise ship means a vessel with 250 or more passenger berths for hire.

(103)

Motorized personal watercraft means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel.

(104)

Routine maintenance means customary and standard procedures for maintaining docks or piers.

(105)

Special Wildlife Protection Zones are areas surrounding or adjacent to high abundance of white sharks, breeding pinnipeds (seals and sea lions) or high abundance and high biological diversity of breeding birds that are susceptible to human caused disturbance, including federally listed and specially protected species. Coordinates for Special Wildlife Protection Zones are found in appendix C of this Subpart.

(106)

§922.82 Prohibited or otherwise regulated activities.

(107)

(a) The following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted within the Sanctuary:

(108)

(1) Exploring for, developing, or producing oil, gas or minerals.

(109)

(2) Discharging or depositing from within or into the Sanctuary, other than from a cruise ship, any material or other matter except:

(110)

(i) Fish, fish parts, or chumming materials (bait) used in or resulting from lawful fishing activity within the Sanctuary, provided that such discharge or deposit is during the conduct of lawful fishing activity within the Sanctuary;

(111)

(ii) For a vessel less than 300 gross registered tons (GRT), or a vessel 300 GRT or greater without sufficient holding tank capacity to hold sewage while within the Sanctuary, clean effluent generated incidental to vessel use by an operable Type I or II marine sanitation device (U.S. Coast Guard classification) that is 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 all marine sanitation devices in a manner that prevents discharge or deposit of untreated sewage;

(112)

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

(113)

(iv) For a vessel less than 300 GRT or a vessel 300 GRT or greater without sufficient holding capacity to hold graywater while within the Sanctuary, clean graywater as defined by section 312 of the FWPCA;

(114)

(v) Vessel engine or generator exhaust; or

(115)

(vi) For a United States Coast Guard vessel without sufficient holding tank capacity and without a Type I or II marine sanitation device, and operating within the designated area [2015 expansion area] defined in appendix G of this subpart, sewage and non-clean graywater as defined by section 312 of the FWPCA generated incidental to vessel use, and ammunition, pyrotechnics or other materials directly related to search and rescue and live ammunition training activities conducted by United States Coast Guard vessels and aircraft in the designated areas defined in appendix G of this subpart.

(116)

(3) Discharging or depositing from within or into the Sanctuary any material or other matter from a cruise ship except clean vessel engine cooling water, clean vessel generator cooling water, vessel engine or generator exhaust, clean bilge water, or anchor wash.

(117)

(4) 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 for the material or other matter excepted in paragraphs (a)(2)(i) through (vi) and (a)(3) of this section.

(118)

(5) Constructing any structure other than a navigation aid on or in the submerged lands of the Sanctuary; placing or abandoning any structure on or in the submerged lands of the Sanctuary; or drilling into, dredging, or otherwise altering the submerged lands of the Sanctuary in any way, except:

(119)

(i) By anchoring vessels (in a manner not otherwise prohibited by this part (see paragraph (a)(16) of this section);

(120)

(ii) While conducting lawful fishing activities;

(121)

(iii) Routine maintenance and construction of docks and piers on Tomales Bay; or

(122)

(iv) Aquaculture activities conducted pursuant to a valid lease, permit, license or other authorization issued by the State of California.

(123)

(6) Operating motorized personal watercraft (MPWC) anywhere in Bodega Bay and anywhere in the Sanctuary south of 38.29800 degrees North Latitude (the southernmost tip of Bodega Head), except for emergency search and rescue missions or law enforcement operations (other than routine training activities) carried out by the National Park Service, U.S. Coast Guard, Fire or Police Departments or other Federal, State or local jurisdictions.

(124)

(7) Taking any marine mammal, sea turtle, or bird within or above the Sanctuary, except as authorized by the Marine Mammal Protection Act, as amended, (MMPA), 16 U.S.C. 1361 *et seq.*, Endangered Species Act (ESA), as amended, 16 U.S.C. 1531 *et seq.*, Migratory Bird Treaty Act, as amended, (MBTA), 16 U.S.C. 703 *et seq.*, or any regulation, as amended, promulgated under the MMPA, ESA, or MBTA.

(125)

(8) Possessing within the Sanctuary (regardless of where taken, moved or removed from), any marine mammal, sea turtle, or bird taken, except as authorized by the MMPA, ESA, MBTA, by any regulation, as amended, promulgated under the MMPA, ESA, or MBTA, or as necessary for valid law enforcement purposes.

(126)

(9) Possessing, moving, removing, or injuring, or attempting to possess, move, remove or injure, a Sanctuary historical resource.

(127)

(10) Introducing or otherwise releasing from within or into the Sanctuary an introduced species, except:

(128)

(i) Striped bass (*Morone saxatilis*) released during catch and release fishing activity; or

(129)

(ii) Species cultivated by commercial shellfish aquaculture activities in Tomales Bay pursuant to a valid lease, permit, license or other authorization issued by the State of California. Tomales Bay is defined in §922.80. The coordinates for the northern terminus of Tomales Bay are listed in appendix C to this subpart.

(130)

(11) Disturbing marine mammals or seabirds by flying motorized aircraft at less than 1,000 feet over the waters within any of the seven designated Special Wildlife Protection Zones described in appendix D to this subpart, except transiting Zone 6 to transport persons or supplies to or from Southeast Farallon Island authorized by the U.S. Fish and Wildlife Service, Farallon National Wildlife Refuge, or for enforcement purposes. Failure to

maintain a minimum altitude of 1,000 feet above ground level over such waters is presumed to disturb marine mammals or seabirds.

- (131) (12) Operating any vessel engaged in the trade of carrying cargo within any area designated Special Wildlife Protection Zone or within one nautical mile from these zones. The coordinates are listed in appendix E to this subpart. This includes but is not limited to tankers and other bulk carriers and barges, or any vessel engaged in the trade of servicing offshore installations, except to transport persons or supplies to or from the Farallon Islands. In no event shall this section be construed to limit access for fishing, recreational or research vessels.
- (132) (13) Attracting a white shark anywhere in the Sanctuary; or approaching within 50 meters of any white shark within Special Wildlife Protection Zone 6 and 7 or within one nautical mile from these zones. The coordinates are listed in appendix F to this subpart.
- (133) (14) Deserting a vessel aground, at anchor, or adrift in the Sanctuary.
- (134) (15) Leaving harmful matter aboard a grounded or deserted vessel in the Sanctuary.
- (135) (16) Anchoring a vessel in a designated seagrass protection zone in Tomales Bay, except as necessary for aquaculture operations conducted pursuant to a valid lease, permit or license. The coordinates for the noanchoring seagrass protection zones are listed in Appendix B to this subpart.
- (136) (17) 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.
- (137) (b) All activities currently carried out by the Department of Defense within the Sanctuary are essential for the national defense and, therefore, not subject to the prohibitions in this section. The exemption of additional activities shall be determined in consultation between the Director and the Department of Defense.
- (138) (c) The prohibitions in paragraph (a) of this section do not apply to activities necessary to respond to an emergency threatening life, property or the environment, or except as may be permitted by the Director in accordance with subpart D of this part.
- (139) (d) The prohibitions in paragraphs (a)(2) through (9) and (11) through (16) of this section do not apply to any activity executed in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued in accordance with subpart D of this part and § 922.83, or a special use permit issued pursuant to subpart D of this part.

(140) **§922.83 Permit procedures.**

- (141) (a) A person may conduct an activity otherwise prohibited by § 922.82(a)(2) through (9) and (11) through (16) 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.

- (142) (b) Applications for permits should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Superintendent, Greater Farallones National Marine Sanctuary, 991 Marine Dr., The Presidio, San Francisco, CA 94129.

(143) **§922.84 Certification of preexisting leases, licenses, permits, approvals, other authorizations, or rights to conduct a prohibited activity.**

- (144) (a) A person may conduct an activity prohibited by §922.82(a)(1) through (17) if such activity is specifically authorized by a valid Federal, State, or local lease, permit, license, approval, or other authorization in existence prior to the effective date of sanctuary expansion and within the sanctuary expansion area and complies with §922.47 and provided that the holder of the lease, permit, license, approval, or other authorization complies with the requirements of paragraph (e) of this section.
- (145) (b) In considering whether to make the certifications called for in this section, the Director may seek and consider the views of any other person or entity, within or outside the Federal government, and may hold a public hearing as deemed appropriate.
- (146) (c) The Director may amend, suspend, or revoke any certification made under this section whenever continued operation would otherwise be inconsistent with any terms or conditions of the certification. Any such action shall be forwarded in writing to both the holder of the certified permit, license, or other authorization and the issuing agency and shall set forth reason(s) for the action taken.
- (147) (d) Requests for findings or certifications should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Sanctuary Superintendent, Greater Farallones National Marine Sanctuary, 991 Marine Drive, The Presidio, San Francisco, CA 94129. A copy of the lease, permit, license, approval, or other authorization must accompany the request.
- (148) (e) For an activity described in paragraph (a) of this section, the holder of the authorization or right may conduct the activity prohibited by §922.82 (a)(1) through (17) provided that:
 - (149) (1) The holder of such authorization or right notifies the Director, in writing, within 90 days of the effective date of Sanctuary designation, of the existence of such authorization or right and requests certification of such authorization or right;
 - (150) (2) The holder complies with the other provisions of this section; and
 - (151) (3) The holder complies with any terms and conditions on the exercise of such authorization or right imposed as a condition of certification, by the Director, to achieve the purposes for which the Sanctuary was designated.
- (152) (f) The holder of an authorization or right described in paragraph (a) of this section authorizing an activity

prohibited by §922.82 may conduct the activity without being in violation of applicable provisions of §922.82, pending final agency action on his or her certification request, provided the holder is otherwise in compliance with this section.

- (153) (g) The Director may request additional information from the certification requester as he or she deems reasonably necessary to condition appropriately the exercise of the certified authorization or right to achieve the purposes for which the Sanctuary was designated. The Director must receive the information requested within 45 days of the postmark date of the request. The Director may seek the views of any persons on the certification request.
- (154) (h) The Director may amend any certification made under this section whenever additional information becomes available that he determines justifies such an amendment.
- (155) (i) Upon completion of review of the authorization or right and information received with respect thereto, the Director shall communicate, in writing, any decision on a certification request or any action taken with respect to any certification made under this section, in writing, to both the holder of the certified lease, permit, license, approval, other authorization, or right, and the issuing agency, and shall set forth the reason(s) for the decision or action taken.
- (156) (j) The holder may appeal any action conditioning, amending, suspending, or revoking any certification in accordance with the procedures set forth in §922.50.
- (157) (k) Any time limit prescribed in or established under this section may be extended by the Director for good cause.

(158)

§922.85 Review of State permits and leases for certain aquaculture projects.

- (159) NOAA has described in a Memorandum of Agreement (MOA) with the State of California how the State will consult and coordinate with NOAA to review any new, amended or expanded lease or permit application for aquaculture projects in Tomales Bay involving introduced species.

(160)

Appendix A to Subpart H of Part 922 – Greater Farallones National Marine Sanctuary Boundary Coordinates

- (161) Coordinates listed in this appendix are unprojected (Geographic) and based on the North American Datum of 1983.

(162)

Point	Latitude	Longitude
1	39.00000	-124.33350
2	38.29989	-123.99988
3	38.29989	-123.20005
4	38.26390	-123.18138
5	38.21001	-123.11913

Point	Latitude	Longitude
6	38.16576	-123.09207
7	38.14072	-123.08237
8	38.12829	-123.08742
9	38.10215	-123.09804
10	38.09069	-123.10387
11	38.07898	-123.10924
12	38.06505	-123.11711
13	38.05202	-123.12827
14	37.99227	-123.14137
15	37.98947	-123.23615
16	37.95880	-123.32312
17	37.90464	-123.38958
18	37.83480	-123.42579
19	37.76687	-123.42694
20	37.75932	-123.42686
21	37.68892	-123.39274
22	37.63356	-123.32819
23	37.60123	-123.24292
24	37.59165	-123.22641
25	37.56305	-123.19859
26	37.52001	-123.12879
27	37.50819	-123.09617
28	37.49418	-123.00770
29	37.50948	-122.90614
30	37.52988	-122.85988
31	37.57147	-122.80399
32	37.61622	-122.76937
33	37.66641	-122.75105
34*	37.88225	-122.62753
35*	38.35045	-123.06711
36*	38.35665	-123.06724
37*	38.44575	-123.12602
38*	38.45531	-123.13469
39*	38.76231	-123.52957
40*	38.76941	-123.53541
41*	38.91136	-123.71061
42*	38.91766	-123.72568
43*	38.95404	-123.73405
44*	38.95944	-123.71820
45*	39.00000	-123.69710
46*	39.00000	-124.33350

Note: The coordinates in the table above marked with an asterisk (*) are not a part of the sanctuary boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.

(163)

Appendix B to Subpart H of Part 922 – No Anchoring Seagrass Protection Zones in Tomales Bay

- (164) Coordinates listed in this appendix are unprojected (Geographic) and based on the North American Datum of 1983.

- (165) (1) No-Anchoring Seagrass Protection Zone 1 encompasses an area of approximately .11 square nautical miles (.15 square miles) offshore south of Millerton Point. The precise boundary coordinates are listed in the table following this description. The eastern boundary is a straight line arc that connects points 1 and 2 listed in the coordinate table below. The southern boundary is a straight line arc that connects points 2 and 3, the western boundary is a straight line arc that connects points 3 and 4 and the northern boundary is a straight line arc that connects point 4 to point 5.

(166)

Zone 1 Point ID	Latitude	Longitude
1	38.10571	-122.84565
2	38.09888	-122.83603
3	38.09878	-122.84431
4	38.10514	-122.84904
5	38.10571	-122.84565

- (167) (2) No-Anchoring Seagrass Protection Zone 2 encompasses an area of approximately .15 square nautical miles (.19 square miles) that begins just south of Marconi and extends approximately 1.6 nautical miles (1.9 miles) south along the eastern shore of Tomales Bay. The precise boundary coordinates are listed in the table following this description. The western boundary is a series of straight line arcs that sequentially connect point 1 to point 5 listed in the coordinate table below. The southern boundary is a straight line arc that extends from point 5 towards point 6 until it intersects the Mean High Water Line. From this intersection the eastern boundary follows the Mean High Water Line north until it intersects the straight line arc that connects point 7 to point 8. From this intersection the northern boundary extends to point 8.

(168)

Zone 2 Point ID	Latitude	Longitude
1	38.13326	-122.87178
2	38.12724	-122.86488
3	38.12563	-122.86480
4	38.11899	-122.86731
5	38.11386	-122.85851
6*	38.11608	-122.85813
7*	38.14078	-122.87433
8	38.13326	-122.87178

Note: The coordinates in the table above marked with an asterisk (*) are not a part of the zone boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.

- (169) (3) No-Anchoring Seagrass Protection Zone 3 encompasses an area of approximately .01 square nautical miles (.02 square miles) that begins just south of Marshall and extends approximately .5 nautical miles (.6 miles) south along the eastern shore of Tomales Bay. The precise boundary coordinates are listed in the table following this description. The western boundary is a straight line arc that connects point 1 to point 2 listed in the coordinate

table below. The southern boundary is a straight line arc that extends from point 2 towards point 3 until it intersects the Mean High Water Line. From this intersection the eastern boundary follows the Mean High Water Line northward until it intersects the straight line arc that connects point 4 to point 5. From this intersection the northern boundary extends westward along the straight line arc that connects point 4 to point 5.

(170)

Zone 3 Point ID	Latitude	Longitude
1	38.15956	-122.89573
2	38.15250	-122.89042
3*	38.15292	-122.88984
4*	38.16031	-122.89442
5	38.15956	-122.89573

Note: The coordinates in the table above marked with an asterisk (*) are not a part of the zone boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.

(171)

- (4) No-Anchoring Seagrass Protection Zone 4 is an area of approximately .18 square nautical miles (.21 square miles) that begins just north of Nicks Cove and extends approximately 2.7 nautical miles (3.1 miles) south along the eastern shore of Tomales Bay to just south of Cypress Grove. The precise boundary coordinates are listed in the table following this description. The western boundary is a series of straight line arcs that sequentially connect point 1 to point 8 listed in the coordinate table below. The southern boundary is a straight line arc that extends from point 8 towards point 9 until it intersects the Mean High Water Line. From this intersection the eastern boundary follows the Mean High Water Line north until it intersects the straight line arc that connects point 10 to point 11. From this intersection the northern boundary extends westward along the straight line arc that connects point 10 to point 11.

(172)

Zone 4 Point ID	Latitude	Longitude
1	38.20004	-122.92315
2	38.18881	-122.91740
3	38.18651	-122.91404
4	38.17919	-122.91021
5	38.17450	-122.90545
6	38.16869	-122.90475
7	38.16535	-122.90308
8	38.16227	-122.89650
9*	38.16266	-122.89620
10*	38.20080	-122.92174
11	38.20004	-122.92315

Note: The coordinates in the table above marked with an asterisk (*) are not a part of the zone boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.

(173)

- (5) No-Anchoring Seagrass Protection Zone 5 encompasses an area of approximately 1.3 square nautical

miles (1.6 square miles) that begins east of Lawson's Landing and extends approximately 2.7 nautical miles (3.1 miles) east and south along the eastern shore of Tomales Bay but excludes areas adjacent (approximately .32 nautical miles or .37 miles) to the mouth of Walker Creek. The precise boundary coordinates are listed in the table following this description. The western boundary is a series of straight line arcs that sequentially connect point 1 to point 3 listed in the coordinate table below. From point 3 the southern boundary trends eastward along the straight line arc that connects point 3 to point 4 until it intersects the Mean High Water Line. From this intersection the boundary follows the Mean High Water Line northward until it intersects the straight line arc that connects point 5 to point 6. From this intersection the boundary extends westward along the straight line arc that connects point 5 to point 6. From point 6 the boundary follows the straight line arc that connects point 6 to point 7, and then extends along the straight line arc that connects point 7 to point 8 until it again intersects the Mean High Water Line. From this intersection the boundary follows the Mean High Water Line until it intersects the straight line arc that connects point 9 to point 10. From this intersection the boundary extends to point 10 along the straight line arc that connects point 9 to point 10.

(174)

Zone 5 Point ID	Latitude	Longitude
1	38.21825	-122.96041
2	38.20666	-122.94397
3	38.19431	-122.93431
4*	38.20080	-122.92174
5*	38.20522	-122.92446
6	38.20366	-122.93246
7	38.20938	-122.94153
8*	38.21599	-122.93742
9*	38.23129	-122.96293
10	38.21825	-122.96041

Note: The coordinates in the table above marked with an asterisk (*) are not a part of the zone boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.

(175)

(6) No-Anchoring Seagrass Protection Zone 6 encompasses an area of approximately .01 square nautical miles (.02 square miles) in the vicinity of Indian Beach along the western shore of Tomales Bay. The precise boundary coordinates are listed in the table following this description. The eastern boundary is a straight line arc that connects point 1 to point 2 listed in the coordinate table below. The southern boundary extends westward along the straight line arc that connects point 2 to point 3 until it intersects the Mean High Water Line. From this intersection the eastern boundary follows the Mean High Water Line northward until it intersects the straight line arc that connects point 3 to point 4. From this intersection

the northern boundary extends eastward along the straight line arc that connects point 4 to point 5.

(176)

Zone 6 Point ID	Latitude	Longitude
1	38.14103	-122.89537
2	38.13919	-122.89391
3*	38.13804	-122.89610
4*	38.14033	-122.89683
5	38.14103	-122.89537

Note: The coordinates in the table above marked with an asterisk (*) are not a part of the zone boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.

(177)

(7) No-Anchoring Seagrass Protection Zone 7 encompasses an area of approximately .09 square nautical miles (.12 square miles) that begins just south of Pebble Beach and extends approximately 1.6 nautical miles (1.9 miles) south along the western shore of Tomales Bay. The precise boundary coordinates are listed in the table following this description. The eastern boundary is a series of straight line arcs that sequentially connect point 1 to point 5 listed in the coordinate table below. The southern boundary extends along the straight line arc that connects point 5 to point 6 until it intersects the Mean High Water Line. From this intersection the western boundary extends north along the Mean High Water Line until it intersects the straight line arc that connects point 7 to point 8. From this intersection the northern boundary extends eastward along the straight line arc that connects point 7 to point 8.

(178)

Zone 7 Point ID	Latitude	Longitude
1	38.13067	-122.88620
2	38.12362	-122.87984
3	38.11916	-122.87491
4	38.11486	-122.86896
5	38.11096	-122.86468
6*	38.11027	-122.86551
7*	38.13001	-122.88749
8	38.13067	-122.88620

Note: The coordinates in the table above marked with an asterisk (*) are not a part of the zone boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.

(179)

Appendix C to Subpart H of Part 922 – Northern Extent of Tomales Bay

(180)

For the purpose of §922.85(a)(10)(ii), NOAA is codifying the northern geographical extent of Tomales Bay via a line running from Avalis Beach (Point 1) east to Sand Point (Point 2). Coordinates listed in this Appendix are unprojected (geographic) and based on the North American Datum of 1983.

(181)

Point ID No. Tomales Bay Boundary	Latitude	Longitude
1	38.23165	-122.98148
2	38.23165	-122.96955

(182)

Appendix D to Subpart H of Part 922 – Special Wildlife Protection Zones Within the Sanctuary

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

(184) (1) Special Wildlife Protection Zone 1 (SWPZ 1) encompasses an area of approximately 7.9 square nautical miles (10.5 square miles). The precise boundary coordinates are listed in the table following this description. The western boundary of SWPZ 1 extends south from Point 1, west of Haven's Neck in Mendocino County, to Point 2, west of Del Mar Point. The boundary then extends east from Point 2 along a straight line arc connecting Point 2 and Point 3 until it intersects the Mean High Water Line at Del Mar Point. The SWPZ 1 boundary then turns north to follow the Mean High Water Line towards Haven's Neck and continues until it intersects a straight line arc connecting Point 4 and Point 5. From this intersection the Sanctuary boundary continues west along its northernmost extent to Point 5.

(185)

Zone 1 Point ID	Latitude	Longitude
1	38.80865	-123.63227
2	38.74096	-123.54306
3*	38.74096	-123.51051
4*	38.80865	-123.60195
5	38.80865	-123.63227

Note: The coordinates in the table above marked with an asterisk (*) are not a part of the zone boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.

(186) (2) Special Wildlife Protection Zone 2 (SWPZ 2) encompasses an area of approximately 16.2 square nautical miles (21.4 square miles). The precise boundary coordinates are listed in the table following this description. The western boundary of SWPZ 2 extends south and east from Point 1, south of Windermere Point in Sonoma County, to Point 2 and then to Point 3 in sequence. Point 3 is west of Duncans Point in Sonoma County. The boundary then extends east from Point 3 along a straight line arc connecting Point 3 and Point 4 until it intersects the Mean High Water Line at Duncans Point. The boundary then turns north to follow the Mean High Water Line towards Windermere Point until it intersects a straight line arc connecting Point 5 and Point 6. From this intersection the boundary continues due south along a straight line arc to Point 6.

(187)

Zone 2 Point ID	Latitude	Longitude
1	38.49854	-123.26804
2	38.45095	-123.18564
3	38.39311	-123.12068
4*	38.39311	-123.09527
5*	38.52487	-123.26804
6	38.49854	-123.26804

Note: The coordinates in the table above marked with an asterisk (*) are not a part of the zone boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.

(188) (3) Special Wildlife Protection Zone 3 (SWPZ 3) encompasses an area of approximately 7 square nautical miles (9.3 square miles). The precise boundary coordinates are listed in the table following this description. The western boundary of SWPZ 3 extends south and east from Point 1, southwest of the Estero de San Antonio in Sonoma County, to Point 2, south of Tomales Point in Marin County. The boundary then extends north and east from Point 2 along a straight line arc connecting Point 2 and Point 3 until it intersects the boundary of the Point Reyes National Seashore. From this intersection the SWPZ 3 boundary follows the Point Reyes National Seashore boundary around Tomales Point into Tomales Bay and continues until it again intersects the straight line arc that connects Point 2 and Point 3. From this intersection the SWPZ 3 boundary follows the straight line arc north and east toward Point 3 until it intersects the Mean High Water Line at Toms Point in Tomales Bay. The SWPZ 3 boundary then follows the Mean High Water Line northward towards the Estero de San Antonio until it intersects the straight line arc that connects Point 4 and Point 5. From this intersection the Sanctuary boundary continues south and west to Point 5.

(189)

Zone 3 Point ID	Latitude	Longitude
1	38.24001	-123.02963
2	38.19249	-122.99523
3*	38.21544	-122.95286
4*	38.27011	-122.97840
5	38.24001	-123.02963

Note: The coordinates in the table above marked with an asterisk (*) are not a part of the zone boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.

(190) (4) Special Wildlife Protection Zone 4 (SWPZ 4) encompasses an area of approximately 10.2 square nautical miles (13.5 square miles). The precise boundary coordinates are listed in the table following this description. The western boundary of SWPZ 4 extends south and west from Point 1, west of Point Reyes in Marin County, to Point 2, south and west of Point Reyes Lighthouse. The boundary then follows a straight line arc east and south from Point 2 to Point 3. From Point 3 the boundary follows a straight line arc north to Point

4. From Point 4 the SWPZ 4 boundary proceeds west along the straight line arc that connects Point 4 and Point 5 until it intersects the Point Reyes National Seashore boundary north of Chimney Rock. The SWPZ 4 boundary then follows the Point Reyes National Seashore boundary around Point Reyes until it again intersects the straight line arc that connects Point 4 and Point 5 north of the Point Reyes Lighthouse. From this intersection the SWPZ 4 boundary turns seaward and continues west to Point 5.

(191)

Zone 4 Point ID	Latitude	Longitude
1	38.01475	-123.05013
2	37.97536	-123.05482
3	37.96521	-122.93771
4	38.00555	-122.93504
5	38.01475	-123.05013

(192) (5) Special Wildlife Protection Zone 5 (SWPZ 5) encompasses an area of approximately 14.8 square nautical miles (19.6 square miles). The precise boundary coordinates are listed in the table following this description. The western boundary of SWPZ 5 extends south and east from Point 1, near Millers Point in Marin County, to Point 2, which is south and west of Bolinas Point. The SWPZ 5 boundary then follows a straight line arc east from Point 2 towards Point 3 until it intersects the Mean High Water Line at Rocky Point. From this intersection, the SWPZ 5 boundary follows the Sanctuary boundary north to Bolinas Point and Millers Point, respectively, including Bolinas Lagoon but not including Seadrift Lagoon, until it intersects the straight line arc that connects Point 4 and Point 5. From this intersection the SWPZ 5 boundary turns seaward and continues west and south along the straight line arc to Point 5.

(193)

Zone 5 Point ID	Latitude	Longitude
1	37.96579	-122.83284
2	37.88195	-122.73989
3*	37.88195	-122.62873
4*	37.98234	-122.81513
5	37.96579	-122.83284
Note: The coordinates in the table above marked with an asterisk (*) are not a part of the zone boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.		

(194) (6) Special Wildlife Protection Zone 6 (SWPZ 6) encompasses an area of approximately 6.8 square nautical miles (9 square miles) and extends from the Mean High Water Line seaward to the SWPZ 6 boundary. The precise boundary coordinates are listed in the table following this description. The boundary of SWPZ 6 extends south and west from Point 1, north of Southeast Farallon Island, along a straight line arc to Point 2, then south and east along a straight line arc to Point 3, then north and east along a straight line arc to Point 4, then north and west along a straight line arc to Point 5.

(195)

Zone 6 Point ID	Latitude	Longitude
1	37.72976	-123.00961
2	37.69697	-123.04374
3	37.66944	-123.00176
4	37.70246	-122.96608
5	37.72976	-123.00961

(196)

(7) Special Wildlife Protection Zone 7 (SWPZ 7) encompasses an area of approximately 6 square nautical miles (7.9 square miles) and extends from the Mean High Water Line seaward to the SWPZ 7 boundary. The precise boundary coordinates are listed in the table following this description. The boundary of SWPZ 7 extends south and west from Point 1, north of North Farallon Island, along a straight line arc to Point 2, then south and east along a straight line arc to Point 3, then north and east along a straight line arc to Point 4, then north and west along a straight line arc to Point 5.

(197)

Zone 7 Point ID	Latitude	Longitude
1	37.79568	-123.10845
2	37.76746	-123.13869
3	37.73947	-123.09341
4	37.76687	-123.06330
5	37.79568	-123.10845

(198)

Appendix E to Subpart H of Part 922 – Cargo Vessel Prohibition Zones in the Sanctuary

(199)

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

(200)

(1) Cargo Vessel Prohibition Zone 1 (CVPZ 1) is an area of approximately 20 square nautical miles (26 square miles) immediately offshore of Anchor Bay. The precise boundary coordinates are listed in the table following this description. The western boundary of extends south and east from Point 1, north and west of Haven's Neck, to Point 2, west and south of Del Mar Point. The CVPZ 1 boundary then extends east from Point 2 along a straight line arc connecting Point 2 and Point 3 until it intersects the Sanctuary boundary. The CVPZ 1 boundary then turns north to follow the Sanctuary boundary past Haven's Neck and continues until it intersects the straight line arc connecting Point 4 and Point 5. From this intersection the CVPZ 1 boundary continues west along its northernmost extent to Point 5.

(201)

Zone 1 Point ID	Latitude	Longitude
1	38.82485	-123.68420
2	38.72330	-123.55145
3*	38.72330	-123.47658
4*	38.82485	-123.60953
5	38.82485	-123.68420

Zone 1 Point ID	Latitude	Longitude
Note: The coordinates in the table above marked with an asterisk (*) are not a part of the zone boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.		

- (202) (2) Cargo Vessel Prohibition Zone 2 (CVPZ 2) encompasses an area of approximately 30 square nautical miles (40 square miles). The precise boundary coordinates are listed in the table following this description. The western CVPZ 2 boundary extends south and east from Point 1, west of Windermere Point in Sonoma County, to Point 2 and then to Point 3 in sequence. Point 3 is west of Duncans Point in Sonoma County. The CVPZ 2 boundary then extends east from Point 3 along a straight line arc connecting Point 3 and Point 4 until it intersects the Sanctuary boundary south of Duncans Point. The CVPZ 2 boundary then turns north to follow the Sanctuary boundary past Windermere Point until it intersects the straight line arc connecting Point 5 and Point 6. From this intersection the CVPZ 2 boundary continues due south along this straight line arc to Point 6.

(203)

Zone 2 Point ID	Latitude	Longitude
1	38.48995	-123.28994
2	38.43749	-123.19789
3	38.37614	-123.13153
4*	38.37614	-123.07843
5*	38.54099	-123.28994
6	38.48995	-123.28994
Note: The coordinates in the table above marked with an asterisk (*) are not a part of the zone boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.		

- (204) (3) Cargo Vessel Prohibition Zone 3 (CVPZ 3) encompasses an area of approximately 17 square nautical miles (22 square miles). The precise boundary coordinates are listed in the table following this description. The western CVPZ 3 boundary extends south and east from Point 1, west of the Estero de San Antonio in Sonoma County, to Point 2, south of Tomales Point in Marin County. The CVPZ 3 boundary then extends north and east from Point 2 along a straight line arc connecting Point 2 and Point 3 until it intersects the Sanctuary boundary. From this intersection the CVPZ 3 boundary follows the Sanctuary boundary around Tomales Point into Tomales Bay and continues until it again intersects the straight line arc that connects Point 2 and Point 3. From this intersection the CVPZ 3 boundary follows the straight line arc north and east across Tomales Bay until it intersects the Sanctuary boundary south of Toms Point in Tomales Bay. The CVPZ 3 boundary then follows the Sanctuary boundary northward past the Estero de San Antonio until it intersects the straight line arc that connects Point 4 and Point 5. From this intersection the boundary continues south and west to Point 5.

(205)

Zone 3 Point ID	Latitude	Longitude
1	38.24496	-123.05698
2	38.16758	-123.00179
3*	38.21170	-122.92566
4*	38.28215	-122.99278
5	38.24496	-123.05698
Note: The coordinates in the table above marked with an asterisk (*) are not a part of the zone boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.		

(206)

- (4) Cargo Vessel Prohibition Zone 4 (CVPZ 4) encompasses an area of approximately 28 square nautical miles (37 square miles). The precise boundary coordinates are listed in the table following this description. The western CVPZ 4 boundary extends south and west from Point 1, west and north of Point Reyes in Marin County, to Point 2, south and west of Point Reyes Lighthouse. The CVPZ 4 boundary then follows a straight line arc east and south from Point 2 to Point 3. From Point 3 the CVPZ 4 boundary follows a straight line arc north to Point 4. From Point 4 the CVPZ 4 boundary proceeds west along the straight line arc that connects Point 4 and Point 5 until it intersects the Sanctuary boundary at Drakes Beach. The CVPZ 4 boundary then follows the Sanctuary boundary around Point Reyes until it again intersects the straight line arc that connects Point 4 and Point 5, north of the Point Reyes Lighthouse. From this intersection the CVPZ 4 boundary turns seaward and continues west to Point 5 along this arc.

(207)

Zone 4 Point ID	Latitude	Longitude
1	38.03311	-123.06923
2	37.96053	-123.07801
3	37.94655	-122.91781
4	38.02026	-122.91261
5	38.03311	-123.06923

(208)

- (5) Cargo Vessel Prohibition Zone 5 (CVPZ 5) encompasses an area of approximately 29 square nautical miles (39 square miles). The precise boundary coordinates are listed in the table following this description. The western CVPZ 5 boundary extends south and east from Point 1, west of Millers Point in Marin County, to Point 2, south and west of Bolinas Point. The CVPZ 5 boundary then follows a straight line arc east from Point 2 towards Point 3 until it intersects the Sanctuary boundary. From this intersection, the CVPZ 5 boundary follows the Sanctuary boundary north towards Rocky Point and continues along the Sanctuary boundary past Bolinas Point and Millers Point, respectively, including Bolinas Lagoon but not including Seadrift Lagoon, until it intersects the straight line arc that connects Point 4 and Point 5. From this intersection the CVPZ 5 boundary turns seaward and continues west and south along the straight line arc to Point 5.

(209)

Zone 5 Point ID	Latitude	Longitude
1	37.96598	-122.85997
2	37.86532	-122.74797
3*	37.86532	-122.63720
4*	37.99449	-122.82841
5	37.96598	-122.85997
Note: The coordinates in the table above marked with an asterisk (*) are not a part of the zone boundary. These coordinates are landward reference points used to draw a line segment that intersects with the shoreline.		

- (210) (6) Cargo Vessel Prohibition Zone 6 (CVPZ 6) encompasses an area of approximately 21 square nautical miles (28 square miles) surrounding Southeast Farallon Island and extends from the Mean High Water Line to the CVPZ 6 boundary. The precise boundary coordinates are listed in the table following this description. The boundary extends south and west from Point 1, north of Southeast Farallon Island, along a straight line arc to Point 2, then south and east along a straight line arc to Point 3, then north and east along a straight line arc to Point 4, then north and west along a straight line arc to Point 5.

(211)

Zone 6 Point ID	Latitude	Longitude
1	37.75264	-123.01175
2	37.69461	-123.07333
3	37.64621	-122.99867
4	37.70538	-122.93567
5	37.75264	-123.01175

- (212) (7) Cargo Vessel Prohibition Zone 7 (CVPZ 7) encompasses an area of approximately 20 square nautical miles (26 square miles) surrounding the North Farallon Islands and extends from the Mean High Water Line to the CVPZ 7 boundary. The precise boundary coordinates are listed in the table following this description. The boundary extends south and west from Point 1, north of North Farallon Island, along a straight line arc to Point 2, then south and east along a straight line arc to Point 3, then north and east along a straight line arc to Point 4, then north and west along a straight line arc to Point 5.

(213)

Zone 7 Point ID	Latitude	Longitude
1	37.81914	-123.11155
2	37.76497	-123.16939
3	37.71623	-123.09089
4	37.76872	-123.03359
5	37.81914	-123.11155

(214)

Appendix F to Subpart H of Part 922 – White Shark Approach Prohibition Zones in the Sanctuary

- (215) Coordinates listed in this appendix are unprojected (Geographic) and based on the North American Datum of 1983.

- (216) (1) White Shark Approach Prohibition Zone 1 (WSAPZ 1) encompasses an area of approximately 21 square nautical miles (28 square miles) surrounding Southeast Farallon Island and extends from the Mean High Water Line to the WSAPZ 1 boundary. The precise boundary coordinates are listed in the table following this description. The boundary extends south and west from Point 1, north of Southeast Farallon Island, along a straight line arc to Point 2, then south and east along a straight line arc to Point 3, then north and east along a straight line arc to Point 4, then north and west along a straight line arc to Point 5.

(217)

Zone 1 Point ID	Latitude	Longitude
1	37.75264	-123.01175
2	37.69461	-123.07333
3	37.64621	-122.99867
4	37.70538	-122.93567
5	37.75264	-123.01175

- (218) (2) White Shark Approach Prohibition Zone 2 (WSAPZ 2) encompasses an area of approximately 20 square nautical miles (26 square miles) surrounding the North Farallon Islands and extends from the Mean High Water Line to the WSAPZ 2 boundary. The precise boundary coordinates are listed in the table following this description. The boundary extends south and west from Point 1, north of North Farallon Island, along a straight line arc to Point 2, then south and east along a straight line arc to Point 3, then north and east along a straight line arc to Point 4, then north and west along a straight line arc to Point 5.

(219)

Zone 2 Point ID	Latitude	Longitude
1	37.81914	-123.11155
2	37.76497	-123.16939
3	37.71623	-123.09089
4	37.76872	-123.03359
5	37.81914	-123.11155

(220)

Appendix G to Subpart H of Part 922 — Designated Area for Certain United States Coast Guard Discharges

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

- (222) The portion of the Greater Farallones National Marine Sanctuary area [2015 expansion area] where the exception for discharges from United States Coast Guard

activities applies is defined as follows. Beginning with Point 1 identified in the coordinate table in this appendix, the boundary extends from Point 1 to Point 2 in a straight line arc, and continues from Point 2 to Point 3 in a straight line arc, and from Point 3 to Point 4 in a straight line arc. From Point 4 the boundary extends east and north along a straight line arc towards Point 5 until it intersects the fixed offshore boundary between the United States and California (approximately 3 NM seaward of the coast as defined in *United States vs. California*, 135 S. Ct. 563 (2014)). The boundary then extends northward following the fixed offshore boundary between the United States and California until it intersects the line segment formed between Point 6 and Point 7. From this intersection, the boundary extends west along the northern boundary of Greater Farallones National Marine Sanctuary to Point 7 where it ends.

(223)

Point No.	Latitude	Longitude
1	39.00000	-124.33350
2	38.29989	-123.99988
3	38.29989	-123.20005
4	38.26390	-123.18138
5 ¹	38.29896	-123.05989
6 ¹	39.00000	-123.75777
7	39.00000	-124.33350

¹These coordinates are not a part of the boundary for the Designated Area for Certain United States Coast Guard Discharges. These coordinates are reference points used to draw line segments that intersect with the fixed offshore boundary between the United States and California.

(224)

Subpart K—Cordell Bank National Marine Sanctuary

(225)

§922.110 Boundary.

(226)

The Cordell Bank National Marine Sanctuary (Sanctuary) boundary encompasses a total area of approximately 971 square nautical miles (nmi²) (1,286 sq. mi.) of offshore ocean waters, and submerged lands thereunder, surrounding the submarine plateau known as Cordell Bank along the northern coast of California, approximately 45 nautical miles west-northwest of San Francisco, California. The precise boundary coordinates are listed in appendix A to this subpart. The northern boundary of the Sanctuary is a rhumb line that begins approximately 6 nautical miles (7 miles) west of Bodega Head in Sonoma County, California at Point 1 and extends west approximately 38 nautical miles (44 miles) to Point 2. This line is part of a shared boundary between the Sanctuary and Greater Farallones National Marine Sanctuary (GFNMS). The western boundary of the Sanctuary extends south from Point 2 approximately 34 nautical miles (39 miles) to Point 3. From Point 3 the Sanctuary boundary continues east 15 nautical miles

(17 miles) to Point 4 where it intersects the GFNMS boundary again. The line from Point 3 to Point 4 forms the southernmost boundary of the Sanctuary. The eastern boundary of the Sanctuary is a series of straight lines connecting Points 4 through 20 in numerical sequence. The Sanctuary is coterminous with GFNMS along both its (the Sanctuary's) eastern and northern boundaries.

(227)

§922.111 [Removed and Reserved].

(228)

§922.112 Prohibited or otherwise regulated activities.

(229)

(a) The following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted within the Sanctuary:

(230)

(1) Exploring for, developing, or producing oil, gas, or minerals.

(231)

(2)(i) Discharging or depositing from within or into the Sanctuary, other than from a cruise ship, any material or other matter except:

(232)

(A) Fish, fish parts, chumming materials, or bait used in or resulting from lawful fishing activities within the Sanctuary, provided that such discharge or deposit is during the conduct of lawful fishing activity within the Sanctuary;

(233)

(B) For a vessel less than 300 gross registered tons (GRT), or a vessel 300 GRT or greater without sufficient holding tank capacity to hold sewage while within the Sanctuary, clean effluent generated incidental to vessel use and generated by an operable Type I or 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 all marine sanitation devices in a manner that prevents discharge or deposit of untreated sewage;

(234)

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

(235)

(D) For a vessel less than 300 GRT or a vessel 300 GRT or greater without sufficient holding capacity to hold graywater while within the Sanctuary, clean graywater as defined by section 312 of the FWPCA;

(236)

(E) Vessel engine or generator exhaust; or

(237)

(F) For a United States Coast Guard vessel without sufficient holding tank capacity and without a Type I or II marine sanitation device, and operating within the designated area [2015 expansion area] defined in appendix C of this subpart, sewage and non-clean graywater as defined by section 312 of the FWPCA generated incidental to vessel use, and ammunition, pyrotechnics or other materials directly related to search and rescue and live ammunition training activities conducted by United States Coast Guard vessels and aircraft in the designated areas defined in appendix C of this subpart.

(238)

(ii) Discharging or depositing from within or into the Sanctuary any material or other matter from a cruise

ship except clean vessel engine cooling water, clean vessel generator cooling water, vessel engine or generator exhaust, clean bilge water, or anchor wash.

- (239) (iii) 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 as listed in paragraphs (a)(2)(i) and (ii) of this section.

- (240) (3) On or within the line representing the 50-fathom isobath surrounding Cordell Bank, removing, taking, or injuring or attempting to remove, take, or injure benthic invertebrates or algae located on Cordell Bank. This prohibition does not apply to use of bottom contact gear used during fishing activities, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States). The coordinates for the line representing the 50-fathom isobath are listed in appendix B to this subpart, and the 50-fathom isobath is approximated by connecting these coordinates with straight line arcs in numerical sequence from Point 1 to Point 15. There is a rebuttable presumption that any such resource found in the possession of a person within the Sanctuary was taken or removed by that person.

- (241) (4)(i) On or within the line representing the 50-fathom isobath surrounding Cordell Bank, drilling into, dredging, or otherwise altering the submerged lands; or constructing, placing, or abandoning any structure, material or other matter on or in the submerged lands. This prohibition does not apply to use of bottom contact gear used during fishing activities, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States). The coordinates for the line representing the 50-fathom isobath are listed in appendix B to this subpart, and the 50-fathom isobath is approximated by connecting these coordinates with straight line arcs in numerical sequence from Point 1 to Point 15.

- (242) (ii) In the Sanctuary beyond the line representing the 50-fathom isobath surrounding Cordell Bank, drilling into, dredging, or otherwise altering the submerged lands; or constructing, placing, or abandoning any structure, material or matter on the submerged lands except as incidental and necessary for anchoring any vessel or lawful use of any fishing gear during normal fishing activities. The coordinates for the line representing the 50-fathom isobath are listed in Appendix B to this subpart, and the 50-fathom isobath is approximated by connecting these coordinates with straight line arcs in numerical sequence from Point 1 to Point 15.

- (243) (5) Taking any marine mammal, sea turtle, or bird within or above the Sanctuary, except as authorized by the Marine Mammal Protection Act, as amended, (MMPA), 16 U.S.C. 1361 *et seq.*, Endangered Species Act, as amended, (ESA), 16 U.S.C. 1531 *et seq.*, Migratory Bird Treaty Act, as amended, (MBTA), 16 U.S.C. 703 *et seq.*, or any regulation, as amended, promulgated under the MMPA, ESA, or MBTA.

- (244) (6) Possessing within the Sanctuary (regardless of where taken, moved or removed from), any marine mammal, sea turtle or bird taken, except as authorized by the MMPA, ESA, MBTA, by any regulation, as amended, promulgated under the MMPA, ESA, or MBTA, or as necessary for valid law enforcement purposes.

- (245) (7) Possessing, moving, removing, or injuring, or attempting to possess, move, remove or injure, a Sanctuary historical resource.

- (246) (8) Introducing or otherwise releasing from within or into the Sanctuary an introduced species, except striped bass (*Morone saxatilis*) released during catch and release fishing activity.

- (247) (9) 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.

- (248) (b) The prohibitions in paragraph (a) of this section do not apply to activities necessary to respond to an emergency threatening life, property or the environment, or except as may be permitted by the Director in accordance with subpart D of this part and § 922.113.

- (249) (c) All activities being carried out by the Department of Defense (DOD) within the Sanctuary on the effective date of designation or expansion of the Sanctuary that are necessary for national defense are exempt from the prohibitions contained in the regulations in this subpart. Additional DOD activities initiated after the effective date of designation or expansion that are necessary for national defense will be exempted by the Director after consultation between the Department of Commerce and DOD. DOD activities not necessary for national defense, such as routine exercises and vessel operations, are subject to all prohibitions contained in the regulations in this subpart.

- (250) (d) The prohibitions in paragraphs (a)(2) through (7) of this section do not apply to any activity executed in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to subpart D of this part and § 922.113, or a special use permit issued pursuant to subpart D of this part.

- (251) (e) Where necessary to prevent immediate, serious, and irreversible damage to a Sanctuary resource, any activity may be regulated within the limits of the Act on an emergency basis for no more than 120 days.

(252) **§922.113 Permit procedures.**

- (253) (a) A person may conduct an activity prohibited by §922.112(a)(2) through (7) 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..

- (254) (b) Applications for permits should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Superintendent, Cordell Bank National Marine Sanctuary, P.O. Box 159, Olema, CA 94950.

(255)

Appendix A to Subpart K of Part 922—Cordell Bank National Marine Sanctuary Boundary Coordinates

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

(257)

Sanctuary Boundary Coordinates		
Point ID	Latitude	Longitude
1	38.29989	-123.20005
2	38.29989	-123.99988
3	37.76687	-123.75143
4	37.76687	-123.42694
5	37.83480	-123.42579
6	37.90464	-123.38958
7	37.95880	-123.32312
8	37.98947	-123.23615
9	37.99227	-123.14137
10	38.05202	-123.12827
11	38.06505	-123.11711
12	38.07898	-123.10924
13	38.09069	-123.10387
14	38.10215	-123.09804
15	38.12829	-123.08742
16	38.14072	-123.08237
17	38.16576	-123.09207
18	38.21001	-123.11913
19	38.26390	-123.18138
20	38.29989	-123.20005

(258)

Appendix B to Subpart K of Part 922—Line Representing the 50-Fathom Isobath Surrounding Cordell Bank

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

(260)

Cordell Bank Fifty Fathom Line		
Point ID	Latitude	Longitude
1	37.96034	-123.40371
2	37.96172	-123.42081
3	37.9911	-123.44379
4	38.00406	-123.46443
5	38.01637	-123.46076
6	38.04684	-123.47920
7	38.07106	-123.48754
8	38.07588	-123.47195
9	38.06451	-123.46146
10	38.07123	-123.44467
11	38.04446	-123.40286
12	38.01442	-123.38588
13	37.98859	-123.37533

Cordell Bank Fifty Fathom Line

Point ID	Latitude	Longitude
14	37.97071	-123.38605
15	37.96034	-123.40371

(261)

Appendix C to Subpart K of Part 922 — Designated Area for Certain United States Coast Guard Discharges

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

(263) The portion of the Cordell Bank National Marine Sanctuary area [2015 expansion area] where the exception for discharges from United States Coast Guard activities applies is defined as follows. Beginning with Point 1, identified in the coordinate table in this appendix, the boundary extends from Point 1 to Point 2 in a straight line arc and continues in numerical order through each subsequent point to Point 38. From Point 38 the boundary extends west along the northern boundary of Cordell Bank National Marine Sanctuary to Point 39 where it ends.

(264)

Point No.	Latitude	Longitude
1	38.29989	-123.99988
2	37.76687	-123.75143
3	37.76716	-123.42758
4	37.77033	-123.43466
5	37.78109	-123.44694
6	37.78383	-123.45466
7	37.79487	-123.46721
8	37.80094	-123.47313
9	37.81026	-123.46897
10	37.81365	-123.47906
11	37.82296	-123.49280
12	37.84988	-123.51749
13	37.86189	-123.52197
14	37.87637	-123.52192
15	37.88541	-123.52967
16	37.90725	-123.53937
17	37.92288	-123.54360
18	37.93858	-123.54701
19	37.94901	-123.54777
20	37.95528	-123.56199
21	37.96683	-123.57859
22	37.97761	-123.58746
23	37.98678	-123.59988
24	37.99847	-123.61331
25	38.01366	-123.62494
26	38.01987	-123.62450
27	38.02286	-123.61531
28	38.02419	-123.59864

Point No.	Latitude	Longitude
29	38.03409	-123.59904
30	38.04614	-123.60611
31	38.05308	-123.60549
32	38.06188	-123.61546
33	38.07451	-123.62162
34	38.08289	-123.62065
35	38.11256	-123.63344
36	38.13219	-123.64265
37	38.26390	-123.18138
38	38.29989	-123.20005
39	38.29989	-123.99988

(265)

Subpart M—Monterey Bay National Marine Sanctuary

(266)

§922.130 Boundary.

(267)

The Monterey Bay National Marine Sanctuary (Sanctuary) consists of two separate areas. The combined area of both parts is approximately 4,601 square nautical miles (nmi²) (6,093 sq. mi.).

(268)

(a) The first area consists of an area of approximately 4,016 square nautical miles (nmi²) (5,318 sq. mi.) of coastal and ocean waters, and submerged lands thereunder, in and surrounding Monterey Bay off the central coast of California. The northern terminus of the Sanctuary boundary is located along the southern boundary of the Greater Farallones National Marine Sanctuary (GFNMS) beginning at Rocky Point just south of Stinson Beach in Marin County. The Sanctuary boundary follows the GFNMS boundary westward to a point approximately 29 nmi offshore from Moss Beach in San Mateo County. The Sanctuary boundary then extends southward in a series of arcs, which generally follow the 500 fathom isobath, to a point approximately 27 nmi offshore of Cambria, in San Luis Obispo County. The Sanctuary boundary then extends eastward towards shore until it intersects the Mean High Water Line (MHWL) along the coast near Cambria. The Sanctuary boundary then follows the MHWL northward to the northern terminus at Rocky Point. The shoreward Sanctuary boundary excludes a small area between Point Bonita and Point San Pedro. Pillar Point Harbor, Santa Cruz Harbor, Monterey Harbor, and Moss Landing Harbor are all excluded from the Sanctuary shoreward from the points listed in appendix A except for Moss Landing Harbor, where all of Elkhorn Slough east of the Highway One bridge, and west of the tide gate at Elkhorn Road and toward the center channel from the MHWL is included within the Sanctuary, excluding areas within the Elkhorn Slough National Estuarine Research Reserve. Exact coordinates for the seaward boundary and harbor exclusions are provided in appendix A to this subpart.

(269)

(b) The Davidson Seamount Management Zone is also part of the Sanctuary. This area, bounded by geodetic lines connecting a rectangle centered on the top of the Davidson Seamount, consists of approximately 585 square nmi (nmi²) (774 sq. mi.) of ocean waters and the submerged lands thereunder.

(270)

§922.131 Definitions.

(271)

In addition to those definitions found at § 922.11, the following definitions apply to this subpart:

(272)

Beneficial use of dredged material means the use of dredged material removed from any of the four public harbors adjacent to the sanctuary (Pillar Point, Santa Cruz, Moss Landing, and Monterey) that has been determined by the Director to be suitable as a resource for habitat protection or restoration purposes only. Beneficial use of dredged material is disposal of dredged material.

(273)

Davidson Seamount Management Zone means the area bounded by geodetic lines connecting a rectangle centered on the top of the Davidson Seamount, and consists of approximately 585 square nmi of ocean waters and the submerged lands thereunder. The shoreward boundary of this portion of the Sanctuary is located approximately 65 nmi off the coast of San Simeon in San Luis Obispo County. Exact coordinates for the Davidson Seamount Management Zone boundary are provided in Appendix F to this subpart.

(274)

Federal Project means any water resources development project conducted by the U.S. Army Corps of Engineers or operating under a permit or other authorization issued by the U.S. Army Corps of Engineers and authorized by Federal law.

(275)

Hand tool means a hand-held implement, utilized for the collection of jade pursuant to 15 CFR 922.132(a) (1), that is no greater than 36 inches in length and has no moving parts (e.g., dive knife, pry bar, or abalone iron). Pneumatic, mechanical, electrical, hydraulic, or explosive tools are, therefore, examples of what does not meet this definition.

(276)

Motorized personal watercraft (MPWC) means any vessel, propelled by machinery, that is designed to be operated by standing, sitting, or kneeling on, astride, or behind the vessel, in contrast to the conventional manner, where the operator stands or sits inside the vessel; any vessel less than 20 feet in length overall as manufactured and propelled by machinery and that has been exempted from compliance with the U.S. Coast Guard's Maximum Capacities Marking for Load Capacity regulation found at 33 CFR Parts 181 and 183, except submarines; or any other vessel that is less than 20 feet in length overall as manufactured, and is propelled by a water jet pump or drive.

(277)

§922.132 Prohibited or otherwise regulated activities.

(278)

(a) Except as specified in paragraphs (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:

- (279) (1) Exploring for, developing, or producing oil, gas, or minerals within the Sanctuary, except: Jade may be collected (meaning removed) from the area bounded by the 35.92222 N latitude parallel (coastal reference point: Beach access stairway at south Sand Dollar Beach), the 35.88889 N latitude parallel (coastal reference point: Westernmost tip of Cape San Martin), and from the mean high tide line seaward to the 90-foot isobath (depth line) (the “authorized area”) provided that:
- (280) (i) Only jade already loose from the submerged lands of the Sanctuary may be collected;
- (281) (ii) No tool may be used to collect jade except:
- (282) (A) A hand tool (as defined at 15 CFR 922.131) to maneuver or lift the jade or scratch the surface of a stone as necessary to determine if it is jade;
- (283) (B) A lift bag or multiple lift bags with a combined lift capacity of no more than two hundred pounds; or
- (284) (C) A vessel (except for motorized personal watercraft) (see paragraph (a)(7) of this section) to provide access to the authorized area;
- (285) (iii) Each person may collect only what that person individually carries; and
- (286) (iv) For any loose piece of jade that cannot be collected under paragraphs (a)(1) (ii) and (iii) of this section, any person may apply for a permit to collect such a loose piece by following the procedures in 15 CFR 922.133.
- (287) (2)(i) Discharging or depositing from within or into the Sanctuary, other than from a cruise ship, any material or other matter, except:
- (288) (A) Fish, fish parts, chumming materials, or bait used in or resulting from lawful fishing activities within the Sanctuary, provided that such discharge or deposit is during the conduct of lawful fishing activities within the Sanctuary;
- (289) (B) For a vessel less than 300 gross registered tons (GRT), or a vessel 300 GRT or greater without sufficient holding tank capacity to hold sewage while within the Sanctuary, clean effluent generated incidental to vessel use by an operable Type I or 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 all marine sanitation devices in a manner that prevents discharge or deposit of untreated sewage;
- (290) (C) Clean vessel deck wash down, clean vessel engine cooling water, clean vessel generator cooling water, clean bilge water, or anchor wash;
- (291) (D) For a vessel less than 300 gross registered tons (GRT), or a vessel 300 GRT or greater without sufficient holding capacity to hold graywater while within the Sanctuary, clean graywater as defined by section 312 of the FWPCA;
- (292) (E) Vessel engine or generator exhaust; or
- (293) (F) Dredged material deposited at disposal sites authorized by the U.S. Environmental Protection Agency (EPA) (in consultation with the U.S. Army Corps of Engineers (COE)) prior to the effective date of Sanctuary designation (January 1, 1993), provided that the activity is pursuant to, and complies with the terms and conditions of, a valid Federal permit or approval existing on January 1, 1993. Authorized disposal sites within the Sanctuary are described in Appendix C to this subpart.
- (294) (ii) Discharging or depositing from within or into the Sanctuary any material or other matter from a cruise ship except clean vessel engine cooling water, clean vessel generator cooling water, vessel engine or generator exhaust, clean bilge water, or anchor wash.
- (295) (iii) 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 those listed in paragraphs (a)(2)(i)(A) through (E) and (a)(2)(ii) of this section and dredged material deposited at the authorized disposal sites, described in Appendix D to this subpart, provided that the dredged material disposal is pursuant to, and complies with the terms and conditions of, a valid Federal permit or approval.
- (296) (3) Possessing, moving, removing, or injuring, or attempting to possess, move, remove, or injure, a Sanctuary historical resource. This prohibition does not apply to, moving, removing, or injury resulting incidentally from kelp harvesting, aquaculture, or lawful fishing activities.
- (297) (4) Drilling into, dredging, or otherwise altering the submerged lands of the Sanctuary; or constructing, placing, or abandoning any structure, material, or other matter on or in the submerged lands of the Sanctuary, except as incidental and necessary to:
- (298) (i) Conduct lawful fishing activities;
- (299) (ii) Anchor a vessel;
- (300) (iii) Conduct aquaculture or kelp harvesting;
- (301) (iv) Install an authorized navigational aid;
- (302) (v) Conduct harbor maintenance in an area necessarily associated with a Federal Project in existence on January 1, 1993, including dredging of entrance channels and repair, replacement, or rehabilitation of breakwaters and jetties;
- (303) (vi) Construct, repair, replace, or rehabilitate a dock or pier; or
- (304) (vii) Collect jade pursuant to paragraph (a)(1) of this section, provided that there is no constructing, placing, or abandoning any structure, material, or other matter on or in the submerged lands of the Sanctuary, other than temporary placement of an authorized hand tool as provided in paragraph (a)(1) of this section. The exceptions listed in paragraphs (a)(4)(ii) through (a)(4)(vii) of this section do not apply within the Davidson Seamount Management Zone.
- (305) (5) Taking any marine mammal, sea turtle, or bird within or above the Sanctuary, except as authorized by the Marine Mammal Protection Act, as amended, (MMPA),

16 U.S.C. 1361 *et seq.*, Endangered Species Act, as amended, (ESA), 16 U.S.C. 1531 *et seq.*, Migratory Bird Treaty Act, as amended, (MBTA), 16 U.S.C. 703 *et seq.*, or any regulation, as amended, promulgated under the MMPA, ESA, or MBTA.

(306) (6) Disturbing marine mammals or seabirds by flying motorized aircraft, except as necessary for valid law enforcement purposes, at less than 1,000 feet above any of the four zones within the Sanctuary described in Appendix B to this subpart. Failure to maintain a minimum altitude of 1,000 feet above ground level above any such zone is presumed to disturb marine mammals or seabirds.

(307) (7) Operating motorized personal watercraft within the Sanctuary except within the four designated zones and access routes within the Sanctuary described in appendix E to this subpart. Zone Five (at Pillar Point) exists only when a High Surf Advisory has been issued by the National Weather Service and is in effect for San Mateo County, and only during December, January, and February.

(308) (8) Possessing within the Sanctuary (regardless of where taken, moved, or removed from), any marine mammal, sea turtle, or bird, except as authorized by the MMPA, ESA, MBTA, by any regulation, as amended, promulgated under the MMPA, ESA, or MBTA, or as necessary for valid law enforcement purposes.

(309) (9) Deserting a vessel aground, at anchor, or adrift in the Sanctuary.

(310) (10) Leaving harmful matter aboard a grounded or deserted vessel in the Sanctuary.

(311) (11)(i) Moving, removing, taking, collecting, catching, harvesting, disturbing, breaking, cutting, or otherwise injuring, or attempting to move, remove, take, collect, catch, harvest, disturb, break, cut, or otherwise injure, any Sanctuary resource located more than 3,000 feet below the sea surface within the Davidson Seamount Management Zone. This prohibition does not apply to fishing below 3,000 feet within the Davidson Seamount Management Zone, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States).

(312) (ii) Possessing any Sanctuary resource the source of which is more than 3,000 feet below the sea surface within the Davidson Seamount Management Zone. This prohibition does not apply to possession of fish resulting from fishing below 3,000 feet within the Davidson Seamount Management Zone, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States).

(313) (12) Introducing or otherwise releasing from within or into the Sanctuary an introduced species, except striped bass (*Morone saxatilis*) released during catch and release fishing activity.

(314) (13) Attracting any white shark within the Sanctuary.

(315) (14) 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.

(316) (b) The prohibitions in paragraphs (a)(2) through (11) of this section do not apply to an activity necessary to respond to an emergency threatening life, property, or the environment.

(317) (c)(1) All Department of Defense activities must be carried out in a manner that avoids to the maximum extent practicable any adverse impacts on Sanctuary resources and qualities. The prohibitions in paragraphs (a)(2) through (11) and (13) of this section do not apply to existing military activities carried out by the Department of Defense, as specifically identified in the Final Environmental Impact Statement and Management Plan for the Proposed Monterey Bay National Marine Sanctuary (NOAA, 1992). (Copies of the FEIS/MP are available from the Monterey Bay National Marine Sanctuary, 99 Pacific Street, Bldg. 455A, Monterey, California 93940.) For purposes of the Davidson Seamount Management Zone, these activities are listed in the 2008 Final Environmental Impact Statement. New activities may be exempted from the prohibitions in paragraphs (a)(2) through (11) and (13) of this section by the Director after consultation between the Director and the Department of Defense.

(318) (2) In the event of destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an incident, including but not limited to discharges, deposits, and groundings, caused by a Department of Defense activity, the Department of Defense, in coordination with the Director, must promptly prevent and mitigate further damage and must restore or replace the Sanctuary resource or quality in a manner approved by the Director.

(319) (d) The prohibitions in paragraph (a)(1) of this section as it pertains to jade collection in the Sanctuary, and paragraphs (a)(2) through (11) and (13) 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 issued pursuant to subpart D of this part and § 922.133 or a special use permit issued pursuant to subpart D of this part.

(320) (e) The prohibitions in paragraphs (a)(2) through (13) of this section do not apply to any activity authorized by any lease, permit, license, approval, or other authorization issued after the effective date of Sanctuary designation (January 1, 1993) and issued by any Federal, State, or local authority of competent jurisdiction, 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 necessary to protect Sanctuary resources and qualities. Amendments and extensions of authorizations in existence on the effective date of designation constitute authorizations issued after the effective date of Sanctuary designation.

(321) (f) Notwithstanding paragraphs (d) and (e) of this section, in no event may the Director issue a National Marine Sanctuary permit or ONMS authorization under

subpart D of this part authorizing, or otherwise approve, the exploration for, development, or production of oil, gas, or minerals within the Sanctuary, except for the collection of jade pursuant to paragraph (a)(1) of this section; the discharge of primary-treated sewage within the Sanctuary (except by certification, pursuant to § 922.10, of valid authorizations in existence on January 1, 1993 and issued by other authorities of competent jurisdiction); or the disposal of dredged material within the Sanctuary other than at sites authorized by EPA (in consultation with COE) before January 1, 1993. Any purported authorizations issued by other authorities within the Sanctuary shall be invalid.

(322)

§922.133 Permit procedures and criteria.

(323) (a) A person may conduct an activity otherwise prohibited by § 922.132(a)(1) as it pertains to jade collection in the Sanctuary, § 922.132(a)(2) through (11) and (13) if conducted under and in accordance with the scope, purpose, terms and conditions of a permit issued under this section and subpart D of this part

(324) (b) Applications for permits should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Superintendent, Monterey Bay National Marine Sanctuary, 99 Pacific Street, Bldg. 455A, Monterey, California 93940.

(325)

§922.134 Review of certain State permits and leases.

(326) (a)(1) NOAA has described in a Memorandum of Agreement (MOA) with the State of California how NOAA will coordinate review of any introduction of non-invasive introduced species from a proposed shellfish aquaculture project when considering an authorization under §922.132(e).

(327) (2) The MOA specifies how the process of 15 CFR 922.49 will be administered within State waters within the sanctuary in coordination with State permit and lease programs as administered by the California Fish and Game Commission, the Department of Fish and Wildlife and the California Coastal Commission.

(328) (b)(1) NOAA has entered into a Memorandum of Agreement (MOA) with the State of California, EPA, and the Association of Monterey Bay Area Governments regarding the Sanctuary regulations relating to water quality within State waters within the Sanctuary.

(329) With regard to permits, the MOA encompasses:

(330) (i) National Pollutant Discharge Elimination System (NPDES) permits issued by the State of California under section 13377 of the California Water Code; and

(331) (ii) Waste Discharge Requirements issued by the State of California under section 13263 of the California Water Code.

(332) (2) The MOA specifies how the process of 15 CFR 922.49 will be administered within State waters within the Sanctuary in coordination with the State permit program.

(333)

Appendix A to Subpart M of Part 922—Monterey Bay National Marine Sanctuary Boundary Coordinates

(334)

Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.

(335)

Seaward Boundary		
Point ID	Latitude	Longitude
1	37.88225	-122.62753
2	37.66641	-122.75105
3	37.61622	-122.76937
4	37.57147	-122.80399
5	37.52988	-122.85988
6	37.50948	-122.90614
7	37.49418	-123.00770
8	37.50819	-123.09617
9	37.52001	-123.12879
10	37.45304	-123.14009
11	37.34316	-123.13170
12	37.23062	-123.10431
13	37.13021	-123.02864
14	37.06295	-122.91261
15	37.03509	-122.77639
16	36.92155	-122.80595
17	36.80632	-122.81564
18	36.69192	-122.80539
19	36.57938	-122.77416
20	36.47338	-122.72568
21	36.37242	-122.65789
22	36.27887	-122.57410
23	36.19571	-122.47699
24	36.12414	-122.36527
25	36.06864	-122.24438
26	36.02451	-122.11672
27	35.99596	-121.98232
28	35.98309	-121.84069
29	35.98157	-121.75634
30	35.92933	-121.71119
31	35.83773	-121.71922
32	35.72063	-121.71216
33	35.59497	-121.69030
34	35.55327	-121.63048
35	35.55483	-121.10399
36	37.59421	-122.52001
37	37.61367	-122.61673
38	37.76694	-122.65011
39	37.81777	-122.53008
Harbor Exclusions		
40	37.49414	-122.48483
41	37.49540	-122.48576
42	36.96082	-122.00175

Seaward Boundary		
Point ID	Latitude	Longitude
43	36.96143	-122.00112
44	36.80684	-121.79145
45	36.80133	-121.79047
46	36.60837	-121.88970
47	36.60580	-121.88965

(336)

Appendix B to Subpart M of Part 922—Zones Within the Sanctuary Where Overflights Below 1,000 Feet are Prohibited

(337) The four zones are:

(338) (1) From mean high water to 3 nautical miles (nmi) between a line extending from Point Santa Cruz on a southwesterly bearing of 220° true and a line extending from 2.0 nmi north of Pescadero Point on a southwesterly bearing of 240° true;

(339) (2) From mean high water to 3 nmi offshore between a line extending from the Carmel River mouth on a westerly bearing of 270° true and a line extending due west along latitude parallel 35°33'17.6"N off of Cambria;

(340) (3) From mean high water and within a 5 nmi seaward arc drawn from a center point of 36°48'04.6"N., 121°47'25.2"W. (the end of the Moss Landing ocean pier as it appeared on the most current NOAA nautical charts as of January 1, 1993); and

(341) (4) Over the Sanctuary's jurisdictional waters of Elkhorn Slough east of the Highway One bridge to Elkhorn Road.

(342)

Appendix C to Subpart M of Part 922—Dredged Material Disposal Sites within the Sanctuary

(343) [Coordinates in this appendix are unprojected (Geographic Coordinate System) and are calculated using the North American Datum of 1983]

(344)

Point ID	Latitude	Longitude
Santa Cruz Harbor/Twin Lakes Dredge Disposal Site		
1	36.9625	-122.00056
2	36.9625	-121.99861
3	36.96139	-121.99833
4	36.96139	-122.00083
SF-12 Dredge Disposal Site		
1	36.80207	-121.79207
2	36.80157	-121.79218
3	36.80172	-121.79325
4	36.80243	-121.79295
SF-14 Dredge Disposal Site (circle with 500 yard radius)		
1	36.79799	-121.81907
Monterey Harbor/Wharf II Dredge Disposal Site		
1	36.60297	-121.88942

Point ID	Latitude	Longitude
2	36.60283	-121.88787
3	36.60092	-121.88827
4	36.60120	-121.88978

(345)

Appendix D to Subpart M of Part 922—Dredged Material Disposal Sites Adjacent to the Monterey Bay National Marine Sanctuary

(346) [Coordinates in this appendix are unprojected (Geographic Coordinate System) and are calculated using the North American Datum of 1983]

(347) As of January 1, 1993, the U.S. Army Corps of Engineers operates the following dredged material disposal site adjacent to the Sanctuary off of the Golden Gate:

(348)

Point ID	Latitude	Longitude
1	37°45'52.4"N.	122°34'08.4"W.
2	37°44'58.6"N.	122°37'22.1"W.
3	37°44'29.4"N.	122°37'09.5"W.
4	37°45'24.3"N.	122°33'53.3"W.
5	37°45'52.4"N.	122°34'08.4"W.

(349)

Appendix E to Subpart M of Part 922—Motorized Personal Watercraft Zones and Access Routes within the Sanctuary

(350) [Coordinates in this appendix are unprojected (Geographic Coordinate System) and are calculated using the North American Datum of 1983]

(351) The five zones and access routes are:

(352) (1) The 0.96 mi² area off Pillar Point Harbor from harbor launch ramps, through the harbor entrance to the northern boundary of Zone One. The boundary for Zone 1 begins at Point 1 in the coordinate table listed below and continues to each subsequent point in numerical order ending at Point 6.

(353)

Point ID	Latitude	Longitude
1	(flashing 5-second breakwater entrance light and horn located at the seaward end of the outer west breakwater - mounted on 50-ft. high white cylindrical structure).	37.49402 -122.48471
2	(triangular red dayboard with a red reflective border and flashing red 6-second light at the seaward end of the outer east breakwater—mounted on 30-ft high skeleton tower).	37.49534 -122.48568

Point ID		Latitude	Longitude
3	(bend in middle of outer east breakwater, 660 yards west of the harbor entrance).	37.49707	-122.47941
4	(Southeast Reef—southern end green gong buoy "1S" with flashing green 6-second light).	37.46469	-122.46971
5	(red entrance buoy "2" with flashing red 4-second light).	37.47284	-122.48411
6	(FI W 5s bkwater entr LT and horn at seaward end of the outer w bkwater-mounted on 50-ft high white cyl structure)	37.49402	-122.48471

- (354) (2) The 2.63 mi² area off of Santa Cruz Small Craft Harbor from harbor launch ramps, through the harbor entrance, and then along a 100-yard wide access route to the south-southwest along a bearing of approximately 196° true (183° magnetic) toward the red and white whistle buoy at 36.93899 N, 122.00961 W, until crossing between the two yellow can buoys marking, respectively, the northeast and northwest corners of the zone. The boundary for Zone 2 begins at Point 1 in the coordinate table listed below and continues to each subsequent point in numerical order ending at Point 5.

(355)

Point ID		Latitude	Longitude
1	(red/white striped whistle buoy "SC" with flashing white Morse code "A" light)	36.93899	-122.00961
2	(yellow can buoy)	36.95500	-122.00967
3	(yellow can buoy)	36.94167	-121.96667
4	(yellow can buoy)	36.92564	-121.96668
5	(red/white striped whistle buoy "SC" with flashing white Morse code "A" light)	36.93899	-122.00961

- (356) (3) The 2.29 mi² area off of Moss Landing Harbor from harbor launch ramps, through harbor entrance, and

then along a 100-yard wide access route southwest along a bearing of approximately 230° true (217° magnetic) to the red and white bell buoy at 36.79893 N, 121.80157 W. The boundary for Zone 3 begins at Point 1 in the coordinate table listed below and continues to each subsequent point in numerical order ending at Point 5.

(357)

Point ID		Latitude	Longitude
1	(red/white striped bell buoy "MLA" with flashing white Morse code "A" light)	36.79893	-121.80157
2	(yellow can buoy)	36.77833	-121.81667
3	(yellow can buoy)	36.83333	-121.82167
4	(yellow can buoy)	36.81500	-121.80333
5	(red/white striped bell buoy "MLA" with flashing white Morse code "A" light)	36.79893	-121.80157

- (358) (4) The 3.10 mi² area off of Monterey Harbor from harbor launch ramps to a point midway between the seaward end of the U.S. Coast Guard Pier and the seaward end of Wharf 2, and then along a 100-yard wide access route to the northeast along a bearing of approximately 67° true (54° magnetic) to the yellow can buoy marking the southeast corner of the zone. The boundary for Zone 4 begins at Point 1 in the coordinate table listed below and continues to each subsequent point in numerical order ending at Point 6.

(359)

Point ID		Latitude	Longitude
1	(yellow can buoy)	36.61146	-121.87696

Point ID		Latitude	Longitude
2	(red bell buoy "4" with flashing red 4-second light)	36.62459	-121.89594
3	(yellow can buoy)	36.65168	-121.87416
4	(yellow can buoy)	36.63833	-121.85500
5	(yellow can buoy)	36.61146	-121.87696

- (360) (5) The .13 mi² area near Pillar Point from the Pillar Point Harbor entrance along a 100- yard wide access route to the south along a bearing of approximately 174° true (161° magnetic) to the green bell buoy (identified as "Buoy 3") at 37.48154 N, 122.48156 W and then along a 100-yard wide access route northwest along a bearing of approximately 284° true (271° magnetic) to the green gong buoy (identified as "Buoy 1") at 37.48625 N, 122.50603 W, the southwest boundary of Zone Five. Zone Five exists only when a High Surf Advisory has been issued by the National Weather Service and is in effect for San Mateo County and only during December, January, and February. The boundary for Zone 5 begins at Point 1 in the coordinate table listed below and continues to each subsequent point in numerical order ending at Point 5.

(361)

Point ID		Latitude	Longitude
1	(green gong buoy "1" with flashing green 2.5-second light)	37.48625	-122.50603
2	(intersection of sight lines due north of green gong buoy "1" and due west of Sail Rock)	37.49305	-122.50603

Point ID		Latitude	Longitude
3	(Sail Rock)	37.49305	-122.50105
4	(intersection of sight lines due east of green gong buoy "1" and due south of Sail Rock)	37.48625	-122.50105
5	(green gong buoy "1" with flashing green 2.5-second light)	37.48625	-122.50603

(362)

Appendix F to Subpart M of Part 922–Davidson Seamount Management Zone

- (363) [Coordinates in this appendix are unprojected (Geographic Coordinate System) and are calculated using the North American Datum of 1983]

(364)

Point ID	Latitude	Longitude
1	35.90000	-123.00000
2	35.90000	-123.50000
3	35.50000	-123.50000
4	35.50000	-123.00000

(365)

TITLE 33–NAVIGATION AND NAVIGABLE WATERS

(366)

Part 26–Vessel Bridge-to-Bridge Radiotelephone Regulations

(367)

§26.01 Purpose

- (368) (a) The purpose of this part is to implement the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act. This part:
- (369) (1) Requires the use of the vessel bridge-to-bridge radiotelephone;
- (370) (2) Provides the Coast Guard's interpretation of the meaning of important terms in the Act;
- (371) (3) Prescribes the procedures for applying for an exemption from the Act and the regulations issued under the Act and a listing of exemptions.
- (372) (b) Nothing in this part relieves any person from the obligation of complying with the rules of the road and the applicable pilot rules.

(373)

§26.02 Definitions.

- (374) For the purpose of this part and interpreting the Act:
- (375) *Act* means the "Vessel Bridge-to-Bridge Radiotelephone Act", 33 U.S.C. sections 1201–1208;

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

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

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

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

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

(381) *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.

(382) *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.

(383) **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.

(384)

§26.03 Radiotelephone required.

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

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

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

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

(389) (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.

(390) (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.

(391) (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.

(392) (d) The radiotelephone required by paragraph (b) of this section must be capable of transmitting and receiving on VHF FM channel 1022 (157.1 MHz).

(393) (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):

(394) (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;

(395) (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

(396) (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.

(397) (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).

(398) **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.

(399)

§26.04 Use of the designated frequency.

(400) (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.

(401) (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.

(402) (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.

(403) (d) On the navigable waters of the United States, channel 13 (156.65 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.

(404) (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.

(405)

§26.05 Use of radiotelephone.

(406)

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.

(407)

§26.06 Maintenance of radiotelephone; failure of radiotelephone.

(408)

Section 6 of the Act states – (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.

(409)

§26.07 Communications.

(410)

No person may use the service 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.

(411)

§26.08 Exemption procedures.

(412)

(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.

(413)

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

(414)

(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:

(415)

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

(416)

(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.

(417)

§26.09 List of exemptions.

(418)

(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.

(419)

(b) Each vessel navigating on the Great Lakes as defined in the Inland Navigation 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.”

(420)

Part 80–COLREGS Demarcation Lines

(421)

§80.01 General basis and purpose of demarcation lines.

(422)

(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.

(423)

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

(424)

(c) 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.

(425)

§80.1102 Santa Catalina Island, CA.

(426)

The 72 COLREGS shall apply to the harbors on Santa Catalina Island.

(427)

§80.1104 San Diego Harbor, CA.

(428)

A line drawn from Zuniga Jetty Light “V” to Zuniga Jetty Light “Z”; thence to Point Loma Light.

(429)

§80.1106 Mission Bay, CA.

(430) A line drawn from Mission Bay South Jetty Light 2 to Mission Bay North Jetty Light 1.

(431)

§80.1108 Oceanside Harbor, CA.

(432) A line drawn from Oceanside South Jetty Light 4 to Oceanside Breakwater Light 3.

(433)

§80.1110 Dana Point Harbor, CA.

(434) A line drawn from Dana Point Jetty Light 4 to Dana Point Breakwater Light 3.

(435)

§80.1112 Newport Bay, CA.

(436) A line drawn from Newport Bay East Jetty Light 4 to Newport Bay West Jetty Light 3.

(437)

§80.1114 San Pedro Bay-Anaheim Bay, CA.

(438) (a) A line drawn across the seaward extremities of the Anaheim Bay Entrance Jetties; thence to Long Beach Breakwater East End Light 1.

(439) (b) A line drawn from Long Beach Channel Entrance Light 2 to Long Beach Light.

(440) (c) A line drawn from Los Angeles Main Entrance Channel Light 2 to Los Angeles Light.

(441)

§80.1116 Redondo Harbor, CA.

(442) A line drawn from Redondo Beach East Jetty Light 2 to Redondo Beach West Jetty Light 3.

(443)

§80.1118 Marina Del Rey, CA.

(444) (a) A line drawn from Marina Del Rey Breakwater South Light 1 to Marina Del Rey Light 4.

(445) (b) A line drawn from Marina Del Rey Breakwater North Light 2 to Marina Del Rey Light 3.

(446) (c) A line drawn from Marina Del Rey Light 4 to the seaward extremity of the Ballona Creek South Jetty.

(447)

§80.1120 Port Hueneme, CA.

(448) A line drawn from Port Hueneme East Jetty Light 4 to Port Hueneme West Jetty Light 3.

(449)

§80.1122 Channel Islands Harbor, CA.

(450) (a) A line drawn from Channel Islands Harbor South Jetty Light 2 to Channel Islands Harbor Breakwater South Light 1.

(451) (b) A line drawn from Channel Islands Harbor Breakwater North Light to Channel Islands Harbor North Jetty Light 5.

(452)

§80.1124 Ventura Marina, CA.

(453) A line drawn from Ventura Marina South Jetty Light 6 to Ventura Marina Breakwater South Light 3; thence to Ventura Marina North Jetty Light 7.

(454)

§80.1126 Santa Barbara Harbor, CA.

(455) A line drawn from Santa Barbara Harbor Light 4 to Santa Barbara Harbor Breakwater Light.

(456)

§80.1130 San Luis Obispo Bay, CA.

(457) A line drawn from the southernmost extremity of Fossil Point to the seaward extremity of Whaler Island Breakwater.

(458)

§80.1132 Estero-Morro Bay, CA.

(459) A line drawn from the seaward extremity of the Morro Bay East Breakwater to the Morro Bay West Breakwater Light.

(460)

§80.1134 Monterey Harbor, CA.

(461) A line drawn from Monterey Harbor Light 6 to the northern extremity of Monterey Municipal Wharf 2.

(462)

§80.1136 Moss Landing Harbor, CA.

(463) A line drawn from the seaward extremity of the pier located 0.3 mile south of Moss Landing Harbor Entrance to the seaward extremity of the Moss Landing Harbor North Breakwater.

(464)

§80.1138 Santa Cruz Harbor, CA.

(465) A line drawn from the seaward extremity of the Santa Cruz Harbor East Breakwater to Santa Cruz Harbor West Breakwater Light; thence to Santa Cruz Light.

(466)

§80.1140 Pillar Point Harbor, CA.

(467) A line drawn from Pillar Point Harbor Light 6 to Pillar Point Harbor Entrance Light.

(468)

§80.1142 San Francisco Harbor, CA.

(469) A straight line drawn from Point Bonita Light through Mile Rocks Light to the shore.

(470)

§80.1144 Bodega and Tomales Bay, CA.

(471) (a) An east-west line drawn from Sand Point to Avalis Beach.

(472) (b) A line drawn from the seaward extremity of Bodega Harbor North Breakwater to Bodega Harbor Entrance Light 1.

(473)

§80.1146 Albion River, CA.

(474) A line drawn on an axis of 030° true through Albion River Light 1 across Albion Cove.

(475)

§80.1148 Noyo River, CA.

(476) A line drawn from Noyo River Entrance Daybeacon 4 to Noyo River Entrance Light 5.

(477)

§80.1150 Arcata-Humboldt Bay, CA.

(478) A line drawn from Humboldt Bay Entrance Light 4 to Humboldt Bay Entrance Light 3.

(479)

§80.1152 Crescent City Harbor, CA.

(480) A line drawn from Crescent City Entrance Light to the southeasternmost extremity of Whaler Island.

(481)

Part 81–72 COLREGS: IMPLEMENTING RULES

(482)

§81.1 Definitions.

(483) As used in this part:

(484) *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.(485) *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.(486) *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.

(487)

§81.3 General.

(488) 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.

(489)

Alternative Compliance

(490)

§81.5 Application for a Certificate of Alternative Compliance.

(491) (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:

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

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

(494) (i) Official number;

(495) (ii) Shipyard hull number;

(496) (iii) Hull identification number; or

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

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

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

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

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

(502) (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

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

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

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

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

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

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

(509) (A) The required location; and

(510) (B) The proposed location.

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

(512)

§81.9 Certificate of Alternative Compliance: Contents.

(513) 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—

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

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

(516) (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;

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

- (518) (e) The required alternative installation;
- (519) (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;
- (520) (g) The date of issuance;
- (521) (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.

(522) **§81.17 Certificate of Alternative Compliance: Termination.**

- (523) 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.

(524) **§81.18 Notice and record of certification of vessels of special construction or purpose.**

- (525) (a) In accordance with 33 U.S.C. 1605(c), a notice is published in the Federal Register of the following:
- (526) (1) Each Certificate of Alternative Compliance issued under §81.9; and
- (527) (2) Each Coast Guard vessel determined by the Commandant to be a vessel of special construction or purpose.
- (528) (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.
- (529) (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.

(530) **Exemptions**

(531) **§81.20 Lights and sound signal appliances.**

- (532) 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:
- (533) (a) Her keel is laid or is at a corresponding stage of construction before July 15, 1977; and
- (534) (b) She meets the International Regulations for Preventing Collisions at Sea, 1960 (77 Stat. 194, 33 U.S.C. 1051-1094).

(535)

Part 82—72 COLREGS: INTERPRETATIVE RULES

(536)

§82.1 Purpose.

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

(538)

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

- (539) 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:

- (540) (a) Lines.
- (541) (b) Hawsers.
- (542) (c) Wires.
- (543) (d) Chains.

(544)

§82.5 Lights for moored vessels.

- (545) 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).

(546)

§82.7 Sidelights for unmanned barges.

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

(548)

Part 88—ANNEX V: PILOT RULES

(549)

§88.01 Purpose and applicability.

- (550) 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.

(551)

§88.03 Definitions.

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

(553)

§88.05 Law enforcement vessels.

- (554) (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.

- (555) (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.

(556)

§88.07 Public safety activities.

- (557) (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.

- (558) (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.

(559)

Part 89—INLAND NAVIGATION RULES: IMPLEMENTING RULES

(560)

Subpart A—Certificate of Alternative Compliance

(561)

§89.1 Definitions.

- (562) As used in this subpart:

- (563) *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.

- (564) *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.

- (565) *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.

(566)

§89.3 General.

- (567) 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.

(568)

§89.5 Application for a Certificate of Alternative Compliance.

- (569) (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:

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

- (571) (2) The identification of the vessel by its:

- (572) (i) Official number;

- (573) (ii) Shipyard hull number;

- (574) (iii) Hull identification number; or

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

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

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

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

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

- (580) (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

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

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

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

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

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

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

- (587) (A) The required location; and

- (588) (B) The proposed location.

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

(590)

§89.9 Certificate of Alternative Compliance: Contents.

(591) 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:

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

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

(594) (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;

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

(596) (e) The required alternative installation;

(597) (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;

(598) (g) The date of issuance;

(599) (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.

(600)

§89.17 Certificate of Alternative Compliance: Termination.

(601) 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.

(602)

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

(603) (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.

(604) (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.

(605)

Subpart B—Waters Upon Which Certain Inland Navigation Rules Apply

(606)

§89.21 Purpose.

(607)

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.

(608)

§89.23 Definitions.

(609) As used in this subpart:

(610) *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.

(611)

Part 90—INLAND RULES: INTERPRETATIVE RULES

(612)

§90.1 Purpose.

(613)

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.

(614)

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

(615)

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 pushed 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.

(616)

§90.5 Lights for moored vessels.

(617)

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).

(618)

§90.7 Sidelights for unmanned barges.

(619)

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.

(620)

Part 110—Anchorage Regulations

(621)

§110.1 General.

(622) (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.

(623) (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).

(624) (c) All bearings in the part are referred to true meridian.

(625) (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.

(626)

Subpart A—Special Anchorage Areas

(627)

§110.90 San Diego Harbor, CA.

(628) (a) *Area A-1*. In North San Diego Bay, the Shelter Island Yacht Basin Anchorage, the water area enclosed by a line beginning at 32°42'56.7"N., 117°13'47.1"W.; thence southwesterly to 32°42'53.6"N., 117°13'51.3"W.; thence northwesterly to 32°43'01.3"N., 117°13'59.1"W.; thence northeasterly to 32°43'02.6"N., 117°13'55.5"W.; thence southeasterly to 32°42'59.8"N., 117°13'50.4"W.; thence southeasterly to the point of beginning.

(629) (b) *Area A-1a*. In North San Diego Bay, the Shelter Island Roadstead Anchorage east of Shelter Island, the water area 55 feet either side of a line beginning at 32°42'33.6"N., 117°13'48.3"W.; thence northeasterly to 32°42'36.0"N., 117°13'45.1"W.

(630) (c) *Area A-1b*. The water area off Shelter Island's eastern shore, 210 feet shoreward of a line beginning at 32°42'43.9"N., 117°13'34.3"W.; thence northeasterly to 32°42'52.8"N., 117°13'22.4"W.

(631) (d) *Area A-1c*. The water area off Shelter Island's eastern shore, 210 feet shoreward of a line beginning at

32°42'55.0"N., 117°13'19.4"W.; thence northeasterly to 32°43'03.5"N., 117°13'07.6"W.

(632)

(e) *Area A-2*. In North San Diego Bay, the America's Cup Harbor Anchorage, the water area enclosed by a line beginning at 32°43'13.7"N., 117°13'23.8"W.; thence northeasterly to 32°43'16.7"N., 117°13'16.4"W.; thence northeasterly to 32°43'22.6"N., 117°13'25.8"W.; thence westerly to 32°43'22.5"N., 117°13'29.6"W.; thence southwesterly to 32°43'19.0"N., 117°13'32.6"W.; thence southeasterly to the point of beginning.

(633)

(f) *Area A-3*. In North San Diego Bay, the Laurel Street Roadstead Anchorage, the water area enclosed by a line beginning at 32°43'30.5"N., 117°10'28.5"W.; thence southwesterly to 32°43'29.8"N., 117°10'34.2"W.; thence southwesterly to 32°43'25.8"N., 117°10'36.1"W.; thence southerly to 32°43'20.2"N., 117°10'36.1"W.; thence westerly to 32°43'20.2"N., 117°10'52.9"W.; thence northeasterly to 32°43'29.8"N., 117°10'48.0"W., thence northeasterly following a line parallel to, and 200 feet bayward of, the shoreline of San Diego Bay adjoining Harbor Drive to the point of beginning.

(634)

(g) *Area A-4*. In Central San Diego Bay, the Bay Bridge Roadstead Anchorage, the water area enclosed by a line beginning at 32°41'32.1"N., 117°09'43.1"W.; thence southwesterly to 32°41'19.1"N., 117°09'46.1"W.; thence southeasterly to 32°41'17.8"N., 117°09'44.3"W.; thence southeasterly to 32°41'14.9"N., 117°09'37.9"W.; thence northeasterly to 32°41'26.9"N., 117°09'35.1"W., thence southwesterly to the point of beginning.

(635)

(h) *Area A-5*. In Central San Diego Bay, the Glorietta Bay Anchorage, the water area enclosed by a line beginning at 32°40'42.2"N., 117°10'03.1"W.; thence southwesterly to 32°40'41.2"N., 117°10'06.6"W.; thence northwesterly to 32°40'46.2"N., 117°10'15.6"W.; thence northeasterly to 32°40'46.7"N., 117°10'14.1"W.; thence southeasterly to the point of beginning.

(636)

(i) *Area A-6*. In Fiddler's Cove, the water enclosed by a line beginning at 32°39'10.4"N., 117°08'49.4"W.; thence northwesterly to 32°39'14.9"N., 117°08'51.8"W.; thence northeasterly to 32°39'17.6"N., 117°08'47.5"W.; thence northwesterly to 32°39'19.8"N., 117°08'48.8"W.; thence northeasterly to 32°39'24.4"N., 117°08'41.4"W.; thence southeasterly to 32°39'15.7"N., 117°08'36.0"W.; thence southwesterly to the point of beginning.

(637)

Note: This area is located on Federal property owned by the United States Navy, and it is reserved for active duty military, their dependents, retirees and DOD employees only.

(638)

(j) *Area A-8*. In South San Diego Bay, the Sweetwater Anchorage, the water enclosed by a line beginning at 32°39'12.2"N., 117°07'45.1"W.; thence easterly to 32°39'12.2"N., 117°07'30.1"W.; thence southerly to 32°38'45.2"N., 117°07'30.1"W.; thence westerly to 32°38'45.2"N., 117°07'45.1"W.; thence northerly to the point of beginning.

(639)

(k) *Area A-9*. In North San Diego Bay, the Cruiser Anchorage, the water enclosed by a line beginning at 32°43'35.9"N., 117°11'06.2"W.; thence southwesterly to

32°43'31.5"N., 117°11'13.2"W.; thence southeasterly to 32°43'28.9"N., 117°11'11.0"W.; thence southeasterly to 32°43'25.9"N., 117°11'07.7"W.; thence northeasterly to 32°43'34.8"N., 117°11'03.2"W.; thence northwesterly to the point of beginning. All coordinates in this section use Datum: NAD 83.

- (640) **Note:** Mariners anchoring in these anchorages, excluding Anchorage A-6, should consult applicable local ordinances of the San Diego Unified Port District. Temporary floats or buoys for marking anchors are allowed. Fixed moorings, piles or stakes are prohibited. All moorings shall be positioned so that no vessel, when anchored, shall at any time extend beyond the limits of the area. See Captain of the Port Notice 6-97, a copy of which can be obtained by calling (619) 683-6495.

(641)

\$110.91 Mission Bay, CA.

- (642) (a) *Area M-1.* In San Juan Cove, the entire water area west of a line drawn from 32°46'53.6"N., 117°14'52.5"W.; to El Carmel Point North Light; 32°46'48.0"N., 117°14'50.1"W.

- (643) **NOTE:** Control over the anchoring of vessels and the placing of temporary moorings in this area is exercised by the City of San Diego Park and Recreation Department pursuant to local ordinances.

- (644) (b) *Area M-2.* In Santa Barbara Cove, the entire water area west of a line drawn from 32°46'40.0"N., 117°14'47.0"W.; to 32°46'33.5"N., 117°14'45.5"W.

- (645) **NOTE:** Control over the anchoring of vessels and the placing of temporary mooring in this area is exercised by the City of San Diego Park and Recreation Department pursuant to local ordinances.

- (646) (c) *Area M-3.* In Mariners Basin, the entire water area west of a line drawn from latitude 32°45'49.2"N., longitude 117°14'42.9"W.; to Mission Point Light; latitude 32°45'43.7"N., longitude 117°14'41.9"W.

- (647) **NOTE:** Control over the anchoring of vessels and the placing of temporary moorings in this area is exercised by the City of San Diego Park and Recreation Department pursuant to local ordinances.

- (648) (d) *Area M-4.* In Quivira Basin, the water area enclosed by that portion of a circle of 45 yard radius from 32°45'42.8"N., 117°14'25.6"W.; through the arc from 354°T to 088°T.

- (649) **NOTE:** Control over the anchoring of vessels and the placing of temporary moorings in this area is exercised by the City of San Diego Park and Recreation Department pursuant to local ordinances.

(650)

\$110.93 Dana Point Harbor, CA.

- (651) The area in Dana Point Harbor, Calif. commencing at a point at latitude 33°27'36.2"N., longitude 117°42'20.4"W.; thence 016°20' True for 612 feet to a point at latitude 33°27'42.1"N., longitude 117°42'18.4"W.; thence 106°20' True for 85 feet to a point at latitude 33°27'41.8"N., longitude 117°42'17.7"W.; thence 196°20' True for 222 feet to a point at latitude 33°27'39.7"N., longitude

117°42'18.2"W.; thence 182°20' True 234 feet to a point at latitude 33°27'37.4"N., longitude 117°42'18.2"W.; thence 166°20' True for 499 feet to a point at latitude 33°27'32.6"N., longitude 117°42'16.8"W.; thence 320° True for 470 feet to the point of origin.

(652)

\$110.95 Newport Bay Harbor, CA.

- (653) (a) *Area A-1.* The entire water area within beginning at latitude 33°36'09.3" N., longitude 117°53'52.6" W.; thence to latitude 33°36'11.4" N., longitude 117°53'51.2" W.; thence to latitude 33°36'04.0" N., longitude 117°53'33.4" W.; thence to latitude 33°36'03.9" N., longitude 117°53'20.4" W.; thence to 33°36'01.1" N., longitude 117°53'09.9" W.; thence to 33°36'01.1" N., longitude 117°53'32.7" W.; thence to 33°36'03.9" N., longitude 117°53'41.9" W.; returning to latitude 33°36'09.3" N., longitude 117°53'52.6" W.

- (654) (b) *Area A-2.* The entire water area within beginning at latitude 33°36'12.9" N., longitude 117°53'44.2" W.; thence to latitude 33°36'14.2" N., longitude 117°53'44.3" W.; thence to latitude 33°36'14.2" N., longitude 117°53'20.6" W.; thence to latitude 33°36'10.8" N., longitude 117°53'20.5" W.; thence to latitude 33°36'12.7" N., longitude 117°53'29.9" W.; thence to latitude 33°36'12.7" N., longitude 117°53'35.4" W.; thence to latitude 33°36'12.9" N., longitude 117°53'37.0" W.; returning to latitude 33°36'12.9" N., longitude 117°53'44.2" W.

- (655) (c) *Area A-3.* The entire water area within beginning at latitude 33°36'22.7"N., longitude 117°54'12.6"W.; thence to latitude 33°36'24.9"N., longitude 117°54'12.6"W.; thence to latitude 33°36'26.2"N., longitude 117°54'11.3"W.; thence to latitude 33°36'18.7"N., longitude 117°54'00.5"W.; thence to latitude 33°36'16.2"N., longitude 117°54'02.9"W.; returning to latitude 33°36'22.7"N., longitude 117°54'12.6"W.

- (656) (d) *Area A-4.* The entire water area within beginning at latitude 33°36'32.7" N., longitude 117°53'56.6" W.; thence to latitude 33°36'33.6" N., longitude 117°53'56.6" W.; thence to latitude 33°36'33.5" N., longitude 117°53'26.2" W.; thence to latitude 33°36'32.9" N., longitude 117°53'26.2" W.; thence to latitude 33°36'32.6" N., longitude 117°53'33.8" W.; thence to latitude 33°36'32.4" N., longitude 117°53'36.7" W.; thence to latitude 33°36'31.7" N., longitude 117°53'40.9" W.; thence to 33°36'31.7" N., longitude 117°53'46.3" W.; thence to latitude 33°36'32.6" N., longitude 117°53'50.9" W.; returning to latitude 33°36'32.7" N., longitude 117°53'56.6" W.

- (657) (e) *Area A-5.* The entire water area within beginning at latitude 33°36'29.1" N., longitude 117°54'55.3" W.; thence to latitude 33°36'27.8" N., longitude 117°54'55.8" W.; thence to latitude 33°36'24.1" N., longitude 117°54'41.8" W.; thence to latitude 33°36'26.7" N., longitude 117°54'40.8" W.; thence to latitude 33°36'26.7"

N., longitude 117°54'46.3" W.; returning to latitude 33°36'29.1" N., longitude 117°54'55.3" W.

(658) (f) *Area A-6*. The entire water area within beginning at latitude 33°36'43.3" N., longitude 117°54'26.4" W.; thence to latitude 33°36'51.7" N., longitude 117°54'22.8" W.; thence to latitude 33°36'51.4" N., longitude 117°54'21.5" W.; thence to latitude 33°36'42.9" N., longitude 117°54'25.2" W.; returning to latitude 33°36'43.3" N., longitude 117°54'26.4" W.

(659) (g) *Area A-7*. The entire water area within beginning at latitude 33°36'32.1" N., longitude 117°55'12.5" W.; thence to latitude 33°36'37.7" N., longitude 117°55'11.0" W.; thence to latitude 33°36'35.1" N., longitude 117°55'01.3" W.; thence to latitude 33°36'30.4" N., longitude 117°55'02.6" W.; thence to latitude 33°36'31.2" N., longitude 117°55'06.7" W.; returning to latitude 33°36'32.1" N., longitude 117°55'12.5" W.

(660) (h) *Area A-8*. The entire water area within beginning at latitude 33°36'34.2" N., longitude 117°55'27.3" W.; thence to latitude 33°36'36.2" N., longitude 117°55'26.7" W.; thence to latitude 33°36'39.5" N., longitude 117°55'20.9" W.; thence to latitude 33°36'38.9" N., longitude 117°55'15.4" W.; thence to latitude 33°36'37.9" N., longitude 117°55'11.7" W.; thence to latitude 33°36'32.1" N., longitude 117°55'13.3" W.; returning to latitude 33°36'34.2" N., longitude 117°55'27.3" W.

(661) (i) *Area A-9*. The entire water area within beginning at latitude 33°36'53.5" N., longitude 117°55'28.2" W.; thence to latitude 33°36'54.0" N., longitude 117°55'27.0" W.; thence to latitude 33°36'43.4" N., longitude 117°55'20.4" W.; thence to latitude 33°36'42.9" N., longitude 117°55'21.6" W.; returning to latitude 33°36'53.5" N., longitude 117°55'28.2" W.

(662) (j) *Area A-10*. The entire water area within beginning at latitude 33°36'07.4" N., longitude 117°53'19.2" W.; thence to latitude 33°36'14.2" N., longitude 117°53'19.4" W.; thence to latitude 33°36'14.2" N., longitude 117°53'06.9" W.; thence to latitude 33°36'08.1" N., longitude 117°53'04.9" W.; thence to latitude 33°36'06.5" N., longitude 117°53'08.9" W.; thence to latitude 33°36'06.5" N., longitude 117°53'16.3" W.; returning to latitude 33°36'07.4" N., longitude 117°53'19.2" W.

(663) (k) *Area A-11*. The entire water area within beginning at latitude 33°36'04.7" N., longitude 117°53'01.9" W.; thence to latitude 33°36'06.1" N., longitude 117°53'00.5" W.; thence to latitude 33°36'06.2" N., longitude 117°52'59.0" W.; thence to latitude 33°35'59.4" N., longitude 117°52'51.1" W.; thence to latitude 33°35'57.5" N., longitude 117°52'50.9" W.; thence to latitude 33°36'01.9" N., longitude 117°52'57.3" W.; thence to latitude 33°36'03.0" N., longitude 117°53'00.4" W.; returning to latitude 33°36'04.7" N., longitude 117°53'01.9" W.

(664) (l) *Area A-12*. The entire water area within beginning at latitude 33°36'27.9" N., longitude 117°54'40.4" W.; thence to latitude 33°36'23.9" N., longitude 117°54'41.8" W.; thence to latitude 33°36'20.8" N., longitude 117°54'29.9" W.; thence to latitude 33°36'28.5" N.,

longitude 117°54'20.2" W.; returning to latitude 33°36'27.9" N., longitude 117°54'40.4" W.

(665) (m) *Area B-1*. The entire water area within beginning at latitude 33°36'35.1" N., longitude 117°54'28.8" W.; thence to latitude 33°36'32.1" N., longitude 117°54'22.1" W.; thence to latitude 33°36'30.6" N., longitude 117°54'22.8" W.; thence to latitude 33°36'30.5" N., longitude 117°54'30.9" W.; returning to latitude 33°36'35.1" N., longitude 117°54'28.8" W.

(666) **Note to § 110.95:** These anchorage areas are reserved for recreational and other small craft. Local law, including the City of Newport Beach Municipal Code 17.25.020, may provide for fore and aft moorings for recreational and small craft of such size and alignment as permitted by the harbor master.

(667)

§110.100 Los Angeles and Long Beach Harbors, CA.

(668) (a) (Reserved)

(669) (b) *Area A-2*. Consisting of two parts in the outer basin of Fish Harbor on the east and west sides of Fish Harbor Entrance Channel described as follows:

(670) (1) *Part 1*. Beginning at a point at the intersection of westerly side of Fish Harbor Entrance Channel and the outer jetty; thence southwesterly along the jetty about 900 feet to the shore; thence northerly about 500 feet; thence northeasterly about 650 feet, on a line parallel to jetty; thence southeasterly about 500 feet, along the westerly side of Fish Harbor Entrance Channel to the point of beginning.

(671) (2) *Part 2*. Beginning at a point at the intersection of the east side of Fish Harbor Entrance Channel and Fish Harbor mole (outer Fish Harbor); thence northwesterly along the channel line about 850 feet to the southerly side of the Fairway; thence northeasterly and easterly along the southerly side of the Fairway, about 478 and 565 feet respectively to its intersection with Fish Harbor mole; thence southerly and southwesterly along the mole to the point of beginning.

(672) (c) *Area B-1*. Long Beach outer harbor along east side of Pier 400 beginning at 33°44'22.8"N., 118°13'51.0"W.; thence south to 33°43'54.5"N., 118°13'50.0"W.; thence southwesterly to 33°43'46.0"N., 118°14'13.6"W.; thence northwesterly to 33°44'15.3"N., 118°14'26.6"W.; thence northeasterly to 33°44'25.1"N., 118°14'15.6"W.; thence easterly to the beginning point.

(673) (d) *Area C-1*. Long Beach outer harbor between Island Freeman and Island Chaffee beginning at 33°44'20.0"N., 118°08'26.2"W.; thence west to 33°44'23.5"N., 118°09'32.6"W.; thence north to 33°44'52.8"N., 118°09'33.2"W.; thence southeast to 33°44'25.5"N., 118°08'26.2"W.; thence south to the beginning point.

(674) (e) *Area E-1*. Long Beach outer harbor northwest of Island Freeman beginning at 33°44'55.0"N., 118°09'40.0"W.; thence southwesterly to 33°44'37.0"N., 118°09'48.5"W.; thence northwesterly to 33°44'52.0"N.,

118°10'32.0"W.; thence north to 33°45'11.0"N., 118°10'32.0"W.

- (675) (f) *Restrictions*. Special anchorage areas B-1, C-1, and E-1 are reserved for barges on mooring balls, unless otherwise authorized by the Captain of the Port Los Angeles-Long Beach

(676)

§110.111 Marina del Rey Harbor, CA.

- (677) An area in the main channel encompassed within the following described boundaries: Beginning at the northeasterly corner in position latitude 33°58'41.6" N., longitude 118°26'50.8" W.; thence southerly to latitude 33°58'30.2" N., longitude 118°26'50.8" W.; thence westerly to latitude 33°58'30.2" N., longitude 118°26'55.1" W.; thence northerly to latitude 33°58'41.6" N., longitude 118°26'55.1" W.; thence easterly to the point of origin. All coordinates referenced North American Datum 1983.

- (678) **Note to 110.111:** The Marina del Rey Harbor Master, Los Angeles County, prescribes local regulations for mooring and boating activities in this area.

(679)

§110.115 Santa Barbara Harbor, CA.

- (680) North of the Santa Barbara breakwater; seaward of the line of mean high water; and southwest of a line bearing 46°30' from the north corner of Bath Street and Cabrillo Boulevard to the end of the Santa Barbara breakwater; excluding a fairway 225 feet wide, 100 feet from each side of and parallel to the Navy pier.

- (681) **NOTE:** Fore and aft moorings will be allowed in this area conforming to the City of Santa Barbara Harbor Ordinance No. 2106 for yachts and small craft of such size and alignment as permitted by the harbor master.

(682)

§110.120 San Luis Obispo Bay, CA.

- (683) (a) *Area A-1*. Area A-1 is the water area bounded by the San Luis Obispo County wharf, the shoreline, a line drawn from the southernmost point of Fossil Point to latitude 35°10'18.5"N., longitude 120°43'38.5"W.; thence to the southeast corner of the San Luis Obispo County wharf.

- (684) (b) *Area A-2*. Area A-2 is the water area enclosed by a line drawn from the outer end of Whaler Island breakwater at latitude 35°09'22"N., longitude 120°44'56"W., to the Marre Chimney at latitude 35°10'56"N., longitude 120°44'31"W.

- (685) **NOTE:** The Port San Luis Harbor District prescribes local regulations for mooring and boating activities in these areas.

(686)

§110.125 Morro Bay Harbor, CA.

- (687) (a) *Area A-1*. Opposite the City of Morro Bay, beginning 50 feet west of the intersection of the west channel line and the prolongation of the center line of Seventh Street; thence in a generally southeasterly direction and parallel to the channel line for a distance of 450 yards; thence 166° and parallel to the revetment for a

distance of 1,025 yards; thence 270° for a distance of 200 yards; thence 346° for a distance of about 1,425 yards to meet the prolongation of the center line of Seventh Street; and thence to the point of beginning.

- (688) (b) *Area A-2*. Beginning at a point 322° and 150 feet from the high water line on the most westerly part of Fairbanks Point; thence continuing on this bearing for a distance of 1,346 feet; thence 052° for a distance of 450 feet and thence generally southeasterly parallel to and 150 feet from the mean high water line to the point of beginning.

- (689) **NOTE:** Moorings and boating activities will be allowed in these areas conforming to applicable City of Morro Bay ordinances and regulations adopted pursuant thereto.

(690)

§110.126 Monterey Harbor, CA.

- (691) The waters of Monterey Harbor between the shoreline and the following coordinates: Beginning at a point on the shoreline at 36°36'27.5"N., 121°53'35.0"W.; thence to 36°36'32.4"N., 121°53'31.0"W., in an easterly direction to 36°36'28.8"N., 121°53'19.0"W.; thence south to 36°36'23.1"N., 121°53'19.0"W.; thence to the north end of Municipal Wharf No. 1 at 36°36'20.0"N., 121°53'28.0"W.

(692)

§110.126a San Francisco Bay, CA.

- (693) *Richardson Bay Anchorage*. That portion of Richardson Bay, north of a line bearing 257° from Peninsula Point to the shore at Sausalito, except for federally-maintained channels, and all channels approved for private use therein.

- (694) **NOTE:** Mariners anchoring in the special anchorage area should consult applicable ordinances of the Richardson Bay Regional Agency and the County of Marin. These ordinances establish requirements on matters including the anchoring of vessels, placement of moorings, and use of anchored and moored vessels within the special anchorage area. Information on these local agency requirements may be obtained from the Richardson Bay Harbor Administrator.

(695)

§110.127 Lake Mohave and Lake Mead, Nevada and Arizona.

- (696) (a) *Willow Beach, Ariz.* That portion of Lake Mohave enclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

- (697) "a" 35°52'30"N., 114°39'35"W.

- (698) "b" 35°52'10"N., 114°39'35"W.

- (699) (b) *Katherine, Ariz.* That portion of Lake Mohave enclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:

- (700) "a" 35°13'33"N., 114°34'38"W.

- (701) "b" 35°13'05"N., 114°34'40"W.
- (702) (c) *El Dorado Canyon, Nev.* That portion of Lake Mohave enclosed by the shore and a line connecting the following points, excluding a 50-foot-wide fairway, extending easterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:
- (703) "a" 35°42'37"N., 114°42'21"W.
- (704) "b" 35°42'08"N., 114°42'10"W.
- (705) (d) *Cottonwood Cove, Nev.* That portion of Lake Mohave enclosed by the shore and a line connecting the following points, excluding a 200-foot-wide fairway extending northeasterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:
- (706) "a" 35°29'46"N., 114°40'55"W.
- (707) "b" 35°29'33"N., 114°40'45"W.
- (708) (e) *Overton Beach, Nev.*—(1) *Area "A"*. That portion of Lake Mead enclosed by the shore and lines connecting the following points, excluding two 300-foot-wide fairways, extending northwesterly and southwesterly from the launching ramps, as established by the Superintendent, Lake Mead Recreation Area:
- (709) "a" 36°27'05"N., 114°21'48"W.
- (710) "b" 36°27'15"N., 114°21'20"W.
- (711) "c" 36°26'32"N., 114°20'45"W.
- (712) "d" 36°25'49"N., 114°20'50"W.
- (713) "e" 36°25'00"N., 114°21'27"W.
- (714) "f" 36°25'19"N., 114°22'10"W.
- (715) (f) *Echo Bay, Nev.* That portion of Lake Mead enclosed by the shore and lines connecting the following points, excluding a 100-foot-wide fairway, extending southwesterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:
- (716) "a" 36°18'30"N., 114°25'10"W.
- (717) "b" 36°18'20"N., 114°24'00"W.
- (718) "c" 36°17'35"N., 114°24'05"W.
- (719) "d" 36°17'40"N., 114°24'27"W.
- (720) (g) *Callville Bay, Nev.* That portion of Lake Mead enclosed by the shore and lines connecting the following points, excluding a 200-foot-wide fairway, extending southeasterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:
- (721) "a" 36°09'00"N., 114°42'40"W.
- (722) "b" 36°08'10"N., 114°42'03"W.
- (723) "c" 36°08'06"N., 114°42'40"W.
- (724) (h) *Las Vegas Wash, Nev.* That portion of Lake Mead enclosed by the shore and a line connecting the following points, excluding a 200-foot-wide fairway, extending easterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:
- (725) "a" 36°07'23"N., 114°49'45"W.
- (726) "b" 36°06'29"N., 114°49'45"W.
- (727) (i) *Hemenway Harbor, Nev.* That portion of Lake Mead enclosed by the shore and lines connecting the following points, excluding a 100-foot-wide fairway, extending easterly from the launching ramp at Boulder Beach and a 600-foot-wide fairway, extending northeasterly from the launching ramp at Hemenway

Harbor, both as established by the Superintendent, Lake Mead Recreation Area:

- (728) "a" 36°04'05"N., 114°48'15"W.
- (729) "b" 36°03'25"N., 114°48'10"W.
- (730) "c" 36°01'20"N., 114°45'15"W.
- (731) (j) *Kingman Wash, Ariz.* That portion of Lake Mead enclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:
- (732) "a" 36°02'34"N., 114°42'50"W.
- (733) "b" 36°02'05"N., 114°43'05"W.
- (734) (k) *Temple Bar, Ariz.* That portion of Lake Mead enclosed by the shore and lines connecting the following points, excluding a 200-foot-wide fairway, extending southwesterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:
- (735) "a" 36°02'21"N., 114°19'29"W.
- (736) "b" 36°02'34"N., 114°18'46"W.
- (737) "c" 36°02'03"N., 114°18'13"W.
- (738) (l) *Greggs, Ariz.* That portion of Lake Mead enclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending northerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:
- (739) "a" 36°00'35"N., 114°13'49"W.
- (740) "b" 36°00'35"N., 114°14'10"W.
- (741) (m) *Pierce Ferry, Ariz.* That portion of Lake Mead enclosed by the shore and a line connecting the following points, excluding a 100-foot-wide fairway, extending easterly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:
- (742) "a" 36°08'42"N., 113°59'24"W.
- (743) "b" 36°07'18"N., 113°58'32"W.
- (744) (n) *South Bay, Ariz.* That portion of Lake Mead enclosed by the shore and a line connecting the following points, excluding one 100-foot wide fairway, extending westerly from the launching ramp, as established by the Superintendent, Lake Mead Recreation Area:
- (745) "a" 36°06'26"N., 114°06'13"W.
- (746) "b" 36°05'00"N., 114°06'50"W.
- (747) "c" 36°05'00"N., 114°06'13"W.
- (748) **NOTE:** Fixed moorings, piles, or stakes are prohibited. Single and fore and aft temporary moorings will be allowed. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the Superintendent, Lake Mead Recreation Area, National Park Service.

(749) **§110.127c Trinidad Bay, CA.**

- (750) The waters of Trinidad Bay beginning at the southernmost point of Trinidad Head at 41°03'04"N., 124°08'56"W.; thence east to Prisoner Rock at 41°03'09"N., 124°08'37"W.; thence east to 41°03'09"N., 124°08'19"W.; thence north to 41°03'26"N., 124°08'21"W.; thence following the shoreline to Trinidad Bay in a westerly and southerly direction to the point of beginning.

(751) **NOTE:** The area will be principally for use by sport and commercial fishing vessels. Temporary floats and buoys for anchoring will be allowed in the area. Fixed moorings, piles or stakes are prohibited. All moorings shall be placed so that no vessel when anchored or moored shall at any time extend beyond the limits of the area. The anchoring of all vessels and placing of all moorings will be under the supervision of the City of Trinidad or such other authority as may be designated by the City Council of the City of Trinidad, California.

(752)

Subpart B—Anchorage Grounds

(753)

§110.210 San Diego Harbor, CA.

(754) (a) The anchorage grounds. (1) Special anchorage for U.S. Government vessels (NAD 83). The waters bounded by a line connecting the following points:

(755) 32°42'13.2"N., 117°14'11.0"W.

(756) 32°41'12.0"N., 117°14'00.3"W. and thence along the shoreline to the point of beginning.

(757) (2) Special anchorage for U.S. Government vessels (NAD 83). The waters bounded by a line connecting the following points:

(758) 32°43'25.6"N., 117°12'46.1"W.

(759) 32°43'25.3"N., 117°12'52.0"W.

(760) 32°43'08.2"N., 117°12'58.0"W.

(761) 32°42'57.9"N., 117°12'54.0"W. and thence easterly along the northern boundary of the channel to:

(762) 32°43'05.0"N., 117°11'30.5"W.

(763) 32°43'27.2"N., 117°11'14.0"W. and thence along the shoreline of Harbor Island to the point of beginning.

(764) (3) “B” Street Merchant Vessel Anchorage (NAD 83). The waters bounded by a line connecting the following points:

(765) 32°43'00.8"N., 117°10'36.3"W.

(766) 32°43'00.8"N., 117°11'23.0"W.

(767) 32°43'05.0"N., 117°11'30.5"W.

(768) 32°43'27.2"N., 117°11'14.0"W.

(769) 32°43'20.2"N., 117°10'53.0"W. and thence due east to the shoreline, and thence along the shoreline and pier to the point of beginning.

(770) (b) The regulations. (1) The anchorages described in paragraphs (a)(1) and (a)(2) of this section are reserved exclusively for the anchorage of vessels of the United States Government and of authorized harbor pilot boats. No other vessels shall anchor in this area except by special permission obtained in advance from the Commander, Naval Base, San Diego, CA. The administration of these anchorages is exercised by the Commander, Naval Base, San Diego, CA.

(771) (2) The area described in paragraph (a)(3) of this section is reserved for the use of merchant vessels calling at the Port of San Diego while awaiting a berth. The administration of this anchorage is exercised by the Port Director, San Diego Unified Port District.

(772) (3) Vessels anchoring in San Diego Harbor shall leave a free passage for other craft and shall not obstruct the approaches to the wharves in the harbor.

(773)

§110.214 Los Angeles and Long Beach harbors, CA.

(774) (a) *General Regulations.*

(775) (1) *Anchorage Assignment.* (i) Unless otherwise directed by the Captain of the Port Los Angeles-Long Beach, the pilot stations for the Port of Long Beach and the Port of Los Angeles will assign the use of commercial anchorages within their jurisdictions (Long Beach and Los Angeles Harbors respectively). All anchorages outside (seaward) of the federal breakwater will be assigned by the Los Angeles-Long Beach Vessel Traffic Information Service (VTIS). The master, pilot, or person in charge of a vessel must notify the appropriate pilot station (for anchorages inside the federal breakwater) or the VTIS (for anchorages outside the federal breakwater) of their intention to anchor, upon anchoring, and at least fifteen minutes prior to departing an anchorage. All anchorage assignments will be made as described in this part unless modified by the Captain of the Port.

(776) (ii) Radio communications for port entities governing anchorages are as follows: Los Angeles-Long Beach Vessel Traffic Information Service, call sign “LA-Long Beach Traffic”, Channel 14 VHF-FM; Los Angeles Port Pilots, Channel 73 VHF-FM; Long Beach Port Pilots, Channel 74 VHF-FM.

(777) (iii) The exact boundary separating the Port of Long Beach from the Port of Los Angeles is published in local Port Tariffs. For purposes of this rule, Long Beach waters are those east, and Los Angeles waters are those west, of the following locations:

(778) (A) Inner Harbor: The Henry Ford (Badger Avenue) Bridge.

(779) (B) Middle Harbor: The Pier 400 Transportation Corridor.

(780) (C) Outer Harbor: The western boundary of Commercial Anchorage B.

(781) (2) *Required approvals, permits and notifications.*

(782) (i)(A) No vessel may anchor in deep draft sub-anchorages B-7, B-9, B-11, D-5, D-6 or D-7 within Los Angeles or Long Beach harbors for more than 48 consecutive hours unless extended anchorage permission is obtained from the Captain of the Port. These sub-anchorages are defined by the following coordinates and dimensions:

(783)

Anchorage	Latitude	Longitude	Radius (yards)
B-7	33°43'52.0"N	118°12'47.9"W	450
B-9	33°43'28.5"N	118°13'10.5"W	500
B-11	33°43'44.5"N	118°12'17"W	450
D-5	33°43'40.5"N	118°10'30"W	450

Anchorage	Latitude	Longitude	Radius (yards)
D-6	33°43'40.5"N	118°9'57.5"W	450
D-7	33°43'40.5"N	118°9'25"W	450

(784) (B) No vessel may anchor anywhere else within Los Angeles or Long Beach harbors for more than 10 consecutive days unless extended anchorage permission is obtained from the Captain of the Port. In determining whether extended anchorage permission will be granted, consideration will be given, but not necessarily limited to: The current and anticipated demands for anchorage space within the harbor, the requested duration, the condition of the vessel, and the reason for the request.

(785) (ii) No vessel while carrying, loading, or unloading division 1.1 or 1.2 materials as defined in 49 CFR 173.50, or Cargoes of Particular Hazard (COPH) as defined in 33 CFR 126.10, or Certain Dangerous Cargoes (CDC) as defined in 33 CFR 160.202, may anchor without first obtaining a permit issued by the Captain of the Port.

(786) (iii) Vessels requiring use of an explosives anchorage should contact the Captain of the Port at least 24 hours prior to the anticipated need for the explosives anchorage to allow for proper activation of that anchorage.

(787) (iv) Except with the prior approval of the Captain of the Port, or, in the case of an emergency, with approval of the Captain of the Port immediately subsequent to anchoring, no commercial vessel greater than 1600 gross tons may anchor in Los Angeles-Long Beach Harbor unless it maintains the capability to get underway within 30 minutes. Any vessel unable to meet this requirement must immediately notify the Captain of the Port and make arrangements for an adequate number of tugs to respond to the vessel within 30 minutes notice.

(788) (v) In anchorages where lightering is authorized, the Captain of the Port must be notified at least 4 hours in advance of a vessel conducting lightering operations (see 33 CFR 156.118).

(789) (3) *Other General Requirements.*

(790) (i) When at anchor, all commercial vessels greater than 1600 gross tons shall, at all times, have a licensed or credentialed deck officer on watch and maintain a continuous radio listening watch unless subject to one of the exemptions in this paragraph. The radio watch must be on CH-13 VHF-FM when anchored inside the federal breakwater, and on CH-14 VHF-FM or on CH-16 VHF-FM when anchored outside the federal breakwater, except for unmanned barges; vessels which have less than 100 gallons of oil or fuel onboard regardless of how the fuel is carried; and other vessels receiving advance approval from the Captain of the Port.

(791) (ii) When sustained wind speeds exceed 40 knots, all anchored commercial vessels greater than 1600 gross tons shall ensure their propulsion plant is placed in immediate standby and a second anchor is made ready to let go. Vessels unable to comply with this requirement

must immediately notify the Captain of the Port. In such case, the Captain of the Port may require the vessel to have one or more tugs standing by to render immediate assistance.

(792) (4) *Prohibitions.* Within Los Angeles Harbor, Long Beach Harbor, and the Los Angeles-Long Beach Precautionary Area, except for emergency reasons, or with the prior approval of the Captain of the Port, vessels are prohibited from anchoring outside of designated anchorage areas. In the event a vessel anchors outside a designated anchorage area for emergency reasons, the master, pilot, or person in charge of the vessel shall:

(793) (i) Position the vessel so as to minimize the danger to other vessels and facilities;

(794) (ii) Immediately notify the Captain of the Port by the most expeditious means of the vessel's location and the reason(s) for the emergency anchoring; and

(795) (iii) Move the vessel as soon as the emergency condition prompting anchoring outside a designated area abates, or as soon as ordered to move by the Captain of the Port, whichever occurs sooner.

(796) (5) *Exemption from rules.* The Captain of the Port may, upon request, or whenever he/she deems appropriate, authorize a deviation from any rule in this section.

(797) (b) *The anchorage grounds.* Locations of anchorage grounds are as described in this section. Specific requirements for individual anchorages are contained paragraphs (c) and (d) of this section. All coordinates referenced use datum: NAD 83.

(798) [Reserved]

(799) (2) *Commercial Anchorage B (Long Beach Harbor).* An area enclosed by a line joining the following coordinates: 33°44'37.0"N., 118°13'00.0"W.; thence south/southeast to 33°44'12.0"N., 118°12'36.2"W.; thence southeast to 33°43'38.2"N., 118°11'36.9"W.; thence southwest to 33°43'26.1"N., 118°11'47.2"W.; thence west to 33°43'26.1"N., 118°12'22.7"W.; thence west/southwest to 33°42'58.9"N., 118°13'53.0"W.; thence north/northwest to 33°43'46.0"N., 118°14'13.6"W.; thence east/northeast to 33°43'54.5"N., 118°13'50.0"W.; thence north to 33°44'22.8"N., 118°13'51.0"W.; thence east/northeast to the beginning point.

(800) (3) *Commercial Anchorage C (Long Beach Harbor).* An area enclosed by a line joining the following coordinates: 33°44'20.0"N., 118°08'26.2"W.; thence west to 33°44'23.5"N., 118°09'32.6"W.; thence north to 33°44'52.8"N., 118°09'32.2"W.; thence southeast to 33°44'25.2"N., 118°08'26.2"W.; thence south to the beginning point.

(801) (4) *Commercial Anchorage D (Long Beach Harbor).* An area enclosed by a line beginning near the east end of the Long Beach Breakwater and joining the following coordinates: 33°43'27.2"N.; 118°08'12.6"W.; thence west to 33°43'27.2"N.; 118°10'46.5"W.; thence north to 33°43'51.0"N.; 118°10'46.5"W.; thence northeast to 33°44'18.5"N.; 118°10'27.2"W.; thence east to 33°44'18.5"N.; 118°08'12.6"W.; thence south to the beginning point.

(802) (5) *Commercial Anchorage E (Long Beach Harbor).*

An area enclosed by a line joining the following coordinates: 33°44'37.0"N., 118°09'48.5"W.; thence southwest to 33°44'18.5"N., 118°09'56.8"W.; thence west to 33°44'18.5"N., 118°10'27.2"W.; thence northwest to 33°44'27.6"N., 118°10'41.0"W.; thence west/northwest to 33°44'29.0"N., 118°10'57.4"W.; thence north/northwest to 33°45'06.4"N., 118°11'09.5"W.; thence northeast to 33°45'15.2"N., 118°10'46.1"W.; thence southeast to 33°45'11.0"N., 118°10'32.0"W.; thence south to 33°44'52.0"N., 118°10'32.0"W.; thence southeast to the beginning point.

(803) (6) *Commercial Anchorage F (outside of Long Beach Breakwater).*

The waters southeast of the Long Beach Breakwater bounded by a line connecting the following coordinates: 33°43'05.1"N., 118°07'59.0"W.; thence west to 33°43'05.1"N., 118°10'36.5"W.; thence south/southeast to 33°38'17.5"N., 118°07'00.0"W.; thence north/northeast to 33°40'23.0"N., 118°06'03.0"W.; and thence north/northwest to the beginning point.

(804) (7) *Commercial Anchorage G (outside of the Middle Breakwater).*

The waters south of the Middle Breakwater bounded by a line connecting the following coordinates: 33°43'05.4"N., 118°11'18.0"W.; thence west to 33°43'05.4"N., 118°12'18.7"W.; thence west/southwest to 33°42'25.9"N., 118°14'19.2"W.; thence southeast to 33°41'40.3"N., 118°13'05.2"W.; thence east/northeast to 33°42'08.8"N., 118°11'36.8"W.; and thence north/northeast to the beginning point.

(805) (8) *General Anchorage N (Los Angeles Harbor).*

The waters near Cabrillo Beach shoreward of a line connecting the following coordinates:

(806) 33°42'55.9"N., 118°16'44.4"W.

(807) 33°42'26.8"N., 118°16'33.9"W.

(808) (9) *General Anchorage P (Long Beach Harbor).*

The waters within an area beginning at Alamitos Bay West Jetty Light "1" and connecting the following coordinates: 33°44'14.5"N., 118°07'19.2"W.; thence northwest to 33°44'20.6"N., 118°07'31.7"W.; thence northwest 33°45'06.5"N., 118°09'34.0"W.; thence along the eastern shoreline of Island White to the lighted marker at 33°45'13.5"N., 118°09'34.0"W.; thence northwest to 33°45'37.1"N., 118°10'38.5"W.; thence north/northwest to 33°45'49.4"N., 118°10'38.8"W.; and thence east/southeast along the Long Beach shoreline and the Alamitos Bay West Jetty to the beginning point.

(809) (10) *General Anchorage Q (Long Beach Harbor/Alamitos Bay/Anaheim Bay).*

The waters within an area described as follows: 33°44'36.0"N., 118°08'13.0"W.; thence east/southeast to 33°44'20.6"N., 118°07'31.7"W.; thence along a line described as an arc, radius of 460 meters (approximately 1509 feet) centered on 33°44'12.5"N., 118°07'16.5"W.; to 33°44'04.8"N., 118°07'01.0"W.; thence northwest to 33°44'11.1"N., 118°07'13.0"W.; thence north/northeast to 33°44'24.0"N., 118°07'04.1"W.; thence east/southeast to 33°44'22.5"N., 118°06'57.0"W.; thence along the shoreline of Seal Beach and Anaheim Bay W. Jetty to 33°43'39.1"N., 118°06'06.8"W.; thence

west/southwest to 33°43'27.8"N., 118°07'39.9"W.; thence northwest to 33°43'38.4"N., 118°07'48.2"W.; thence west to 33°43'38.4"N., 118°08'12.9"W.; and thence north to the beginning point.

(810) (11) *Explosives Anchorage (Long Beach Harbor).* A circular area with a radius of 1,909 yards (1,745 meters), centered in position 33°43'37.0"N., 118°09' 05.3"W.

(811) (c) *Individual anchorage requirements:*

(812) (1) Table 110.214(c) lists anchorage grounds, identifies the purpose of each anchorage, and contains specific regulations applicable to certain anchorages. Requirements for the explosives anchorage are contained in paragraph (d) of this section.

(813)

TABLE 110.214(c)

Anchorage	General Location	Purpose	Specific Regulations
A	Los Angeles	Commercial	Note a
B	Long Beach	do	Do.
C	do	do	Notes a, g
D	do	Commercial & Naval	Notes a, b, g
E	do	Commercial	Note c
F	Outside	do	Notes c, g
G	do	do	Notes c, d
N	Los Angeles	Small Craft	Note e
P	Long Beach	do	Note f
Q	do	do	Notes c, g

Notes

a. Bunkering and lightering are permitted.

b. West of 118°09'48" W priority for use of the anchorage will be given to commercial vessels over 244 meters (approximately 800 feet). East of 118°09'48" W priority for use of the anchorage will be given to Naval and Public vessels, vessels under Department of Defense charter, and vessels requiring use of the explosives anchorage.

c. Bunkering and lightering are prohibited.

d. This anchorage is within a Regulated Navigation Area and additional requirements apply as set forth in 33 CFR 165.1109(e).

e. This anchorage is controlled by the Los Angeles Port Police. Anchoring, mooring and recreational boating activities conforming to applicable City of Los Angeles ordinances and regulations are allowed in this anchorage.

f. This anchorage is controlled by the Long Beach Harbor Master. Anchoring, mooring and recreational boating activities conforming to applicable City of Long Beach ordinances and regulations are allowed in this anchorage.

g. When the explosives anchorage is activated portions of this anchorage lie within the explosives anchorage and the requirements of paragraph (d) of this section apply.

(814) (d) *Explosives Anchorage (Long Beach Harbor).*

(815) (1) Priority for use of this anchorage shall be given to vessels carrying, loading, or unloading division 1.1, 1.2, 1.3 or 1.4 (explosive) materials as defined in 49 CFR 173.50, or Cargoes of Particular Hazard (COPH) as defined in 33 CFR 126.10, or Certain Dangerous Cargoes (CDC) as defined in 33 CFR 160.202.

(816) (2) Vessels requiring the use of this anchorage shall notify the Captain of the Port at least 24 hours in advance of their intentions including the estimated times of arrival, departure, net explosive weight, and whether

the vessel will be loading or unloading. Vessels may not use this anchorage without first obtaining a permit issued by the Captain of the Port.

(817) (3) No vessel containing more than 680 metric tons (approximately 749 tons) of net explosive weight (NEW) may anchor in this anchorage;

(818) (4) Bunkering and lightering operations are permitted in the explosives anchorage, except that vessels engaged in the loading or unloading of explosives shall not simultaneously conduct bunkering or lightering operations.

(819) (5) Each anchored vessels loading, unloading or laden with explosives, must display a red flag of a least 1.2 square meters (approximately 16 square feet) in size by day, and at night the flag must be illuminated by spotlight;

(820) (6) When a vessel displaying the red flag occupies the explosive anchorage, no other vessel may anchor within the Explosives Anchorage.

(821) **Note:** When the explosives anchorage is activated, portions of Anchorage “C”, “D”, “F” and “Q” are encompassed by the explosives anchorage.

(822)

§110.215 Anaheim Bay Harbor, CA; U.S. Naval Weapons Station, Seal Beach, CA; Naval Explosives Anchorage.

(823) (a) *The anchorage ground.* The waters of Anaheim Bay Harbor between the east side of the Entrance Channel and the East Jetty, and the west side of the Entrance Channel and the West Jetty as outlined in the following two sections:

(824) (1) East Side:

(825) 33°44'03.0"N., 118°05'35.0"W.

(826) 33°43'53.0"N., 118°05'15.0"W.

(827) 33°43'49.0"N., 118°05'18.0"W.

(828) 33°43'36.5"N., 118°05'56.0"W.

(829) 33°43'37.0"N., 118°05'57.0"W.

(830) 33°44'03.0"N., 118°05'35.0"W.

(831) (2) West Side:

(832) 33°44'05.0"N., 118°05'40.0"W.

(833) 33°44'06.0"N., 118°05'56.5"W.

(834) 33°44'01.0"N., 118°06'01.0"W.

(835) 33°43'40.5"N., 118°06'03.0"W.

(836) 33°43'39.5"N., 118°06'02.0"W.

(837) 33°44'05.0"N., 118°05'40.0"W.

(838) (b) *The regulations.* (1) This area is reserved for use of naval vessels carrying or transferring ammunition or explosives under standard military restrictions as established by the Safety Manual, Armed Service Explosives Board.

(839) (2) No pleasure or commercial craft shall navigate or anchor within this area at any time without first obtaining permission from the Commanding Officer, Naval Weapons Station, Seal Beach, California. This officer will extend full cooperation relating to public use of the area and will fully consider every reasonable request for the

passage of small craft in light of requirements for national security and safety of persons and property.

(840) (3) Nothing in this section shall be construed as relieving the owner or operator of any vessel from the regulations contained in §334.930 of Title 33, covering navigation in Anaheim Bay Harbor.

(841) (4) The regulations in this section shall be administered by the Commanding Officer U.S. Naval Weapons Station, Seal Beach, California and by such agencies as he may designate, and enforced by the Captain of the Port, Los Angeles-Long Beach, California.

(842)

§110.216 Pacific Ocean at Santa Catalina Island, CA.

(843) (a) *The anchorage grounds—*(1) *Descanso Bay.* Shoreward of a line connecting the promontories known as White Rock and Casino Point.

(844) (2) *Isthmus Cove.* All the waters bounded by a line connecting the following coordinates, beginning at 33°27'12"N., 118°30'05"W. (the promontory known as Lion Head); thence southeast to 33°26'55.5"N., 118°28'44"W.; thence west-southwest to 33°26'50"N., 118°29'08"W.; thence southwest to 33°26'39"N., 118°29'19"W.; thence along the shoreline returning to the point of origin, excluding the following-described non-anchorage area: an area 300 feet wide (170 feet west and 130 feet east of the centerline of the Catalina Island Steamship Line pier), extending 1600 feet from the foot of the pier, and an area 150 feet seaward of the shoreline extending approximately 1500 feet east and 1500 feet northwest of the centerline of said pier.

(845) (3) *Avalon Bay.* (i) *Anchorage A.* The waters within an area described as follows: A circle of 1350 feet radius centered at 33°20'59.0"N., 118°18'56.2"W.

(846) (ii) *Anchorage B.* The waters within an area described as follows: A circle of 1350 feet radius centered at 33°20'38.3"N., 118°18'35.8"W.

(847) (iii) *Anchorage C.* The waters within an area described as follows: A circle of 1350 feet radius centered at 33°21'21.0"N., 118°19'16.7"W. Datum: NAD 83

(848) (b) *The regulations.* (1) The Descanso Bay anchorage is reserved for yachts and other small craft. Floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited.

(849) (2) The Isthmus Cove anchorage shall be available for anchorage of all types of craft. Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited.

(850) (3) The non-anchorage area described in paragraph (a)(2) of this section shall be used only by commercial vessels. Commercial vessels of 15 feet draft or over may anchor in this area seaward of the Catalina Island Steamship Line pier during hours between sunrise and sunset. The use of this area for anchorage is forbidden to all other craft at all times. Fixed mooring piles or stakes

and floats or buoys for marking anchors or moorings in place are prohibited.

(851) (4) The instructions of the Captain of the Port requiring vessels to anchor bow and stern, or with two bow anchors, or requiring shifting the anchorage of any vessel within the anchorage grounds for the common safety or convenience, or for otherwise enforcing the regulations in this section, shall be promptly complied with by owners, masters, and persons in charge of vessels.

(852) (5) Nothing in this section shall be construed as relieving the owner or person in charge of any vessels or plant from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

(853) (6) The Avalon Bay anchorage is reserved for large passenger vessels of over 1600 gross tons, unless otherwise authorized by the Captain of the Port Los Angeles-Long Beach.

(854)

§110.218 Pacific Ocean at San Clemente Island, CA; in vicinity of Wilson Cove.

(855) (a) *The anchorage grounds.* Shoreward of a line beginning at a point on the beach bearing 153° true, 1,400 yards, from Wilson Cove Light; thence 062° true, 0.67 nautical mile, thence 332° true, 1.63 nautical miles; thence 241°31' true to the shore line.

(856) (b) *The regulations.* (1) This area is reserved exclusively for anchorage of United State Government vessels or vessel temporarily operating under Government direction, and no vessel, except in an emergency, shall anchor in the area without first obtaining permission from the Commandant, Eleventh Naval District, or the Senior Naval Officer present who shall in turn notify the Commandant promptly.

(857) (2) No vessel shall anchor in such a manner as to unreasonably obstruct the approach to the wharf.

(858)

§110.220 Pacific Ocean at San Nicolas Island, CA; restricted anchorage areas.

(859) (a) *The restricted area.* All waters within one-quarter nautical mile from the shoreline or manmade structures including mooring buoys, piers and jetties on the easterly end of San Nicolas Island between a point on the northeast shore at latitude 33°14'32"N, longitude 119°26'41"W and a point on the southeast shore at latitude 33°13'08"N, longitude 119°27'06"W.

(860) (b) *The regulations.* (1) Except in an emergency, no vessel shall enter into or anchor in this restricted area without permission from the Commanding Officer, Naval Base Ventura County. Cargo and supply vessels or barges destined for San Nicolas Island may anchor in the area for unloading or loading. (2) Each person in a restricted anchorage shall obey the order or direction of the Commanding Officer, Naval Base Ventura County, Coast Guard Eleventh District Commander, or Coast

Guard Captain of the Port, Los Angeles-Long Beach, when issued to carry out this section.

(861) (c) *Enforcement.* The Coast Guard may be assisted in enforcing this rule by other Federal, state, or local agencies.

(862)

§110.222 Pacific Ocean at Santa Barbara Island, CA.

(863) (a) *The anchorage grounds.* Shoreward of a line beginning at the Santa Barbara Island Light on the northeast end of the island and bearing 23° true a distance of 1.515 nautical miles seaward from the beach; thence 140°30' true, 2.54 nautical miles; thence 212°30' true, 2.30 nautical miles; thence 296°30' true, 0.96 nautical mile; and thence 325° true to the beach.

(864) (b) *The regulations.* The anchorage shall be available for anchorage of all types of craft. Temporary floats or buoys for marking anchors in place will be permitted in this area.

(865)

§110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacramento River, San Joaquin River, and connecting waters, CA.

(866) (a) *General Regulations.*

(867) (1) Within the navigable waters of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, New York Slough, San Joaquin River Deep Water Channel, the Stockton Turning Basin, the Sacramento River Deep Water Ship Channel between Suisun Bay and the east end of the West Sacramento Turning Basin, and connecting waters, anchoring is prohibited outside of designated anchorages except when required for safety or with the written permission of the Captain of the Port. Each vessel anchoring outside an established anchorage area shall immediately notify the Captain of the Port of her position and reason for anchoring.

(868) (2) No vessel may permanently moor in areas adjacent to the San Joaquin River Deep Water Channel except with the written permission of the Captain of the Port.

(869) (3) Each vessel anchoring for safety reasons in the San Joaquin River Deep Water Channel, the Sacramento River Deep Water Ship Channel, or the Stockton or West Sacramento Turning Basins shall be positioned as near to the edge of the channel or turning basin as possible so as not to interfere with navigation, or obstruct the approach to any pier, wharf, slip, or boat harbor and shall move as soon as the reason for anchoring no longer exists or when notified to move by the Captain of the Port.

(870) (4) No vessel may anchor within a tunnel, cable, or pipeline area shown on a Government chart.

(871) (5) No vessel may moor, anchor, or tie up to any pier, wharf, or other vessel in such a manner as to extend into an adjacent channel or fairway.

(872) (6) No vessel in such a condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels may occupy an anchorage, except when unforeseen circumstances create

conditions of imminent peril to personnel and then only for such period as may be authorized by the Captain of the Port.

(873) (7) Each vessel carrying explosives shall only anchor in an explosives anchorage except as authorized by paragraph (a)(1) or (a)(17) of this section.

(874) (8) No vessel other than a vessel under Federal supervision may go alongside or in any manner moor to any Government-owned vessel, mooring buoy, or pontoon boom, their anchor cables, or any of their appendages. No vessel other than a vessel under Federal supervision may obstruct or interfere in any manner with the mooring, unmooring, or servicing of vessels owned by the United States.

(875) (9) The Captain of the Port may require any vessel in a designated anchorage area to moor with two or more anchors.

(876) (10) Each vessel that will not have sufficient personnel on board to weigh anchor at any time shall anchor with two anchors with mooring swivel, unless otherwise authorized by the Captain of the Port.

(877) (11) Deep-draft vessels shall take precedence over vessels of lighter draft in the deeper portions of all anchorages. Light-draft barges and vessels shall anchor away from the deeper portions of the anchorage so as not to interfere with the anchoring of deep-draft vessels. Should circumstances warrant, the Captain of the Port may require lighter draft vessels to move to provide safe anchorage, particularly in Anchorages 7 and 9, for deep-draft vessels.

(878) (12) Barges towed in tandem to any anchorage shall nest together when anchoring.

(879) (13) Each vessel that is notified by the Captain of the Port or his authorized representative to shift her position shall promptly shift her position.

(880) (14) No person may use these anchorages for any purpose other than the purpose stated in these anchorage regulations.

(881) (15) Where these regulations require that a vessel notify the Captain of the Port, the operator of the vessel shall transmit such report to the San Francisco Vessel Traffic Service.

(882) **NOTE:** Vessel Traffic Service guards VHF-FM Channel 13 (156.65 MHz) and Channel 14 (156.70 MHz).

(883) (16) Nothing in this section may be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing or interfering with range lights or for not complying with the laws relating to lights, day signals, and fog signals and other navigation laws and regulations.

(884) (17) The District Engineer, Corps of Engineers, may issue written permission for anchoring a single barge carrying explosives in quantities considered by the District Engineer as safe and necessary in the vicinity of work being done directly under the District Engineer supervision or under a Department of the Army permit. When issuing such a permit, the District Engineer shall

prescribe the conditions under which the explosives must be stored and handled and shall furnish a copy of the permit and a copy of the rules and regulations for storing and handling to the Captain of the Port.

(885) (18) No vessel may anchor in a “dead ship” status (propulsion or control unavailable for normal operations) at any anchorage other than in Anchorage 9 as specified in Table 110.224(d)(1) without prior approval of the Captain of the Port.

(886) (b) *Naval anchorages.* In addition to the general regulations in paragraph (a) of this section, the following regulations apply to each naval anchorage described in this section.

(887) (1) Naval anchorages are intended for public vessels of the United States, but may be used by other vessels when not required for use by public vessels.

(888) (2) Other vessels using a naval anchorage shall promptly notify the Captain of the Port upon anchoring and upon departure and shall be prepared to move within one hour upon notice should the anchorage be required for public vessels.

(889) (c) *Explosive anchorages.* In addition to the general regulations in paragraph (a) of this section, the following regulations apply to each explosives anchorage described in this section.

(890) (1) Explosives anchorages and, where established, surrounding forbidden anchorage zones, are temporarily activated as needed by the Captain of the Port. When not activated, explosives anchorages and surrounding forbidden anchorage zones become part of the general anchorage which encompasses them or, if not located within the boundaries of a general anchorage, become available for general navigation.

(891) (2) Notice of activation and deactivation of explosives anchorages will be disseminated by Coast Guard Broadcast Notice to Mariners.

(892) (3) Each vessel which anchors in an explosives anchorage or surrounding forbidden anchorage zone while such anchorage is not activated shall be prepared to move within one hour if the anchorage is activated.

(893) (4) Unless otherwise authorized by the Captain of the Port:

(894) (i) No vessel may anchor in an activated explosives anchorage except vessels loaded with, loading, or unloading explosives.

(895) (ii) No vessel may enter or remain in an activated explosives anchorage except (A) vessels loaded with, loading or unloading explosives, (B) lighters or barges delivering cargo to or from such vessels, or (c) a tug authorized by paragraph (c)(7)(iii) of this section.

(896) (iii) No vessel carrying explosives or on which explosives are to be loaded may enter or remain in an activated explosives anchorage without written permission from the Captain of the Port. Such a permit must be obtained before entering the anchorage and may be revoked at any time.

(897) (iv) No vessel may anchor in the forbidden anchorage zone surrounding an activated explosives anchorage.

(898) (5) Each vessel loaded with, loading, or unloading explosives, while within an explosives anchorage, shall display by day at her masthead, or at least 10 feet above the upper deck if the vessel has no mast, a red flag at least 16 square feet in area.

(899) (6) Each passing vessel shall reduce speed as necessary so as to insure that its wake does not interfere with cargo transfer operations aboard any vessel displaying a red flag in an explosives anchorage.

(900) (7) The Captain of the Port may:

(901) (i) Issue permission to any vessel carrying flammable solids, oxidizing materials, corrosive liquids, flammable liquids, compressed gases, or poisonous substances to occupy a berth in an activated explosives anchorage. Such a permit must be obtained before entering the anchorage and may be revoked at any time.

(902) (ii) Require any person having business on board a vessel which is loaded with, loading, or unloading explosives to have a document that is acceptable to the Coast Guard for identification purposes and to show that document to the Captain of the Port.

(903) (iii) Require a non-self-propelled vessel, or a self-propelled vessel that is unable to maneuver under its own power, that occupies an activated explosives anchorage to be attended by a tug.

(904) (d) *Anchorage Grounds.*

(905) (1) Table 110.224(d)(1) lists anchorage grounds, identifies the purpose of each anchorage, and contains specific regulations applicable to certain anchorages.

(906)

Anchorage Number	General Location	Purpose	Specific Regulations
4	San Francisco Bay	General	Notes a, b.
5	.....do	.....do	Do.
6	.....do	.....do	Note a.
7	.....do	.....do	Notes a, b, c, d, e.
8	.....do	.....do	Notes a, b, c.
8A	.....do	.....do	Notes a, b, c, d, e, j, n.
9	.....do	.....do	Notes a, b, m.
10	.....do	Naval	Note a.
12	.....do	Explosives	Notes a, f.
13	.....do	.....do	Notes a, e, g.
14	.....do	.....do	Notes a, f, h.
18	San Pablo Bay	General	
19	.....do	.....do	Note b.
20	.....do	.....do	
21	.....do	Naval	
22	Carquinez Strait	General	
23	Benicia	General	Notes c, d, e, l.
24	Carquinez Strait	General	Note j.
26	Suisun Bay	.....do	Note k.
27	.....do	.....do	

TABLE 110.224(d)(1)

Anchorage Number	General Location	Purpose	Specific Regulations
28	San Joaquin River	.....do	
30	.....do	Explosives	
Notes			
a. When sustained winds are in excess of 25 knots each vessel greater than 300 gross tons using this anchorage shall maintain a continuous radio watch on VHF channel 13 (156.65 MHz) and VHF channel 14 (156.70 MHz). This radio watch must be maintained by a person who fluently speaks the English language.			
b. Each vessel using this anchorage may not project into adjacent channels or fairways.			
c. This anchorage is primarily for use by vessels requiring a temporary anchorage waiting to proceed to pier facilities or other anchorage grounds. This anchorage may not be used by vessels for the purpose of loading any dangerous cargoes or combustible liquids unless authorized by the Captain of the Port.			
d. Each vessel using this anchorage may not remain for more than 12 hours unless authorized by the Captain of the Port.			
e. Each vessel using this anchorage shall be prepared to move within 1 hour upon notification by the Captain of the Port.			
f. The maximum total quantity of explosives that may be on board a vessel using this anchorage shall be limited to 3,000 tons unless otherwise authorized with the written permission of the Captain of the Port.			
g. The maximum total quantity of explosives that may be on board a vessel using this anchorage shall be limited to 50 tons except that, with the written permission of the Captain of the Port, each vessel in transit, loaded with explosives in excess of 50 tons, may anchor temporarily in this anchorage provided that the hatches to the holds containing explosives are not opened.			
h. Each vessel using this anchorage will be assigned a berth by the Captain of the Port on the basis of the maximum quantity of explosives that will be on board the vessel.			
i. [Reserved]			
j. Each vessel using this anchorage shall promptly notify the Captain of the Port, upon anchoring and upon departure.			
k. See §162.270 of this title establishing restricted areas in the vicinity of the Maritime Administration Reserve Fleet.			
l. Vessels using this anchorage must exceed 15 feet draft, have engines on standby, and have a pilot on board.			
m. Any vessel anchoring in a "dead-ship" status shall have one assist tug of adequate bollard pull on standby and immediately available (maximum of 15 minute response time) to provide emergency maneuvering. When the sustained winds are 20 knots or greater, or when the wind gusts are 25 knots or greater, the tug must be alongside.			
n. This temporary anchorage will be activated by VTS San Francisco when Anchorages 8 and 9 are at capacity and additional anchorage capacity in the vicinity of Alameda is required. VTS will notify a vessel that this temporary anchorage is activated and available for use when Anchorages 8 and 9 are full, and a vessel requests permission from VTS to anchor in Anchorage 8 or 9.			

(907) (2) The geographic boundaries of each anchorage are contained in paragraph (e) of this section.

(908) (e) *Boundaries—(1) Anchorage No. 4.* Bounded by the west shore of San Francisco Bay and the following lines: Beginning on the shore southwest of Point San Quentin at 37°56'28"N., 122°28'54"W.; thence east-southeasterly to 37°55'55"N., 122°26'49"W.; thence southwesterly to 37°54'13"N., 122°27'24"W.; thence southeasterly to the shore of Tiburon Peninsula at Point Chauncey at 37°53'40.5"N., 122°26'55"W. When Explosives Anchorage No. 13 is activated by the Captain of the Port, it and the forbidden anchorage zone surrounding it are excluded from Anchorage No. 4.

(909) (2) *Anchorage No. 5, Southampton Shoal.* In San Francisco Bay at Southampton Shoal bounded by a line connecting the following coordinates:

(910) 37°55'48"N., 122°25'52"W; to

- (911) 37°55'50"N., 122°26'32"W; to
 (912) 37°54'49"N., 122°26'39"W; to
 (913) 37°54'03"N., 122°26'06"W; to
 (914) 37°53'25"N., 122°25'30"W; to
 (915) 37°53'23"N., 122°25'09"W; to
 (916) 37°55'19"N., 122°25'33"W; to
 (917) 37°55'42"N., 122°25'45"W; thence back to
 (918) 37°55'48"N., 122°25'52"W.

(919) (3) *Anchorage No. 6.* Bounded by the east shore of San Francisco Bay and the following lines: Beginning at the shore of the southernmost extremity of Point Isabel at 37°53'46"N., 122°19'19"W.; thence westerly along the north shore of Brooks Island to the jetty extending westerly therefrom; thence westerly along the jetty to its bayward end at 37°54'13"N., 122°23'27"W.; thence south-southeasterly to 37°49'53"N., 122°21'39"W.; thence southeasterly to 37°49'32.5"N., 122°21'20.5"W.; thence easterly to 37°49'34"N., 122°20'13"W.; thence east-southeasterly to 37°49'30"N., 122°19'45.5"W.; thence east-northeasterly to the shore at Emeryville at 37°50'04"N., 122°17'41"W.; excluding from this area, however, the channel to Berkeley Marina delineated by lines joining the following points:

- (920) 37°52'08"N., 122°19'07"W.
 (921) 37°52'03"N., 122°19'17.5"W.
 (922) 37°52'00"N., 122°19'15.5"W.
 (923) 37°51'01"N., 122°22'07"W.
 (924) 37°50'43"N., 122°22'00"W.
 (925) 37°50'53"N., 122°21'32"W.
 (926) 37°51'47"N., 122°18'59"W.

(927) (4) *Anchorage No. 7, Treasure Island.* In San Francisco Bay at Treasure Island bounded a line connecting the following coordinates:

- (928) 37°49'36"N., 122°22'40"W; to
 (929) 37°50'00"N., 122°22'57"W; to
 (930) 37°50'00"N., 122°23'44"W; to
 (931) 37°49'22.5"N., 122°23'44"W; to
 (932) 37°48'40.5"N., 122°22'38"W; to
 (933) 37°49'00.0"N., 122°22'16"W; thence along the shore to

(934) 37°49'36"N., 122°22'40"W.

(935) (5) *Anchorage No. 8.* In San Francisco Bay bounded by the west shore of Alameda Island and the following lines: Beginning at 37°47'52.0"N., 122°19'58.0"W.; thence west-northwesterly to 37°48'02.5"N., 122°21'01.5"W.; thence west-southwesterly to 37°47'51.5"N., 122°21'40.0"W.; thence south-southwesterly to 37°47'35.5"N., 122°21'50.0"W.; thence south-southeasterly to 37°46'40.0"N., 122°21'23.0"W.; thence easterly to 37°46'36.5"N., 122°19'52.0"W.; thence northerly to shore at 37°46'53.0"N., 122°19'53.5"W. (NAD 83).

(936) (6) *Anchorage No. 8A.* In San Francisco Bay bounded by the following lines: Beginning at 37°47'35"N., 122°21'50"W.; thence south-southwesterly to 37°47'07"N., 122°22'09"W.; thence south-southeasterly to 37°46'30"N., 122°21'57"W.; thence easterly along the northern border of Anchorage 9 to 37°46'26"N.,

122°20'42"W.; thence northerly to 37°46'38"N., 122°20'42"W.; thence westerly along the southern border of Anchorage 8 to 37°46'41"N., 122°21'23"W.; thence northwesterly along the southwestern border of Anchorage 8 back to the beginning point (NAD 83).

(937) (7) *Anchorage No. 9.* In San Francisco Bay bounded on the east by the eastern shore of San Francisco Bay and on the north by the southern shore of Alameda Island and a line beginning at 37°46'21.5"N., 122°19'07.0"W.; thence westerly to 37°46'30.0"N., 122°21'56.0"W.; thence south-south easterly to 37°41'45.0"N., 122°20'22.0"W. (San Bruno Channel Light 1); thence south-southeasterly to 37°38'38.5"N., 122°18'48.5 "W. (San Bruno Channel Light 5); thence southeasterly to 37°36'05.0"N., 122°14'18.0"W.; thence northeasterly to shore at 37°37'38.5"N., 122°09'06.5"W. (NAD 83).

(938) (8) *Anchorage No. 10.* In San Francisco Bay bounded by the east shore of Sausalito and the following lines: Beginning on the shore of Sausalito at 37°51'20"N., 122°28'38"W.; thence southeasterly to 37°50'57.5"N., 122°27'57"W.; thence southwesterly to the shore of Sausalito at 37°50'36"N., 122°28'34"W.

(939) (9) *Anchorage No. 12.* In San Francisco Bay east of the city of San Francisco Bay east of the city of San Francisco a circular area having a radius of 500 yards centered at 37°44'32.5"N., 122°20'27.5"W. A 667-yard-wide forbidden anchorage zone surrounds this anchorage.

(940) (10) *Anchorage No. 13.* In San Francisco Bay east of the Tiburon Peninsula a circular area having a radius of 333 yards centered at 37°55'26"N., 122°27'27"W. A 667-yard-wide forbidden anchorage zone surrounds this anchorage except where such zone would extend beyond the limits of Anchorage No. 4.

(941) **NOTE:** see §110.224(e)(2) for a description of Anchorage No. 4.

(942) (11) *Anchorage No. 14.* In San Francisco Bay east of Hunters Point an area 1,000 yards wide and 2,760 yards long, the end boundaries of which are semicircles, with a radii of 500 yards and center, respectively at 37°42'37"N., 122°19'48"W. and 37°43'29"N., 122°19'48"W. (NAD 83); and the side boundaries of which are parallel tangents joining the semicircles. A forbidden anchorage zone extends 667 yards out from the perimeter on each side.

(943) (12) *Anchorage No. 18.* In San Pablo Bay bounded by the west shore of San Pablo Bay and the following lines: Beginning at the shore at Point San Pedro at 37°59'16"N., 122°26'47"W.; thence easterly to 37°59'16"N., 122°26'26"W.; thence northerly to 38°03'46"N., 122°25'52.5"W.; thence northwesterly to the shore south of the entrance to Novato Creek at 38°05'13.5"N., 122°29'04"W.; excluding from this area, however, the channel to Hamilton Field and the extension of this channel easterly to the boundary of the anchorage, and the pipeline area therein.

(944) (13) *Anchorage No. 19.* In San Pablo Bay bounded by the northeast shore of San Pablo Bay and the following lines: Beginning at the shore of Tubbs

Island at 38°07'39"N., 122°25'18"W.; thence southerly to 38°00'36"N., 122°25'20"W.; thence northeasterly to 38°03'13"N., 122°19'46"W.; thence east-northeasterly to 38°03'37"N., 122°17'13"W.; thence northerly to the long dike extending southwesterly from Mare Island at 38°03'52.5"N., 122°17'10"W.; thence along the long dike to the shore at Mare Island.

(945) (14) *Anchorage No. 20.* In San Pablo Bay bounded by the southeast shore of San Pablo Bay and the following lines: Beginning at the northeast corner of Parr Terminal No. 4 at Point San Pablo at 37°57'59"N., 122°25'35"W.; thence northeasterly to 38°01'27.5"W., 122°21'33"W.; thence east-northeasterly to the Union Oil Co. pier at Oleum at 38°03'18"N., 122°15'37"W.; and thence along this pier to the shore.

(946) (15) *Anchorage No. 21.* In San Pablo Bay south of Mare Island a rectangular area beginning at 38°03'56"N., 122°15'56"W.; thence easterly to 38°04'02"N., 122°15'20"W.; thence southerly to 38°03'48"N., 122°15'16"W.; thence westerly to 38°03'42"N., 122°15'52"W.; thence northerly to the point of beginning.

(947) (16) *Anchorage No. 22.* Carquinez Strait. In Carquinez Strait an area bounded by a line connecting the following coordinates:

(948) 38°02'36.8"N., 122°09'59"W.; to

(949) 38°02'06.6"N., 122°09'46.7"W.; to

(950) 38°01'53.8"N., 122°09'00"W.; to

(951) 38°02'33.9"N., 122°09'00"W.; thence back to

(952) 38°02'36.8"N., 122°09'59"W.

(953) (17) *Anchorage No. 23, Benicia.* In Carquinez Strait an area bounded by a line connecting the following coordinates:

(954) 38°02'33.9"N., 122°09'00"W.; to

(955) 38°01'53.8"N., 122°09'00"W.; to

(956) 38°01'57.4"N., 122°08'19.3"W.; to

(957) 38°02'33.0"N., 122°08'18.6"W.; thence back to

(958) 38°02'33.9"N., 122°09'00"W.

(959) (18) *Anchorage No. 24.* Bounded by the north shore of Carquinez Strait and the following points:

(960) Beginning on the shore at Dillon Point at

(961) 38°03'44"N., 122°11'34"W.; thence southeasterly to

(962) 38°03'21"N., 122°10'43"W.; thence southeasterly to

(963) 38°02'36"N., 122°10'03"W. (Carquinez Strait Light 23); thence to the shore at the Benicia City Wharf at

(964) 38°02'40"N., 122°09'55"W. (NAD 83).

(965) (19) *Anchorage No. 26.* On the west side of Suisun Bay, adjacent to and northeast of the city of Benicia within the following boundaries: Beginning on the shore northeast of Army Point at 38°02'54"N., 122°07'37"W.; thence south-southeasterly along the Southern Pacific bridge to 38°02'38"N., 122°07'24"W.; thence easterly to 38°02'42"N., 122°07'07.5"W.; thence northeasterly to 38°05'42"N., 122°04'06"W.; thence northwesterly to the shore at 38°05'58"N., 122°04'28"W.; thence along the shore to the point of beginning.

(966) (20) *Anchorage No. 27.* In the northeast portion of Suisun Bay bounded by the north shore and the following lines: Beginning on the shore of Grizzly

Island at 38°08'13"N., 122°02'42.5"W.; thence southerly to tripod at Preston Point on Roe Island at 38°04'16"N., 122°02'42"W.; thence along the south shore of Roe Island to 38°04'05"N., 122°01'35"W.; thence east-southeasterly to 38°03'42.5"N., 121°58'54"W.; thence easterly to the shore of Chipps Island at 38°03'42.5"N., 121°55'05"W.

(967) (21) *Anchorage No. 28.* The area bounded on the east by the shore of Lower Sherman Island and the following lines: Beginning at Point Sacramento on Lower Sherman Island at 38°03'45"N., 121°50'17.5"W.; thence southwesterly to 38°03'37.5"N., 121°50'31"W.; thence south-southeasterly to 38°02'11"N., 121°49'58"W.; thence to the shore of Lower Sherman Island at 38°02'23"N., 121°49'49"W.

(968) (22) *Anchorage No. 30.* The portion of the Old San Joaquin River Channel bounded on the west by the shore of Mandeville Point and the following lines: Beginning on the shore of Mandeville Point at 38°04'01"N., 121°32'05"W.; thence northeasterly to 38°04'07.5"N., 121°31'58"W.; thence southeasterly to 38°03'47"N., 121°31'42.5"W.; thence westerly to the shore of Mandeville Point at 38°03'47.5"N., 121°31'56"W.

(969)

Part 117—Drawbridge Operation Regulations

(970)

Subpart A—General Requirements

(971)

§117.1 Purpose.

(972) (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.

(973) (b) Subpart A contains the general operation requirements that apply to all drawbridges.

(974) (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.

(975)

§117.4 Definitions.

(976) The following definitions apply to this part:

(977) *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.

(978) *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.

(979) *Deviation* means a District Commander's action authorizing a drawbridge owner to temporarily not comply with the drawbridge opening requirements in this part.

(980) *Drawbridge* means a bridge with an operational span that is intended to be opened for the passage of waterway traffic.

(981) *Drawspan* means the operational span of a drawbridge.

(982) *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.

(983) *Nonstructural* means that the item is not rigidly fixed to the vessel and can be relocated or altered.

(984) *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.

(985) *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.

(986) *Remotely operated drawbridge* means a drawbridge that is operated by remote control from a location away from the drawbridge.

(987) *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.

(988) *Untended* means that there is no drawtender at the drawbridge.

(989)

§117.5 When the drawbridge must open.

(990) 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.

(991)

§117.7 General requirements of drawbridge owners.

(992) 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:

(993) (a) Provide the necessary drawtender(s) for the safe and prompt opening of the drawbridge.

(994) (b) Maintain the working machinery of the drawbridge in good operating condition.

(995) (c) Cycle the drawspan(s) periodically to ensure operation of the drawbridge.

(996) (d) Ensure that the drawbridge operates in accordance with the requirements of this part.

(997) (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.

(998)

§117.8 Permanent changes to drawbridge operation.

(999) (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.

(1000) (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.

(1001) (c) If the District Commander decides that a change may be needed, he or she will begin a rulemaking to implement the change.

(1002)

§117.9 Delaying opening of a draw.

(1003) No person shall unreasonably delay the opening of a draw after the signals required by §117.15 have been given.

(1004) **NOTE:** 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.

(1005)

§117.11 Unnecessary opening of the draw.

(1006) No vessel owner or operator shall –

(1007) (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 safely pass under the drawbridge in the closed position; or

(1008) (b) Signal a drawbridge to open for any purpose other than to pass through the drawbridge opening.

(1009)

§117.15 Signals.

(1010) (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.

(1011) (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.

(1012) (3) Any of the means of signaling described in this subpart sufficient to alert the party being signaled may be used.

(1013) (b) *Sound signals.* (1) Sound signals shall be made by whistle, horn, megaphone, hailer, or other device capable of producing the described signals loud enough to be heard by the drawtender.

(1014) (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.

(1015) (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 authorized 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.

(1016) (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.

(1017) (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.

(1018) (c) *Visual signals.* (1) The visual signal to request the opening of a draw is—

(1019) (i) A white flag raised and lowered vertically; or

(1020) (ii) A white, amber, or green light raised and lowered vertically.

(1021) (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—

(1022) (i) A white flag raised and lowered vertically;

(1023) (ii) A white, amber, or green light raised and lowered vertically, or

(1024) (iii) A fixed or flashing white, amber, or green light or lights.

(1025) (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—

(1026) (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

(1027) (ii) A fixed or flashing red light or lights given not more than 30 seconds after the vessel’s opening signal.

(1028) (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.

(1029) (d) Radiotelephone communications. (1) Radiotelephones may be used to communicate the same information provided by sound and visual signals.

(1030) (2) The vessel and the drawtender shall monitor the frequency used until the vessel has cleared the draw.

(1031) (3) When radiotelephone contact cannot be initiated or maintained, sound or visual signals under this section shall be used.

(1032)

§117.17 Signaling for contiguous drawbridges.

(1033) 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.

(1034)

§117.19 Signaling when two or more vessels are approaching a drawbridge.

(1035) 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.

(1036)

§117.21 Signaling for an opened drawbridge.

(1037) 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.

(1038)

§117.23 Installation of radiotelephones.

(1039) (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.

(1040) (b) The District Commander gives written notice of the proposed requirement to the bridge owner.

(1041) (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.

(1042) (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.

(1043)

§117.24 Radiotelephone installation identification.

(1044) (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.

(1045) (b) The sign shall give notice of the radiotelephone and its calling and working channels—

(1046) (1) In plain language; or

(1047) (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.

(1048)

§117.31 Drawbridge operations for emergency vehicles and emergency vessels.

(1049) (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.

(1050) (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:

(1051) (1) Federal, State, and local government vessels used for public safety;

(1052) (2) vessels in distress where a delay would endanger life or property;

(1053) (3) commercial vessels engaged in rescue or emergency salvage operations; and

(1054) (4) vessels seeking shelter from severe weather.

(1055)

§117.33 Closure of draw for natural disasters or civil disorders.

(1056) 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.

(1057)

§117.35 Temporary change to a drawbridge operating schedule.

(1058) (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**.

(1059) (b) If the time period for a temporary change to the operating schedule of a drawbridge will be greater than 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.

(1060) (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.

(1061) (2) The request must describe the reason for the deviation and the dates and times scheduled for the start and end of the change.

(1062) (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.

(1063) (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.

(1064) (e) The drawbridge must return to its regular operating schedule immediately at the end of the designated time period.

(1065) (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.

(1066) (g) The District Commander will also announce the change to the operating schedule in the Local Notice to Mariners and other appropriate local media.

(1067)

§117.36 Closure of drawbridge for emergency repair.

(1068) (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.

(1069) (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.

(1070) (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.

(1071)

§117.39 Authorized closure of drawbridge due to infrequent requests for openings.

(1072) (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.

(1073) (b) The District Commander may:

(1074) (1) Authorize the closure of the drawbridge;

(1075) (2) Set out any conditions in addition to the requirement in paragraph (d): and

(1076) (3) Revoke an authorization and order the drawbridge returned to operation when necessary.

(1077) (c) All drawbridges authorized to remain closed to navigation, under this section, must be maintained in operable condition.

(1078) (d) Authorization under this section does not:

(1079) (1) Authorize physical changes to the drawbridge structure, or

(1080) (2) Authorize removal of the operating machinery.

(1081) (e) Drawbridges authorized under this section to remain closed to navigation and to be untended are identified in subpart B of this part.

(1082)

§117.40 Advance notice for drawbridge opening.

(1083) (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.

(1084) (b) If the request is approved, a description of the advanced notice for the drawbridge will be added to subpart B of this part.

(1085)

§117.41 Maintaining drawbridges in the fully open position.

(1086) (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.

(1087) (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:

(1088) (1) Special operating requirements are established in subpart B of this part for that drawbridge; or

(1089) (2) The drawbridge is remotely operated or automated.

(1090)

§117.42 Remotely operated and automated drawbridges.

(1091) (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.

(1092) (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.

(1093)

§117.47 Clearance gauges.

(1094) (a) Clearance gauges 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 America (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.

(1095) (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).

(1096) **NOTE:** Clearance gauge requirements, if any, for drawbridges other than those referred to in this section are listed in Subpart B under the appropriate bridge.

(1097)

§117.49 Process of violations.

(1098) (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.

(1099) (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**).

(1100)

Subpart B—Specific Requirements

(1101)

§117.51 General.

(1102) 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.

(1103)

§117.55 Posting of requirements.

(1104) (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 of this part or §§117.51 through 117.59.

(1105) (b) The signs shall be of sufficient size and so located as to be easily read at any time from an approaching vessel.

(1106) (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.

(1107)

§117.59 Special requirements due to hazards.

(1108) 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.

(1109)

California

(1110)

§117.140 General.

(1111) In California, when fog prevails by day or night, the drawtender, after sounding the opening signal, shall toll a bell continuously during the approach and passage of a vessel.

(1112)

§117.143 Bishop Cut.

(1113) The draw of the San Joaquin County (Eight Mile Road) Highway Bridge, mile 1.0 between King Island and Bishop Tract, must open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

(1114)

§117.147 Cerritos Channel.

(1115) The draw of the Henry Ford Avenue railroad bridge, mile 4.8 at Long Beach, shall be maintained in the fully open position except when a train is crossing or for maintenance. If the draw is in the closed position, the opening signal is two short blasts followed by one prolonged blast. The acknowledging signal is two prolonged blasts followed by one short blast when the draw will open immediately and five short blasts when the draw will not open immediately. Channel 13 (156.65 MHz) or other assigned frequencies may be used.

(1116)

§117.149 China Basin, Mission Creek.

(1117) The draws of the Third Street bridge, mile 0.0, and the Fourth Street bridge, mile 0.2, both at San Francisco, shall open on signal if at least one hour notice is given.

(1118)

§117.150 Connection Slough.

(1119) The draw of the Reclamation District No. 2027 bridge between Mandeville and Bacon Islands, mile 2.5 near Stockton, from May 15 through September 15, shall open on signal between the hours of 9 a.m. and 5 p.m., and it shall open upon 12 hours advance notice between the hours of 5 p.m. and 9 a.m.; and from September 16 through May 14 the draw shall open upon 12 hours advance notice between the hours of 9 a.m. and 5 p.m., and it shall open upon 24 hours advance notice between the hours of 5 p.m. and 9 a.m. Advance notice shall be given to the drawbridge operator by telephone at (209) 464-2959 or (209) 464-7928 weekdays between 8 a.m. and 5 p.m., and (209) 993-8878 all other times.

(1120)

§117.151 Cordelia Slough (a tributary of Suisun Bay).

(1121) The draw of the Union Pacific railroad bridge, mile 1.5 at Suisun, shall open on signal if at least 24 hours notice is given.

(1122)

§117.153 Corte Madera Creek.

(1123)

The draw of the Golden Gate Bridge, Highway and Transportation District bridge, mile 0.5 near Greenbrae, shall be maintained in the fully open position, except for the crossing of trains or for maintenance.

(1124)

§117.157 Georgiana Slough.

(1125)

The draws of the Sacramento County highway bridges, mile 4.5 near Isleton, and mile 12.4 near Walnut Grove, shall open on signal from 6 a.m. to 10 p.m. from May 1 through October 31. The draws shall open on signal from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times, the draws of these bridges shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8.

(1126)

§117.159 Grant Line Canal.

(1127)

The draw of the San Joaquin County highway bridge, mile 5.5 at Tracy, shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

(1128)

§117.161 Honker Cut.

(1129)

The draw of the San Joaquin County (Eightmile Road) bridge, mile 0.3 between Empire Tract and King Island at Stockton, shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

(1130)

§117.163 Islais Creek (Channel).

(1131)

(a) The draw of the Illinois Street drawbridge, mile 0.3 at San Francisco, shall open on signal if least 72 hours advance notice is given to the Port of San Francisco.

(1132)

(b) The draw of the Third Street drawbridge, mile 0.4 at San Francisco, shall open on signal if at least 72 hours advance notice is given to the San Francisco Department of Public Works.

(1133)

§117.165 Lindsey Slough.

(1134)

The center drawspan of the Hastings Farms Highway Bridge, mile 2.0 between Egbert and Lower Hastings Tracts, must be removed for the passage of vessels if at least 72 hours notice is given to the Hastings Island Land Company office at Rio Vista.

(1135)

§117.167 Little Potato Slough.

(1136)

The draw of the California Department of Transportation highway bridge, mile 0.1 at Terminus, shall open on signal if at least 4 hours notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8.

(1137)

§117.169 Mare Island Strait and the Napa River.

(1138) (a) The draw of the Mare Island Drawbridge, mile 2.8, at Vallejo shall open on signal between the hours of 9 a.m. and 7 p.m. daily, and upon two hours advance notice all other times. When the drawbridge operator is present, mariners may contact the drawbridge via marine radio or telephone at 707-648-4313 for drawspan operation. When the drawbridge operator is not present, mariners may contact the City of Vallejo via the same telephone number to schedule drawspan operation.

(1139) (b) The draw of the Northwestern Pacific railroad bridge, mile 10.6 at Brazos, shall be maintained in the fully open position, except for the crossing of trains or for maintenance. When the draw is closed and visibility at the drawtender's station is less than one mile, up or down the channel, the drawtender shall sound two prolonged blasts every minute. When the draw is opened, the drawtender shall sound three short blasts.

(1140)

§117.171 Middle River.

(1141) (a) The draw of the San Joaquin County (Bacon Island Road) highway bridge, mile 8.6 between Bacon Island and Lower Jones Tract, shall open on signal from May 15 through September 15 from 9 a.m. to 5 p.m. From September 16 through May 14, the draw shall open on signal from 9 a.m. to 5 p.m. from Thursday through Monday. At all other times, the draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

(1142) (b) The draw of the Burlington Northern Santa Fe railroad bridge, mile 9.8 near Middle River Station, shall open on signal if at least 12 hours notice is given to the Burlington Northern Santa Fe Railway Manager of Structures at San Bernardino.

(1143) (c) The removable span of the Woodward Island Bridge, mile 11.8 near Discovery Bay, shall be removed as soon as possible upon notification by the District Commander that an emergency exists which requires its removal.

(1144) (d) The California Route 4 Bridge, mile 15.1, between Victoria Island and Drexler Tract need not open for the passage of vessels.

(1145)

§117.173 Miner Slough.

(1146) The draw of the California Department of Transportation highway bridge, mile 5.5 between the northerly end of Ryer Island and Holland Tract, shall open on signal if at least 12 hours notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8.

(1147)

§117.175 Mokelumne River.

(1148) (a) The draw of the California Department of Transportation highway bridge, the Mokelumne River Bridge, mile 3.0, at East Isleton shall open upon signal as follows:

(1149) (1) From November 1 through April 30 from 9 a.m. to 5 p.m.

(1150) (2) From May 1 through October 31 from 6 a.m. to 10 p.m., except that during the following periods the draw need only open for recreational vessels on the hour, 20 minutes past the hour, and 40 minutes past the hour:

(1151) Saturdays 10 a.m. until 2 p.m.

(1152) Sundays 11 a.m. until 6 p.m.

(1153) Memorial Day; 4th of July and

(1154) Labor Day 11 a.m. until 6 p.m.

(1155) (3) At all other times the draw shall open on signal if at least 4 hours notice is given to the drawtender at Rio Vista bridge over the Sacramento River, mile 12.8.

(1156) (4) Emergency vessels of the United States, state or commercial vessels engaged in rescue or emergency salvage operations, and vessels in distress shall be passed as soon as possible but no later than one hour after notice is given.

(1157) (b) The draw of the Sacramento and San Joaquin counties (Millers Ferry) highway bridge, mile 12.1 over the North Fork of the Mokelumne River near Walnut Grove, shall open on signal from May 1 through October 31 from 9 a.m. to 5 p.m. At all other times, the draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton.

(1158) (c) The removable span of the San Joaquin County highway bridge over the South Fork of the Mokelumne River, mile 18.0 at New Hope Landing, shall be removed as soon as possible upon notification by the District Commander that an emergency exists which requires the removal.

(1159) (d) The draws of the bridges above New Hope Landing need not be opened for the passage of vessels.

(1160)

§117.177 Mud Slough.

(1161) The draw of the Union Pacific railroad bridge, mile 0.7 near Alviso, shall open on signal if at least 24 hours notice is given.

(1162)

§117.179 Newark Slough.

(1163) The draw of the San Mateo County Transportation Department railroad bridge, mile 0.5 near Newark, shall open on signal if at least 24 hours notice is given to the San Mateo Transportation Department, at San Carlos.

(1164)

§117.181 Oakland Inner Harbor Tidal Canal.

(1165) The draws of the Alameda County highway drawbridges at Park Street, mile 5.2; Fruitvale Avenue, mile 5.6; and High Street, mile 6.0; and the U.S. Army Corps of Engineers railroad drawbridge, mile 5.6 at Fruitvale Avenue, shall open on signal; except that, from 8 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. Monday through Friday except Federal holidays, the draws need not be opened for the passage of vessels. However, the draws shall open during the above closed periods for

vessels which must, for reasons of safety, move on a tide or slack water, if at least two hours notice is given.

(1166)

§117.183 Old River.

(1167) The draw of the California Department of Transportation (Route 4) highway bridge, mile 14.8 between Victoria Island and Byron Tract, shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8.

(1168)

§117.185 Pacheco Creek.

(1169) The draw of the Contra Costa County highway bridge, mile 1.0, and Union Pacific railroad bridge, mile 1.1, both near Martinez, shall open on signal if at least 24 hours notice is given.

(1170)

§117.187 Petaluma River.

(1171) (a) The draw of the SMART Blackpoint railroad bridge, mile 0.8 at Blackpoint, shall be maintained in the fully open position, except for the crossing of trains or for maintenance. When the draw is closed and visibility from the drawtender's station is less than one mile up or down the channel, the drawtender shall sound two long blasts every minute. When the draw is reopened, the drawtender shall sound three short blasts.

(1172) (b) The draw of the SMART Haystack Landing railroad bridge, mile 12.4 at Petaluma, shall open on signal from 3 a.m. to 11 p.m. if at least 30 minutes notice is given to the drawtender. At all other times, the draw shall be maintained in the fully open position, except for the crossing of trains or for maintenance. When the draw is closed and visibility from the drawtender's station is less than one mile up or down the channel, the drawtender shall sound two long blasts every minute. When the draw is reopened, the drawtender shall sound three short blasts.

(1173) (c) The draw of the Petaluma highway bridge at "D" Street, mile 13.7, at Petaluma, shall open on signal if at least four hours notice is given for openings from 6 a.m. to 6 p.m., and if at least 24 hours notice is given for openings from 6 p.m. to 6 a.m.

(1174)

§117.189 Sacramento River.

(1175) (a) The draws of each bridge from Isleton to the American River junction except for the Sacramento County highway bridge across the Sacramento River, mile 46.0 at Freeport, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m. and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times, the draws shall open on signal if at least four hours notice is given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8.

(1176) (b) The draw of the Sacramento County highway bridge, mile 46.0 at Freeport, shall open on signal from May 1 through September 30 from 9 a.m. to 5 p.m. At all other times, the draw shall open on signal if at least four

hours notice is given to the drawtender at the Rio Vista Bridge across the Sacramento River, mile 12.8.

(1177) (c) The draws of the California Department of Transportation bridges, mile 90.1 at Knights Landing, and mile 135.5 at Meridian, shall open on signal if at least 12 hours notice is given to the California Department of Transportation at Marysville.

(1178) (d) The draws of the bridges above Meridian need not be opened for the passage of vessels.

(1179)

§117.191 San Joaquin River.

(1180) (a) The draw of the Port of Stockton railroad bridge, mile 39.7 at Stockton, shall open on signal if at least 12 hours notice is given to the Port Director.

(1181) (b) The draws of the U.S. Navy drawbridge, mile 39.8, Burlington Northern Santa Fe railroad bridge, mile 40.6, and California Highway 4 bridge (Garwood Bridge), mile 41.6, need not be opened for the passage of vessels. The owners or agencies controlling the bridges shall restore the draws to full operation within six months of notification to take such action from the District Commander.

(1182) (c) Drawbridges above the Old River junction need not open for the passage of vessels.

(1183)

§117.193 San Leandro Bay.

(1184) The drawspans of the California Department of Transportation highway and bicycle drawbridges, mile 0.0 and mile 0.1, between Alameda and Bay Farm Island, must open on signal; except that, from 5 a.m. to 8 a.m. and 5 p.m. to 9 p.m., the drawspans must open on signal if at least 12 hours notice is given. Notice must be given to the drawtender of the Bay Farm Island drawbridges from 8 a.m. to 5 p.m. and to the drawtender of the Park Street Drawbridge at Alameda at all other times. The drawspans need not be opened for the passage of vessels from 9 p.m. to 5 a.m.

(1185)

§117.195 Snodgrass Slough.

(1186) The draw of the Sacramento County bridge, mile 4.4 at Walnut Grove, shall open on signal if at least 72 hours notice is given to Sacramento County Transportation Operations and Maintenance office at Sacramento.

(1187)

§117.197 Sonoma Creek.

(1188) The draw of the Northwestern Pacific railroad bridge, mile 5.4 at Wingo, shall open on signal if at least 24 hours notice is given.

(1189)

§117.199 Steamboat Slough.

(1190) The draw of the California Department of Transportation highway bridge, mile 11.2 at the head of Grand Island, shall open on signal from May 1 through October 31 from 6 a.m. to 10 p.m. At all other times, the draw shall open on signal if at least four hours notice is

given to the drawtender at the Rio Vista bridge across the Sacramento River, mile 12.8.

(1191)

§117.201 Sutter Slough.

(1192) The draw of the Sacramento County highway bridge, mile 6.4 near Courtland, need not be opened for the passage of vessels. However, the draw shall be returned to operable condition within six months after notification by the District Commander to do so.

(1193)

Part 147—Safety Zones

(1194)

§147.1 Purpose of safety zones.

(1195) 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.

(1196)

§147.5 Delegation of authority.

(1197) 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

(1198)

§147.10 Establishment of safety zones.

(1199) (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.

(1200) (b) For purposes of establishing safety zones under this part, OCS facility includes non-mineral energy resource permanent or temporary structures.

(1201) (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.

(1202) (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 of 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.

(1203) (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.

(1204)

§147.15 Extent of safety zones.

(1205) 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.

(1206)

§147.20 Definitions.

(1207) 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.

(1208)

§147.1102 Platform GRACE safety zone.

(1209) (a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°10'47"N., 119°28'05"W.

(1210) (b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

(1211)

§147.1103 Platform GINA safety zone.

(1212) (a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°07'02"N., 119°16'35"W.

(1213) (b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

(1214)

§147.1104 Platform ELLEN and ELLY safety zone.

(1215) (a) *Description:* The areas within a line 500 meters from each point on the outer edge of each structure. The structures are approximately 120 meters apart. The position of the center of each structure is: Platform Ellen, 33°34'57"N., 118°07'42"W.; and Platform Elly, 33°35'00"N., 118°07'40"W.

(1216) (b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel serving either structure, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

(1217)

§147.1105 Platform HONDO safety zone.

(1218) (a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°23'27"N., 120°07'14"W.

(1219) (b) *Regulations:* No vessel may enter or remain in this safety zone except for the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

(1220)

§147.1106 Exxon Santa Ynez offshore storage and treatment vessel mooring safety zone.

(1221) (a) *Description:* The area within a line 1108 meters from the center of the mooring. The position of the center of the mooring is 34°24'19"N., 120°06'00"W.

(1222) (b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

(1223)

§147.1107 Platform GILDA safety zone.

(1224) (a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°10'56"N., 119°25'07"W.

(1225) (b) *Regulations:* No vessel may enter or remain in this safety zone except for the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

(1226)

§147.1108 Platform EDITH safety zone.

(1227) (a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 33°35'45"N., 118°08'27"W.

(1228) (b) *Regulations:* No vessel may enter or remain in this safety zone except for the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

(1229)

§147.1109 Platform HERMOSA Safety Zone.

(1230) (a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°27'19"N., 120°38'47"W.

(1231) (b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

(1232)

§147.1110 Platform HARVEST Safety Zone.

(1233) (a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°28'09.5"N., 120°40'46.1"W.

(1234) (b) *Regulations:* No vessel may enter or remain in this safety zone except for the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

(1235)

§147.1111 Platform EUREKA Safety Zone.

(1236) (a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 33°33'50"N., 118°07'00"W.

(1237) (b) *Regulations:* No vessel may enter or remain in this safety zone except the following: remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

(1238)

§147.1112 Platform HIDALGO Safety Zone.

(1239) (a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°29'42"N, 120°42'08"W.

(1240) (b) *Regulations:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

(1241)

§147.1113 Platform GAIL Safety Zone.

(1242) (a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°07'30"N., 119°24'01"W.

(1243) (b) *Regulations:* No vessel may enter or remain in this safety zone except the following (1) An attending vessel, (2) a vessel under 100 feet in length overall not engaged in towing, or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

(1244)

§147.1114 Platform HARMONY Safety Zone.

(1245) (a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°22'36"N., 120°10'03"W.

(1246) (b) *Regulation:* No vessel may enter or remain in this safety zone except the following: (1) an attending vessel; (2) a vessel under 100 feet in length overall not engaged in towing; or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

(1247)

§147.1115 Platform HERITAGE Safety Zone.

(1248) (a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°21'01"N., 120°16'45"W.

(1249) (b) *Regulation:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel; (2) a vessel under 100 feet in length overall not engaged in towing; or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

(1250)

§147.1116 Platform IRENE Safety Zone.

(1251) (a) *Description:* The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°36'37.5"N., 120°43'46"W.

(1252) (b) *Regulation:* No vessel may enter or remain in this safety zone except the following: (1) An attending vessel; (2) a vessel under 100 feet in length overall not engaged in towing; or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

(1253)

Part 157—Rules for the Protection of the Marine Environment relating to Tank Vessels Carrying Oil in Bulk

(1254)

Subpart A—General

(1255)

§157.01 Applicability.

(1256) (a) Unless otherwise indicated, this part applies to each vessel that carries oil in bulk as cargo and that is:

(1257) (1) Documented under the laws of the United States (a U.S. vessel); or

(1258) (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).

(1259) (b) This part does not apply to a vessel exempted under 46 U.S.C. 2109 or 46 U.S.C. 3702.

(1260)

§157.02 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?

(1261) (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.

(1262)

(b) *International Maritime Organization (IMO)*—4 Albert Embankment, London SE1 7SR, United Kingdom.

- (1263) (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.
- (1264) (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.
- (1265) (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.
- (1266) (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.
- (1267) (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.
- (1268) (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.
- (1269) (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.
- (1270) (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.
- (1271) (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.
- (1272) (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.
- (1273) (c) *Oil Companies International Marine Forum (OCIMF)* 27 Queen Anne's Gate, London, SW1H 9BU, England].
- (1274) (1) International Safety Guide for Oil Tankers and Terminals, Fourth Edition, chapters 6, 7, and 10, 1996, incorporation by reference approved for §157.435.
- (1275) (2) [Reserved]
- (1276) **§157.03 Definitions.**
- (1277) Except as otherwise stated in a subpart:
- (1278) *Amidships* means the middle of the length.
- (1279) *Animal fat* means a non-petroleum oil, fat, or grease derived from animals and not specifically identified elsewhere in this part.
- (1280) *Ballast voyage* means the voyage that a tank vessel engages in after it leaves the port of final cargo discharge.
- (1281) *Breadth or B* means the maximum molded breadth of a vessel in meters.
- (1282) *Cargo tank length* means the length from the forward bulkhead of the forwardmost cargo tanks, to the after bulkhead of the aftermost cargo tanks.
- (1283) *Center tank* means any tank inboard of a longitudinal bulkhead.
- (1284) *Clean ballast* means ballast which:
- (1285) (1) If discharged from a vessel that is stationary into clean, calm water on a clear day, would not—
- (1286) (i) Produce visible traces of oil on the surface of the water or on adjoining shore lines; or
- (1287) (ii) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines; or
- (1288) (2) If verified by an approved oil discharge monitoring and control system, has an oil content that does not exceed 15 p.m.
- (1289) *Combination carrier* means a vessel designed to carry oil or solid cargoes in bulk.
- (1290) *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.
- (1291) *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.
- (1292) *Dedicated clean ballast tank* means a cargo tank that is allocated solely for the carriage of clean ballast.
- (1293) *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.
- (1294) *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.

(1295) *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.

(1296) *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.

(1297) *Existing vessel* means any vessel that is not a new vessel.

(1298) *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.

(1299) *Foreign trade* means any trade that is not domestic trade.

(1300) *From the nearest land* means from the baseline from which the territorial sea of the United States is established in accordance with international law.

(1301) *Fuel oil* means any oil used as fuel for machinery in the vessel in which it is carried.

(1302) *Inland vessel* means a vessel that is not oceangoing and that does not operate on the Great Lakes.

(1303) *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.

(1304) *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.

(1305) *Large primary structural member* includes any of the following:

(1306) (1) Web frames.

(1307) (2) Girders.

(1308) (3) Webs.

(1309) (4) Main brackets.

(1310) (5) Transverses.

(1311) (6) Stringers.

(1312) (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.

(1313) *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.

(1314) *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.

(1315) *Major conversion* means a conversion of an existing vessel that:

(1316) (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;

(1317) (2) Changes the type of vessel;

(1318) (3) Substantially prolongs the vessel's service life; or

(1319) (4) Otherwise so changes the vessel that it is essentially a new vessel, as determined by the Commandant (CG-CVC).

(1320) *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.

(1321) *New vessel* means:

(1322) (1) A U.S. vessel in domestic trade that:

(1323) (i) Is constructed under a contract awarded after December 31, 1974;

(1324) (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;

(1325) (iii) Is delivered after December 31, 1977; or

(1326) (iv) Has undergone a major conversion for which:

(1327) (A) The contract is awarded after December 31, 1974;

(1328) (B) In the absence of a contract, conversion is begun after June 30, 1975; or

(1329) (C) Conversion is completed after December 31, 1977; and

(1330) (2) A foreign vessel or a U.S. vessel in foreign trade that;

(1331) (i) Is constructed under a contract awarded after December 31, 1975;

(1332) (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1976;

(1333) (iii) Is delivered after December 31, 1979; or

(1334) (iv) Has undergone a major conversion for which:

(1335) (A) The contract is awarded after December 31, 1975;

(1336) (B) In the absence of a contract, conversion is begun after June 30, 1976; or

(1337) (C) Conversion is completed after December 31, 1979.

(1338) *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.

(1339) *Oceangoing* has the same meaning as defined in §151.05 of this chapter.

(1340) *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.

(1341) *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.

(1342) *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.”

(1343) *Oil residue* means—

(1344) (1) Oil cargo residue; and

(1345) (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.

(1346) *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.

(1347) *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.

(1348) *Oily mixture* means a mixture, in any form, with any oil content. “Oily mixture” includes, but is not limited to—

(1349) (1) Slops from bilges;

(1350) (2) Slops from oil cargoes (such as cargo tank washings, oily waste, and oily refuse);

(1351) (3) Oil residue; and

(1352) (4) Oily ballast water from cargo or fuel oil tanks, including any oil cargo residue.

(1353) *Oily mixture* means a mixture with any oil content.

(1354) *Other non-petroleum oil* means an oil of any kind that is not petroleum oil, an animal fat, or a vegetable oil.

(1355) *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.

(1356) *Petroleum oil* means petroleum in any form, including but not limited to, crude oil, fuel oil, sludge, oil residue, and refined products.

(1357) *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.

(1358) *Product* means any liquid hydrocarbon mixture in any form, except crude oil, petrochemicals, and liquefied gases.

(1359) *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.

(1360) *Slop tank* means a tank specifically designated for the collection of cargo drainings, washings, and other oily mixtures.

(1361) *Tank* means an enclosed space that is formed by the permanent structure of a vessel, and designed for the carriage of liquid in bulk.

(1362) *Tank barge* means a tank vessel not equipped with a means of self-propulsion.

(1363) *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—

(1364) (1) Is a vessel of the United States;

(1365) (2) Operates on the navigable waters of the United States; or

(1366) (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.

(1367) *Tankship* means a tank vessel propelled by mechanical power or sail.

(1368) *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.

(1369) *Wing tank* means a tank that is located adjacent to the side shell plating.

(1370)

§157.04 Authorization of classification societies.

(1371) (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.

(1372) (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.

(1373) (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.

(1374) (d) Acceptance as an authorized CS terminates unless the following are met:

- (1375) (1) The authorized CS must have each Coast Guard regulation that is applicable to foreign vessels on the navigable waters of the United States.
- (1376) (2) Each issue concerning equivalents to the regulations in this part must be referred to the Coast Guard for determination.
- (1377) (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.
- (1378) (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.
- (1379) (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.

(1380)

Subpart B—Design, Equipment, and Installation

(1381)

§157.08 Applicability of Subpart B.

- (1382) **NOTE:** An “oil tanker” as defined in §157.03 includes barges as well as self-propelled vessels.
- (1383) (a) Sections 157.10d and 157.11(g) apply to each vessel to which this part applies.
- (1384) (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.
- (1385) (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.
- (1386) (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.
- (1387) (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.

- (1388) (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.
- (1389) (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.
- (1390) (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.
- (1391) (i) Section 157.09(d) does not apply to any:
- (1392) (1) U.S. vessel in domestic trade that is constructed under a contract awarded before January 8, 1976;
- (1393) (2) U.S. vessel in foreign trade that is constructed under a contract awarded before April 1, 1977; or
- (1394) (3) Foreign vessel that is constructed under a contract awarded before April 1, 1977.
- (1395) (j) Sections 157.09 and 157.10a do not apply to a new vessel that:
- (1396) (1) Is constructed under a building contract awarded after June 1, 1979;
- (1397) (2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;
- (1398) (3) Is delivered after June 1, 1982; or
- (1399) (4) Has undergone a major conversion for which:
- (1400) (i) The contract is awarded after June 1, 1979;
- (1401) (ii) In the absence of a contract, conversion is begun after January 1, 1980; or
- (1402) (iii) Conversion is completed after June 1, 1982.
- (1403) (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.
- (1404) (l) 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.
- (1405) (m) Section 157.12 does not apply to a U.S. vessel that:
- (1406) (1) Is granted an exemption under Subpart F of this part; or
- (1407) (2) Is engaged solely in voyages that are:
- (1408) (i) Between ports or places within the United States, its territories or possessions;
- (1409) (ii) Of less than 72 hours in length; and
- (1410) (iii) At all times within 50 nautical miles of the nearest land.
- (1411) (n) Section 157.10d does not apply to:
- (1412) (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);

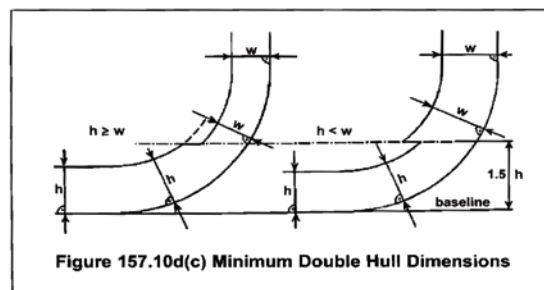
- (1413) (2) An oil spill response vessel;
- (1414) (3) Before January 1, 2015—
- (1415) (i) A vessel unloading oil in bulk as cargo at a deepwater port licensed under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.); or
- (1416) (ii) A delivering vessel that is offloading oil in bulk as cargo in lightering activities—
- (1417) (A) Within a lightering zone established under 46 U.S.C. 3715(b)(5); and
- (1418) (B) More than 60 miles from the territorial sea base line, as defined in 33 CFR 2.20.
- (1419) (4) A vessel documented under 46 U.S.C., chapter 121, that was equipped with a double hull before August 12, 1992;
- (1420) (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
- (1421) (6) A vessel in the National Defense Reserve Fleet pursuant to 50 App. U.S.C. 1744.
- (1422) (o) Section 157.11(h) applies to every oil tanker delivered on or after January 1, 2010, meaning an oil tanker—
- (1423) (1) For which the building contract is placed on or after January 1, 2007;
- (1424) (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 July 1, 2007;
- (1425) (3) The delivery of which is on or after January 1, 2010; or
- (1426) (4) That has undergone a major conversion—
- (1427) (i) For which the contract is placed on or after January 1, 2007;
- (1428) (ii) In the absence of a contract, the construction work of which is begun on or after July 1, 2007; or
- (1429) (iii) That is completed on or after January 1, 2010.
- (1430)

157.10d Double hulls on tank vessels.

- (1431) (a) With the exceptions stated in §157.08(n), this section applies to a tank vessel—
- (1432) (1) For which the building contract is awarded after June 30, 1990; or
- (1433) (2) That is delivered after December 31, 1993;
- (1434) (3) That undergoes a major conversion for which;
- (1435) (i) The contract is awarded after June 30, 1990; or
- (1436) (ii) Conversion is completed after December 31, 1993; or
- (1437) (4) That is otherwise required to have a double hull by 46 U.S.C. 3703a(c).
- (1438) **NOTE:** 46 U.S.C. 3703a(c) is shown in appendix G to this part.

(1439) (b) Each vessel to which this section applies must be fitted with:

- (1440) (1) A double hull in accordance with this section; and
- (1441) (2) If §157.10 applies, segregated ballast tanks and a crude oil washing system in accordance with that section.
- (1442) (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:
- (1443) (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:
- (1444) (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.).
- (1445) (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.).
- (1446) (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.
- (1447) (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:
- (1449) (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.).
- (1450) (ii) For a vessel of less than 5,000 DWT: $h = B/15$, but in no case less than 0.76 meter (30 in.).
- (1451) (iii) For a vessel to which paragraph (a)(4) of
- (1448)



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.

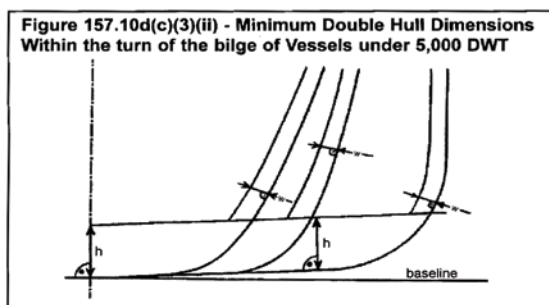
- (1452) (3) For a vessel built under a contract awarded after September 11, 1992, within the turn of the bilge or at cross

sections where the turn of the bilge is not clearly defined, tanks containing oil must be located inboard of the outer shell—

- (1453) (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.
- (1454) (ii) For a vessel of less than 5,000 DWT: Not less than 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.

- (1456) (4) For a vessel to which §157.10(b) applies that is built under a contract awarded after September 11, 1992.
- (1457) (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.

(1455)



- (1458) (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.
- (1459) (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:
- (1460) (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
- (1461) (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.
- (1462) (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.

- (1463) (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.
- (1464) (e) Except as provided in paragraph (e)(3) of this section, a vessel must not carry any oil in any tank extending forward of:
- (1465) (1) The collision bulkhead; or
- (1466) (2) In the absence of a collision bulkhead, the transverse plane perpendicular to the centerline through a point located:
- (1467) (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 forward perpendicular;
- (1468) (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
- (1469) (iii) On each vessel which operates exclusively as a box or trail barge, 61 cm. (2 ft.) aft of the headlog.
- (1470) (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.
- (1471) (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).

(1472)

Subpart G—Interim Measures for Certain Tank Vessels Without Double Hulls Carrying Petroleum Oils

(1473)

§157.400 Purpose and applicability.

- (1474) (a) The purpose of this subpart is to establish mandatory safety and operational requirements to reduce environmental damage resulting from petroleum oil spills.
- (1475) (b) This subpart applies to each tank vessels specified in §157.01 of this part—
- (1476) (1) Is 5,000 gross tons or more;
- (1477) (2) Carries petroleum oil in bulk as cargo or oil cargo residue; and
- (1478) (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).

(1479)

§157.445 Maneuvering performance capability.

(1480) (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—

(1481) (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

(1482) (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.

(1483) (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.

(1484) (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.

(1485) (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.

(1486) (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.

(1487)

Part 160—Ports and Waterways Safety-General

(1488)

Subpart A—General

(1489)

§160.1 Purpose.

(1490) This subchapter contains regulations implementing 46 U.S.C. Chapter 700 "Ports and Waterways Safety" and related statutes.

(1491)

§160.3 Definitions.

(1492) For the purposes of this subchapter:

(1493) *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.

(1494) *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.

(1495) *Commandant* means the Commandant of the United States Coast Guard.

(1496) *Deviation* means any departure from any rule in this subchapter.

(1497) *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.

(1498) *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.

(1499) *ETA* means estimated time of arrival.

(1500) *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.

(1501) *Person* means an individual, firm, corporation, association, partnership, or governmental entity.

(1502) *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.

(1503) *Tanker* means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous materials in bulk in the cargo spaces.

(1504) *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.

(1505) *Vehicle* means every type of conveyance capable of being used as a means of transportation on land.

(1506) *Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(1507) *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.

(1508) *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.

(1509) **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.

- (1510) *VTS Special Area* means a waterway within a VTS area in which special operating requirements apply.

(1511)

§160.5 Delegations.

- (1512) (a) District Commanders and Captains of the Ports are delegated the authority to establish safety zones.

- (1513) (b) Under the provisions of §§6.04-1 and 6.04-6 of this chapter, District Commanders and Captains of the Ports have been delegated authority to establish security zones.

- (1514) (c) Under the provisions of §1.05-1 of this chapter, District Commanders have been delegated authority to establish regulated navigation areas.

- (1515) (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.

(1516)

§160.7 Appeals.

- (1517) (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.

- (1518) (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.

- (1519) (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.

- (1520) (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.

- (1521) (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.

(1522)

Subpart B—Control of Vessel and Facility Operations

(1523)

§160.101 Purpose.

(1524) 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.

(1525)

§160.103 Applicability.

(1526) (a) This subpart applies to any—

(1527) (1) Vessel on the navigable waters of the United States, except as provided in paragraphs (b) and (c) of this section;

(1528) (2) Bridge or other structure on or in the navigable waters of the United States; and

(1529) (3) Land structure or shore area immediately adjacent to the navigable waters of the United States.

(1530) (b) This subpart does not apply to any vessel on the Saint Lawrence Seaway.

(1531) (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:

(1532) (1) Innocent passage through the territorial sea of the United States;

(1533) (2) Transit through the navigable waters of the United States which form a part of an international strait.

(1534)

§160.105 Compliance with orders.

(1535) Each person who has notice of the terms of an order issued under this subpart must comply with that order.

(1536)

§160.107 Denial of entry.

(1537) 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.

(1538)

§160.109 Waterfront facility safety.

(1539) (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—

(1540) (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

(1541) (2) Conduct examinations to assure compliance with the safety equipment requirements for structures.

(1542)

§160.111 Special orders applying to vessel operations.

(1543) Each District Commander or Captain of the Port may order a vessel to operate or anchor in the manner directed when—

(1544) (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;

(1545) (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

(1546) (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.

(1547)

§160.113 Prohibition of vessel operation and cargo transfers.

(1548) (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.

(1549) (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:

(1550) (1) Fails to comply with any applicable regulation;

(1551) (2) Discharges oil or hazardous material in violation of any law or treaty of the United States;

(1552) (3) Does not comply with applicable vessel traffic service requirements;

(1553) (4) While underway, does not have at least one deck officer on the navigation bridge who is capable of communicating in the English language.

(1554) (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.

(1555) (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.

(1556)

§160.115 Withholding of clearance.

(1557) 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. App. 91 of any vessel, the owner or operator of which is subject to any penalties under 46 U.S.C. 70036.

(1558)

Subpart C—Notification of Arrival, Hazardous Conditions, and Certain Dangerous Cargoes

(1559)

§160.201 General.

(1560) 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:

(1561) (a) Applicability and exemptions from requirements in this subpart;

(1562) (b) Required information in an NOA;

(1563) (c) Required updates to an NOA;

(1564) (d) Methods and times for submission of an NOA, and updates to an NOA;

(1565) (e) How to obtain a waiver; and

(1566) (f) Requirements for submission of the notice of hazardous condition.

(1567) **Note to §160.201.** For notice-of-arrival requirements for the U.S. Outer Continental Shelf, see 33 CFR part 146.

(1568)

§160.202 Definitions.

(1569) 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—

(1570) *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.

(1571) *Barge* means a non-self propelled vessel engaged in commerce.

(1572) *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.

(1573) *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.

(1574) *Certain dangerous cargo (CDC)* includes any of the following:

(1575) (1) Division 1.1 or 1.2 explosives as defined in 49 CFR 173.50.

(1576) (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.

(1577) (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.

(1578) (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.

(1579) (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.

(1580) (6) Class 7, “highway route controlled quantity” radioactive material or “fissile material, controlled shipment,” as defined in 49 CFR 173.403.

(1581) (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).

(1582) (8) The following bulk liquids except when carried as CDC residue:

(1583) (i) Acetone cyanohydrin;

(1584) (ii) Allyl alcohol;

(1585) (iii) Chlorosulfonic acid;

- (1586) (iv) Crotonaldehyde;
- (1587) (v) Ethylene chlorohydrin;
- (1588) (vi) Ethylene dibromide;
- (1589) (vii) Methacrylonitrile;
- (1590) (viii) Oleum (fuming sulfuric acid); and
- (1591) (ix) Propylene oxide, alone or mixed with ethylene oxide.
- (1592) (9) The following bulk solids:
- (1593) (i) Ammonium nitrate listed as Division 5.1 (oxidizing) material in 49 CFR 172.101 except when carried as CDC residue; and
- (1594) (ii) Ammonium nitrate based fertilizer listed as a Division 5.1 (oxidizing) material in 49 CFR 172.101 except when carried as CDC residue.
- (1595) *Certain dangerous cargo residue (CDC residue)* includes any of the following:
- (1596) (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.
- (1597) (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:
- (1598) (i) Ammonia, anhydrous;
- (1599) (ii) Chlorine;
- (1600) (iii) Ethane;
- (1601) (iv) Ethylene oxide;
- (1602) (v) Methane (LNG);
- (1603) (vi) Methyl bromide;
- (1604) (vii) Sulfur dioxide; and
- (1605) (viii) Vinyl chloride.
- (1606) *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.”
- (1607) *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.
- (1608) *Embark* means when a crewmember or a person in addition to the crew joins the vessel.
- (1609) *Ferry schedule* means a published document that:
- (1610) (1) Identifies locations a ferry travels to and from;
- (1611) (2) Lists the times of departures and arrivals; and
- (1612) (3) Identifies the portion of the year in which the ferry maintains this schedule.
- (1613) *Foreign vessel* means a vessel of foreign registry or operated under the authority of a country except the United States.
- (1614) *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.

- (1615) *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.
- (1616) *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.
- (1617) *Nationality* means the state (nation) in which a person is a citizen or to which a person owes permanent allegiance.
- (1618) *Operating exclusively within 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.
- (1619) *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.
- (1620) *Persons in addition to crewmembers* mean any person onboard the vessel, including passengers, who are not included on the list of crewmembers.
- (1621) *Port or place of departure* means any port or place in which a vessel is anchored or moored.
- (1622) *Port or place of destination* means any port or place in which a vessel is bound to anchor or moor.
- (1623) *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.
- (1624) *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.
- (1625) *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.
- (1626) **§160.203 Applicability.**
- (1627) (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

(1663)

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.		

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:

- (1628) (1) U.S. vessels in commercial service, and
- (1629) (2) All foreign vessels.
- (1630) (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.
- (1631) (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.

(1632)

§160.204 Exemptions and exceptions.

- (1633) (a) Except for reporting notice of hazardous conditions, the following vessels are exempt from requirements in this subpart:
- (1634) (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.
- (1635) (2) An oil spill response vessel (OSRV) when engaged in actual spill response operations or during spill response exercises.
- (1636) (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.
- (1637) (4) A United States or Canadian vessel engaged in the salvaging 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).
- (1638) (5) The following vessels neither carrying certain dangerous cargo nor controlling another vessel carrying certain dangerous cargo:
 - (1639) (i) A foreign vessel 300 gross tons or less not engaged in commercial service.
 - (1640) (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.
 - (1641) (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.
 - (1642) (iv) A public vessel.
 - (1643) (v) Except for a tank vessel, a U.S. vessel operating solely between ports or places of the United States on the Great Lakes.
 - (1644) (vi) A U.S. vessel 300 gross tons or less, engaged in commercial service not coming from a foreign port or place.
 - (1645) (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:

- (1646) (A) Name of the vessel;
- (1647) (B) Country of registry of the vessel;
- (1648) (C) Call sign of the vessel;
- (1649) (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;
- (1650) (E) Name of the registered owner of the vessel;
- (1651) (F) Name of the operator of the vessel;
- (1652) (G) Name of the vessel's classification society or recognized organization, if applicable;
- (1653) (H) Each port or place of destination;
- (1654) (I) Estimated dates and times of arrivals at and departures from these ports or places; and
- (1655) (J) Name and telephone number of a 24-hour point of contact.
- (1656) (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).
- (1657) (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).

(1658)

§160.205 Notices of arrival.

- (1659) The owner, agent, Master, operator, or person in charge of a vessel must submit notices of arrival consistent with the requirements in this subpart.

(1660)

§160.206 Information required in an NOA.

- (1661) (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.
- (1662) (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.

(1664)

§160.208 Updates to a submitted NOA.

(1665) (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.

(1666) (b) Changes in the following information need not be reported:

(1667) (1) Changes in arrival or departure times that are less than six (6) hours;

(1668) (2) Changes in vessel location or position of the vessel at the time of reporting (entry (2)(vi) to Table 160.206); and

(1669) (3) Changes to crewmembers' position or duties on the vessel (entry (4)(vii) to Table 160.206).

(1670) (c) When reporting updates, revise and resubmit the NOA.

(1671)

§160.210 Methods for submitting an NOA.

(1672) (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.

(1673) (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.

(1674)

§160.212 When to submit an NOA.

(1675) (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.

(1676) (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.

(1677) (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.

(1678) (4) Times for submitting NOAs are as follows:

(1679)

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.

(1680) (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.

(1681) (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 changes to an NOA as soon as practicable but at least 6 hours before entering the port or place of destination.

(1682) (3) U.S. vessels 300 gross tons or less, arriving from a foreign port or place, whose voyage time is—

(1683) (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.

(1684) (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.

(1685) (4) Times for submitting updates to NOAs are as follows:

(1686)

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.

(1687)

§160.214 Waivers.

(1688) 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.

(1689)

§160.215 Force majeure.

(1690) 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:

(1691) (a) The vessel Master's intentions;

(1692) (b) Any hazardous conditions as defined in §160.202; and

(1693) (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.

(1694)

§160.216 Notice of hazardous conditions.

(1695) (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.

(1696) (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—

(1697) (1) What was lost, including a description of cargo, substances involved, and types of packages;

(1698) (2) How many were lost, including the number of packages and quantity of substances they represent;

(1699) (3) When the incident occurred, including the time of the incident or period of time over which the incident occurred;

(1700) (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

(1701) (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.

(1702)

Part 161—Vessel Traffic Management

(1703)

Subpart A—Vessel Traffic Services

(1704)

§161.1 Purpose and Intent.

(1705) (a) The purpose of this part is to promulgate regulations implementing and enforcing certain sections of the Ports and Waterways Safety Act (PWSA) 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.

(1706) (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.

(1707) (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.

(1708) (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.

(1709)

§161.2 Definitions.

(1710) For the purposes of this part:

(1711) *Center* means a Vessel Traffic Center or Vessel Movement Center.

(1712) *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.

(1713) *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:

(1714) (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.

(1715) (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.

(1716) (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.

(1717) *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.

(1718) *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.

(1719) *Towing Vessel* means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(1720) *Published* means available in a widely-distributed and publicly available medium (e.g., VTS User's Manual, ferry schedule, Notice to Mariners).

(1721) *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).

(1722) *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).

(1723) *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.

(1724) *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.

(1725) *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.

(1726) *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.

(1727) **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.

(1728) *VTS Special Area* means a waterway within a VTS area in which special operating requirements apply.

(1729) *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:

(1730) (1) Subject to the Vessel Bridge-to-Bridge Radiotelephone Act;

(1731) (2) Required to participate in a VMRS; or

(1732) (3) Equipped with a required Coast Guard type-approved Automatic Identification System (AIS).

(1733) *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.

(1734)

§161.3 Applicability.

(1735) 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.

(1736)

§161.4 Requirement to carry the rules.

(1737) Each VTS User shall carry on board and maintain for ready reference a copy of these rules.

(1738) **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>).

(1739)

§161.5 Deviations from the rules.

(1740) (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

(1785)

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 <i>Berwick Traffic</i>	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 <i>Buzzards Bay Control⁵</i>	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.
<i>Houston Traffic</i>	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.)
<i>Houston Traffic</i>	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 <i>San Pedro Traffic</i>	156.700 MHz (Ch. 14)	<i>Vessel Movement Reporting System Area:</i> The navigable waters within a 25 nautical mile radius of Point Fermin Light (33°42.30' N, 118°17.60' W.).
Louisville 003669732 <i>Louisville Traffic</i>	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 003669952 <i>New Orleans Traffic</i>	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.
<i>New Orleans Traffic</i>	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.
<i>New Orleans Traffic</i>	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 <i>New York Traffic</i>	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.
<i>New York Traffic</i>	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).
<i>New York Traffic</i>	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.

(1786)

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 <i>Port Arthur Traffic</i>	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.
<i>Port Arthur Traffic</i>	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.
<i>Port Arthur Traffic</i>	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 <i>Valdez Traffic</i>	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 Sound⁷ <i>Seattle Traffic 003669957</i>	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.
<i>Seattle Traffic 003669957</i>	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.
<i>Tofino Traffic 003160012</i>	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.
<i>Victoria Traffic 003160010</i>	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 <i>San Francisco Traffic</i>	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.
<i>San Francisco Traffic</i>	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 <i>Soo Traffic</i>	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.

- (1741) (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.

(1742)

§161.6 Preemption.

- (1743) 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 chapter 25 of the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.), Congress intended that Coast Guard regulations preempt State laws or regulations regarding vessel traffic services in United States ports and waterways.

(1744)

Services, VTS Measures, and Operating Requirements

(1745)

§161.10 Services.

- (1746) 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:
- (1747) (a) Hazardous conditions or circumstances;
 - (1748) (b) Vessel congestion;
 - (1749) (c) Traffic density;
 - (1750) (d) Environmental conditions;
 - (1751) (e) Aids to navigation status;
 - (1752) (f) Anticipated vessel encounters;
 - (1753) (g) Another vessel's name, type, position, hazardous vessel operating conditions, if applicable, and intended navigation movements, as reported;
 - (1754) (h) Temporary measures in effect;
 - (1755) (i) A description of local harbor operations and conditions, such as ferry routes, dredging, and so forth;
 - (1756) (j) Anchorage availability; or
 - (1757) (k) Other information or special circumstances.

(1758)

§161.11 VTS measures.

- (1759) (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:
- (1760) (1) Designating temporary reporting points and procedures;
 - (1761) (2) Imposing vessel operating requirements; or
 - (1762) (3) Establishing vessel traffic routing schemes.
- (1763) (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.

(1764)

§161.12 Vessel operating requirements.

- (1765) (a) Subject to the exigencies of safe navigation, a VTS User shall comply with all measures established or directions issued by a VTS.
- (1766) (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.
- (1767) (c) When not exchanging 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 communicate in the English language.
- (1768) **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.
- (1769) (d) As soon as practicable, a VTS User shall notify the VTS of any of the following:
- (1770) (1) A marine casualty as defined in 46 CFR 4.05-1;
 - (1771) (2) Involvement in the ramming of a fixed or floating object;
 - (1772) (3) A pollution incident as defined in §151.15 of this chapter;
 - (1773) (4) A defect or discrepancy in an aid to navigation;
 - (1774) (5) A hazardous condition as defined in §160.202 of this chapter;
 - (1775) (6) Improper operation of vessel equipment required by Part 164 of this chapter;
 - (1776) (7) A situation involving hazardous materials for which a report is required by 49 CFR 176.48; and
 - (1777) (8) A hazardous vessel operating condition as defined in §161.2.

(1799)

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	NOVEMBER	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.].

(1778)

§161.13 VTS Special Area Operating Requirements.

(1779) The following operating requirements apply within a VTS Special Area:

(1780) (a) A VTS User shall, if towing astern, do so with as short a hawser as safety and good seamanship permits.

(1781) (b) A VMRS User shall: (1) Not enter or get underway in the area without prior approval of the VTS;

(1782) (2) Not enter a VTS Special Area if a hazardous vessel operating condition or circumstance exists;

(1783) (3) Not meet, cross, or overtake any other VMRS User in the area without prior approval of the VTS; and

(1784) (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.

(1787)

Subpart B—Vessel Movement Reporting System

(1788)

§161.15 Purpose and Intent.

(1789) (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.

(1790) (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).

(1791)

§161.16 Applicability.

(1792) Unless otherwise stated, the provisions of this subpart apply to the following vessels and VMRS Users:

(1793) (a) Every power-driven vessel of 40 meters (approximately 131 feet) or more in length, while navigating;

(1794) (b) Every towing vessel of 8 meters (approximately 26 feet) or more in length, while navigating; or

(1795) (c) Every vessel certificated to carry 50 or more passengers for hire, when engaged in trade.

(1796)

§161.17 [Removed and Reserved]

(1797)

§161.18 Reporting requirements.

(1798) (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);

(1800) (2) Establish other means of reporting for those vessels unable to report on the designated frequency; or

(1801) (3) Require reports from a vessel in sufficient time to allow advance vessel traffic planning.

(1802) (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).

(1803) (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.

(1804) **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.

(1805) (d) A vessel must report:

(1806) (1) Any significant deviation from its Sailing Plan, as defined in §161.19, or from previously reported information; or

(1807) (2) Any intention to deviate from a VTS issued measure or vessel traffic routing system.

(1808) (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.

(1809)

§161.19 Sailing Plan (SP).

(1810) Unless otherwise stated, at least 15 minutes before navigating a VTS area, a vessel must report the:

(1811) (a) Vessel name and type;

(1812) (b) Position;

(1813) (c) Destination and ETA;

(1814) (d) Intended route;

(1815) (e) Time and point of entry; and

(1816) (f) Dangerous cargo on board or in its tow, as defined in §160.202 of this subchapter.

(1817)

§161.20 Position Report (PR).

(1818) A vessel must report its name and position:

(1819) (a) Upon point of entry into a VMRS area;

(1820) (b) At designated reporting points as set forth in Subpart C; or

(1821) (c) When directed by the Center.

(1822)

§161.21 Automated reporting.

(1823) (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.

(1824) (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:

(1825) (1) Notify the Center;

(1826) (2) Make voice radio Position Reports at designated reporting points as required by §161.20(b) of this part; and

(1827) (3) Make any other reports as directed by the Center.

(1828)

§161.22 Final Report (FR).

(1829) A vessel must report its name and position:

(1830) (a) On arrival at its destination; or

(1831) (b) When leaving a VTS area.

(1832)

§161.23 Reporting exemptions.

(1833) (a) Unless otherwise directed, the following vessels are exempted from providing Position and Final Reports due to the nature of their operation:

(1834) (1) Vessels on a published schedule and route;

(1835) (2) Vessels operating within an area of a radius of three nautical miles or less; or

(1836) (3) Vessels escorting another vessel or assisting another vessel in maneuvering procedures.

(1837) (b) A vessel described in paragraph (a) of this section must:

(1838) (1) Provide a Sailing Plan at least 5 minutes but not more than 15 minutes before navigating within the VMRS area; and

(1839) (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.

(1840)

Subpart C—Vessel Traffic Service and Vessel

Movement Reporting System Areas and Reporting Points

(1841) **Note:** All geographic coordinates contained in part 161 (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).

(1842)

§161.50 Vessel Traffic Service San Francisco.

(1843) The VTS area consists of all the navigable waters of San Francisco Bay Region south of the Mare Island Causeway Bridge and the Petaluma River Entrance Channel Daybeacon 19 and Petaluma River Entrance Channel Light 20 and north of the Dunbarton Bridge; its seaward approaches within a 38 nautical mile radius of Mount Tamalpais (37°55.8'N., 122°34.6'W.); and its navigable tributaries 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.

(1844)

Part 162—Inland Waterways Navigation Regulations

(1845)

§162.1 General.

(1846) 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.

(1847)

§162.5 Definitions.

(1848) The following definitions apply to this part:

(1849) *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.

(1850)

§162.195 Santa Monica Bay, CA; restricted area.

(1851) (a) *The area.* The waters of the Pacific Ocean, Santa Monica Bay, in an area extending seaward from the shoreline a distance of about 5 nautical miles (normal to the shoreline) and basically outlined as follows:

(1852)

Station	Latitude North	Longitude West
A	33°54'59"	118°25'41"
B	33°54'59"	118°28'00"

Station	Latitude North	Longitude West
C	33°53'59.5"	118°31'37"
D	33°56'19.5"	118°34'05"
E	33°56'25"	118°26'29"

(1853) (b) *The regulations.* (1) Vessels shall not anchor within the area at any time without permission.

(1854) (2) Dredging, dragging, seining, or other fishing operations which might foul underwater installations within the area are prohibited.

(1855) (3) All vessels entering the area, other than vessels operated by or for the United States, the State of California, the county of Los Angeles, or the city of Los Angeles, shall proceed across the area by the most direct route and without unnecessary delay. The area will be open and unrestricted to small recreational craft for recreational activities at all times.

(1856) (4) The placing of buoys, markers, or other devices requiring anchors will not be permitted.

(1857) (5) The city of Los Angeles will maintain a patrol of the area as needed.

(1858)

§162.200 Marina del Rey, CA; restricted area.

(1859) (a) *The area.* That portion of the Pacific Ocean lying shoreward of the offshore breakwater and the most seaward 1,000 feet of the entrance channel between the north and south jetties, and basically outlined as follows:

(1860)

Station	Latitude North	Longitude West
A	33°57'46.0"	118°27'39.5"
B	33°57'52.3"	118°27'43.6"
C	33°57'48.6"	118°27'48.8"
D	33°57'29.8"	118°27'34.7"
E	33°57'30.9"	118°27'29.1"
F	33°57'37.4"	118°27'33.8"
G	33°57'42.4"	118°27'23.0"
H	33°57'50.6"	118°27'28.3"

(1861) (b) *The regulations.* (1) Vessels shall not anchor within the area at any time without permission except in an emergency.

(1862) (2) Dredging, dragging, seining, or other fishing operations which might foul underwater installations within the area are prohibited.

(1863) NOTE: Corps of Engineers also has regulations dealing with this section in 33 CFR 207.

(1864)

§162.205 Suisun Bay, San Joaquin River, and connecting waters, CA.

(1865) (a) *San Joaquin River Deep Water Channel between Suisun Bay and the easterly end of the channel at Stockton; use, administration, and navigation—*

(1866) (1) *Maximum speed.* The maximum speed for all ocean-going craft shall not exceed 10 miles per hour

above the lower end of New York Slough, seven miles per hour above Criminal Point, or five miles per hour while passing any wharf, dock, or moored craft. As used in this paragraph, the speed of a vessel when navigating with the current shall be its rate of movement in excess of the velocity of the current.

(1867) (2) *Passing*. All craft passing other boats, barges, scows, etc., in motion, moored or anchored, shall slow down and take every necessary precaution to avoid damage.

(1868) (3) *Right of way*. (i) United States dredges, tugs, launches, derrick boats, and similar plant of contractors executing river and harbor improvement work for the United States, and displaying the signals prescribed by the regulations contained in part 83 of this chapter shall have the right of way and other craft shall exercise special caution to avoid interference with the work on which the plant is engaged. Dredges, whether Federal or contractors' plant, working the channel must however, take special care to give ocean-going vessels sufficient room for passing, and must lift both spuds and the ladder, and pull clear, if an adequate width of clear channelway cannot otherwise be provided. Ocean-going vessels may show at the masthead a black ball not more than 20 inches in diameter as a signal to the dredge, and may also blow five long blasts of the whistle when within reasonable hearing distance of the dredge, such signal to be followed at the proper time by the passing signal described in the local pilot rules. The dredge shall promptly acknowledge both signals in the usual manner.

(1869) (ii) Light-draft vessels when meeting or being overtaken by ocean-going vessels, shall give the right of way to such vessels by making use of the shallower portions of the waterway.

(1870) (iii) Rafts and tows must promptly give the channel side demanded upon proper signal by a vessel, and must be handled in such a manner as not to obstruct or interfere with the free use of the waterway by other craft.

(1871) (4) *Collisions*. (i) Ocean-going vessels in collision in the channel or turning basin must, if still afloat and in a condition making anchorage necessary, be immediately removed to an approved anchorage ground, or if in such condition that beaching is necessary, they shall be temporarily beached on the northwest side of Mandeville Island or in the Old River.

(1872) (ii) Light-draft vessels suffering collision shall be disposed of as directed by the District Commander or his authorized representative.

(1873) (5) *Wrecks*. In no case following accidents of fire or collision will a vessel be allowed to remain either anchored or grounded in the channel, or beached at any place where it endangers other vessels, while settlement is pending with the underwriters.

(1874) (6) *Other laws and regulations*. In all other respects, the existing Federal laws and rules and regulations affecting navigable waters of the United States will govern in this channel.

(1875) (b) *Sacramento Deep Water Ship Channel between Suisun Bay and easterly end of Turning Basin at West Sacramento; use, administration, and navigation*—(1) *Maximum speed for all ocean-going craft*—(i) *Between Tolands Landing (Mile 6.2) and Rio Vista Bridge*. When going against a current of two knots or more, the maximum speed over the bottom shall not exceed 8 knots. When going with the current, in slack water, or against a current of two knots or less, the maximum speed through the water shall not exceed 10 knots.

(1876) (ii) *Between Rio Vista Bridge and Port of Sacramento*. When going against a current of two knots or more, the maximum speed over the bottom shall not exceed 5 knots. When going with the current, in slack water, or against a current of two knots or less, the maximum speed through the water shall not exceed 7 knots.

(1877) (iii) *Speed past docks or moored craft*. Within 550 feet of the centerline of the channel the speed shall be the minimum required to maintain steerageway; wind, tide, current, etc., being taken into consideration.

(1878) (iv) *Passing*. All craft passing other boats, barges, scows, etc., underway, moored or anchored, shall take every necessary precaution to avoid damage.

(1879) (v) *Speed, high-water precautions*. When passing another vessel (underway, anchored, or tied up); a wharf or other structure; work under construction; plant engaged in river and harbor improvement; levees withstanding flood waters; buildings 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 damage to the vessel or structure being passed. As deemed necessary for public safety during high river stages, floods, or other emergencies, the District Commander may prescribe, by navigation bulletins or other means, the limiting speed in knots or temporarily close the waterway or any reach of it to traffic. 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 herewith.

(1880) (2) *Right of way*. (i) Dredges, tugs, launches, derrick boats and other similar equipment, executing river and harbor improvement work for the United States, and displaying the signals prescribed by the regulations contained in part 83 of this chapter shall have the right-of-way and other craft shall exercise special caution to avoid interference with the work on which the plant is engaged. Dredges, whether Federal or contractor's plant, working the channel must however, take special care to give ocean-going vessels sufficient room for passing, and must lift both spuds and the ladder, and pull clear, if an adequate width of clear channelway cannot otherwise be provided.

(1881) (ii) Vessels intending to pass dredges or other types of floating plant working in navigable channels, when within a reasonable distance therefrom and not in any case over a mile, shall indicate such intention by one long

blast of the whistle, and shall be directed to the proper side for passage by the sounding, by the dredge or other floating plant, of the signal prescribed in the inland pilot rules for vessels underway and approaching each other from opposite directions, which shall be answered in the usual manner by the approaching vessel. If the channel is not clear, the floating plant shall sound the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the plant.

(1882) (iii) When the pipeline from a dredge crosses the channel in such a way that an approaching vessel cannot pass safely around the pipeline or dredge, there shall be sounded immediately from the dredge the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the dredge. The pipeline shall then be opened and the channel cleared as soon as practicable; when the channel is clear for passage the dredge shall so indicate by sounding the usual passing signal as prescribed in paragraph (c)(2)(ii) of this section. The approaching vessel shall answer with a corresponding signal and pass promptly.

(1883) (iv) When any pipeline or swinging dredge shall have given an approaching vessel or tow the signal that the channel is clear, the dredge shall straighten out within the cut for the passage of the vessel or tow.

(1884) (v) Shallow draft vessels when meeting or being overtaken by ocean-going vessels, shall give the right-of-way to such vessels by making use of the shallower portions of the waterway, wherever possible.

(1885) (vi) Tows should promptly give the channel side requested by proper signal from a vessel, and should be handled in such a manner as not to obstruct or interfere with the free use of the waterway by other craft.

(1886) (3) *Obstruction of traffic.* (i) Except as provided in paragraph (c)(2) of this section no person shall willfully or carelessly obstruct the free navigation of the waterway, or delay any vessel having the right to use the waterway.

(1887) (ii) No vessel shall anchor within the channel except in distress or under stress of weather. Any vessel so anchored shall be moved as quickly as possible to such anchorage as will leave the channel clear for the passage of vessels.

(1888) (iii) Motorboats, sailboats, rowboats, and other small craft shall not anchor or drift in the regular ship channel except under stress of weather or in case of breakdown. Such craft shall be so operated that they will not interfere with or endanger the movement of commercial or public vessels.

(1889) (4) *Collisions.* (i) Ocean-going vessels in collision in the channel or turning basin, must if still afloat and in a condition making anchorage necessary, be immediately removed to an approved anchorage ground, or if in such condition that beaching is necessary, they shall be temporarily beached on the southwest side of Ryer Island from Mile 15.0 to Mile 16.3 or in the Harbor and Turning Basin at West Sacramento.

(1890) (ii) Light-draft vessels suffering collision shall be disposed of as directed by the District Commander or his authorized representative.

(1891) (5) *Marine accidents.* Masters, mates, pilots, owners, or other persons using the waterway to which this paragraph applies shall notify the District Commander, and in the case of undocumented vessels, the State Division of Small Craft Harbors also, 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 to mark the wreck properly.

(1892) (6) *Other laws and regulations.* In all other respects, existing Federal laws and rules and regulations affecting navigable waters of the United States will govern in this channel.

(1893) **NOTE:** The Corps of Engineers also has regulations dealing with this section in 33 CFR 207.

(1894)

§162.210 Lake Tahoe, CA; restricted areas along south shore.

(1895) (a) *The areas—*(1) *Baldwin Beach, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with the west boundary line of Lot 2, Section 26, Township 13 North (Mount Diablo Base Line), Range 17 East (Mount Diablo Meridian); thence north 300 feet; thence southeasterly about 2,850 feet to the east line of Section 26 at a point 300 feet north of the high waterline; thence northeasterly 1,740 feet to a point 300 feet north of the high waterline; thence southeasterly about 1,810 feet to the projected east line of the former Baldwin property at a point 300 feet north of the high waterline; and thence south 300 feet to the high waterline.

(1896) (2) *Camp Richardson, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the southeasterly corner of sec. 25, T. 13 N., R. 17 E., Mount Diablo Base and Meridian; thence north 410 feet along the east line of sec. 25; thence northwesterly 95 feet to the high waterline which is the true point of beginning; thence north 130 feet; thence southeasterly 565 feet; and thence south 130 feet to the high waterline.

(1897) (3) *Pope Beach, under the control of the Forest Service, Department of Agriculture.* The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with the west line of the former Pope property, about 750 feet westerly of the west boundary line of Lot 2, Section 6, Township 12 North (Mount Diablo Base Line), Range 18 East (Mount Diablo Meridian); thence north 300 feet;

thence southeasterly 4,200 feet to a point 300 feet north of the high waterline; and thence south 300 feet to the high waterline.

- (1898) (4) *El Dorado County Beach*. The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with the west boundary line of Lot 1, Section 32, Township 13 North (Mount Diablo Base Line), Range 18 East (Mount Diablo Meridian); thence north 500 feet; thence northeasterly about 1,350 feet to the projected east line of Lot 1 at a point 500 feet north of the high waterline; and thence south 500 feet to the high waterline.

- (1899) (b) *The regulations*. No sail or machine-propelled watercraft, except vessels owned or controlled by the U.S. Coast Guard, shall navigate or anchor in the restricted area.

(1900)

§162.215 Lake Tahoe, Nev.; restricted area adjacent to Nevada Beach.

- (1901) (a) *The restricted area*. The waters of Lake Tahoe shoreward of a line described as follows: Beginning at the intersection of the high waterline with a line projected in a general southerly direction 200 feet from a point lying 310 feet west of section corner common to section 15, 16, 21, and 22, Township 13 North (Mt. Diablo Base Line), Range 18 East (Mt. Diablo Meridian); thence 300 feet lakeward at right angles to the high waterline; thence southeasterly approximately 2,170 feet to the projected south boundary line of the Forest Service property at a point 300 feet west of the high waterline; and thence east 300 feet to the high waterline.

- (1902) (b) *The regulations*. No sail or motor propelled watercraft, except vessels owned or controlled by the United States Government and vessels duly authorized by the United States Coast Guard shall navigate or anchor in the restricted area.

(1903)

§162.220 Hoover Dam, Lake Mead, and Lake Mohave (Colorado River), Ariz.-Nev.

- (1904) (a) *Lake Mead and Lake Mohave; restricted areas—*
(1) *The areas*. That portion of Lake Mead extending 700 feet upstream of the axis of Hoover Dam and that portion of Lake Mohave (Colorado River) extending 4,500 feet downstream of the axis of Hoover Dam.

- (1905) (2) *The regulations*. The restricted areas shall be closed to navigation and other use by the general public. Only vessels owned by or controlled by the U.S. Government and the States of Arizona and Nevada shall navigate or anchor in the restricted areas: Provided, however, The Regional Director, Region 3, U.S. Bureau of Reclamation, Boulder City, Nev., may authorize, by written permit, individuals or groups to navigate or anchor in the restricted areas when it is deemed in the public interest. Copies of said permits shall be furnished to the enforcing agencies.

- (1906) (b) *Lake Mead; speed regulation*. In that portion of Lake Mead extending 300 feet upstream of the restricted

area described in paragraph (a) of this section, a maximum speed of 5 miles per hour shall not be exceeded.

- (1907) (c) *Supervision*. The regulations in this section shall be supervised by the District Commander, Eleventh Coast Guard District.

(1908)

§162.270 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

- (1909) (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.

- (1910) (1) James River Reserve Fleet, Fort Eustis, Virginia.

- (1911) (2) Beaumont Reserve Fleet, Neches River near Beaumont, Texas.

- (1912) (3) Suisun Bay Reserve Fleet near Benicia, California.

- (1913) (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.

- (1914) (c) The regulations in this section shall be enforced by the respective Fleet Superintendents and such agencies as they may designate.

(1915)

Part 164—Navigation Safety Regulations (in part)

(1916)

§164.01 Applicability.

- (1917) (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.

- (1918) (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—

- (1919) (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;

- (1920) (2) Used solely for assistance towing as defined by 46 CFR 10.103;

- (1921) (3) Used solely for pollution response; or

- (1922) (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.

(1923) (c) Provisions of §164.11(a)(2) and (c), 164.30, 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.

(1924) (d) Provisions of §164.46 apply to some self-propelled vessels of less 1600 gross tonnage.

(1925)

§164.02 Applicability exception for foreign vessels.

(1926) (a) Except for §164.46(c), none of the requirements of this part apply to foreign vessels that:

(1927) (1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(1928) (2) Are in:

(1929) (i) Innocent passage through the territorial sea of the United States; or

(1930) (ii) Transit through navigable waters of the United States which form a part of an international strait.

(1931)

§164.03 Incorporation by reference.

(1932) (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.

(1933) (b) American Petroleum Institute (API), 1220 L Street NW., Washington, DC 20005-4070, 202-682-8000, www.api.org:

(1934) (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.

(1935) (2) [Reserved]

(1936) (c) ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 610-832-9585, www.astm.org:

(1937) (1) ASTM D4268-93, Standard Test Method for Testing Fiber Rope, IBR approved for §164.74.

(1938) (2) [Reserved]

(1939) (d) Cordage Institute, 350 Lincoln Street, Hingham, MA 02043.

(1940) (1) CIA-3, Standard Test Methods for Fiber Rope Including Standard Terminations, Revised, June 1980, IBR approved for §164.74.

(1941) (2) [Reserved]

(1942) (e) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, United Kingdom, www.imo.org:

(1943) (1) IMO Resolution A342(IX), Recommendation on Performance Standards for Automatic Pilots, November 12, 1975, IBR approved for §164.13.

(1944) (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.

(1945) (3) SN/Circ.227, Guidelines for the Installation of a Shipborne Automatic Identification System (AIS), January 6, 2003, IBR approved for §164.46.

(1946) (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.

(1947) (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.

(1948) (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.

(1949) (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.

(1950) (8) SN.1/Circ.289, Guidance on the Use of AIS Application-Specific Messages, June 2, 2010, IBR approved for §164.46.

(1951) (f) National Marine Electronics Association (NMEA), 7 Riggs Avenue, Severna Park, MD 21146, 800-808-6632, www.nmea.org:

(1952) (1) NMEA 0400, Installation Standard for Marine Electronic Equipment used on Moderate-Sized Vessels, Version 3.10, February 2012, IBR approved for §164.46.

(1953) (2) [Reserved]

(1954) (g) Radio Technical Commission for Maritime Services (RTCM), 1611 N. Kent St., Suite 605, Arlington, VA 22209, 703-527-2000, www.rtcn.org:

(1955) (1) RTCM Paper 12-78/DO-100, Minimum Performance Standards, Loran C Receiving Equipment, 1977, IBR approved for §164.41.

(1956) (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.

(1957) (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**.

(1958) (h) International Electrotechnical Commission (IEC), 3, rue de Varembe, Geneva, Switzerland, +41 22 919 02 11, <http://www.iec.ch/>. Email: info@iec.ch.

(1959) (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).

(1960) (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).

(1961)

§164.11 Navigation underway: General.

(1962) The owner, master, or person in charge of each vessel underway shall ensure that:

(1963) (a) The wheelhouse is constantly manned by persons who:

(1964) (1) Direct and control the movement of the vessel; and

(1965) (2) Fix the vessel's position;

(1966) (b) Each person performing a duty described in paragraph (a) of this section is competent to perform that duty;

(1967) (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;

(1968) (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;

(1969) (e) Buoys alone are not used to fix the vessel's position;

(1970) **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.

(1971) (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;

(1972) (g) Rudder orders are executed as given;

(1973) (h) Engine speed and direction orders are executed as given;

(1974) (i) Magnetic variation and deviation and gyrocompass errors are known and correctly applied by the person directing the movement of the vessel;

(1975) (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 during low visibility);

(1976) (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.

(1977) (l) Current velocity and direction for the area to be transited are known by the person directing the movement of the vessel;

(1978) (m) Predicted set and drift are known by the person directing movement of the vessel;

(1979) (n) Tidal state for the area to be transited is known by the person directing movement of the vessel;

(1980) (o) The vessel's anchors are ready for letting go;

(1981) (p) The person directing the movement of the vessel sets the vessel's speed with consideration for—

(1982) (1) The prevailing visibility and weather conditions;

(1983) (2) The proximity of the vessel to fixed shore and marine structures;

(1984) (3) The tendency of the vessel underway to squat and suffer impairment of maneuverability when there is small underkeel clearance;

(1985) (4) The comparative proportions of the vessel and the channel;

(1986) (5) The density of marine traffic;

(1987) (6) The damage that might be caused by the vessel's wake;

(1988) (7) The strength and direction of the current; and

(1989) (8) Any local vessel speed limit;

(1990) (q) The tests required by §164.25 are made and recorded in the vessel's log; and

(1991) (r) The equipment required by this part is maintained in operable condition.

(1992) (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.

(1993) (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.

(1994) (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.

(1995)

§164.13 Navigation underway: tankers.

(1996) (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.

(1997) (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 an engineer with an appropriately endorsed license or merchant mariner credential.

(1998) (c) Each tanker must navigate with at least two deck officers with an appropriately endorsed license or merchant mariner 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.

(1999) (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:

(2000) (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**;

(2001) (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;

(2002) (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

(2003) (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**).

(2004)

§164.15 Navigation bridge visibility.

(2005) (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:

(2006) (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 (1640 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.

(2007) (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 each, nor total more than 20 degrees, including any blind sector within the arc of visibility described in paragraph (a)(1) of this section.

(2008) (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.

(2009) (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.

(2010) (b) Clear view must be provided through at least two front windows at all times regardless of weather condition.

(2011)

§164.19 Requirements for vessels at anchor.

(2012) The master or person in charge of each vessel that is anchored shall ensure that—

(2013) (a) A proper anchor watch is maintained;

(2014) (b) Procedures are followed to detect a dragging anchor; and

(2015) (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.

(2016)

§164.25 Tests before entering or getting underway.

(2017) (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:

(2018) (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:

(2019) (i) Each remote steering gear control system.

(2020) (ii) Each steering position located on the navigating bridge.

(2021) (iii) The main steering gear from the alternative power supply, if installed.

(2022) (iv) Each rudder angle indicator in relation to the actual position of the rudder.

(2023) (v) Each remote steering gear control system power failure alarm.

(2024) (vi) Each remote steering gear power unit failure alarm.

(2025) (vii) The full movement of the rudder to the required capabilities of the steering gear.

(2026) (2) All internal vessel control communications and vessel control alarms.

(2027) (3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(2028) (4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(2029) (5) Main propulsion machinery, ahead and astern.

(2030) (b) Vessels navigating on the Great Lakes and their connecting and tributary waters, having once completed the test requirements of this subpart, are considered to remain in compliance until arriving at the next port of call on the Great Lakes.

(2031) (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.

(2032) (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:

(2033) (1) Operation of the main steering gear from within the steering gear compartment.

(2034) (2) Operation of the means of communications between the navigating bridge and the steering compartment.

(2035) (3) Operation of the alternative power supply for the steering gear if the vessel is so equipped.

(2036)

§164.30 Charts, publications, and equipment: General.

(2037) 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.

(2038)

§164.33 Charts and publications.

(2039) (a) Each vessel must have the following:

(2040) (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—

(2041) (i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and

(2042) (ii) Are currently corrected.

(2043) (2) For the area to be transited, a currently corrected copy of, or applicable currently corrected extract from, each of the following publications:

(2044) (i) U.S. Coast Pilot.

(2045) (ii) Coast Guard Light List.

(2046) (3) For the area to be transited, the current edition of, or applicable current extract from:

(2047) (i) Tide tables published by private entities using data provided by the National Ocean Service.

(2048) (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.

(2049) (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.

(2050) (c) As used in this section, “currently corrected” means corrected with changes contained in all Notices to Mariners published by the National Geospatial-Intelligence Agency, or an equivalent foreign government publication, reasonably available to the vessel, and that is applicable to the vessel’s transit.

(2051)

§164.35 Equipment: All vessels.

(2052) Each vessel must have the following:

(2053) (a) A marine radar system for surface navigation.

(2054) (b) An illuminated magnetic steering compass, mounted in a binnacle, that can be read at the vessel’s main steering stand.

(2055) (c) A current magnetic compass deviation table or graph or compass comparison record for the steering compass, in the wheelhouse.

(2056) (d) A gyrocompass.

(2057) (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.

(2058) (f) An illuminated rudder angle indicator in the wheelhouse.

(2059) (g) The following maneuvering information prominently displayed on a fact sheet in the wheelhouse:

(2060) (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 or 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.

(2061) (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.

(2062) (3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(2063) (4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speeds.

- (2064) (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.
- (2065) (6) The maneuvering information for the normal load and normal ballast condition for—
- (2066) (i) Calm weather—wind 10 knots or less, calm sea;
- (2067) (ii) No current;
- (2068) (iii) Deep water conditions—water depth twice the vessel's draft or greater; and
- (2069) (iv) Clean hull.
- (2070) (7) At the bottom of the fact sheet, the following statement:
- (2071)

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.
- (2072) (h) An echo depth sounding device.
- (2073) (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.
- (2074) (j) Equipment on the bridge for plotting relative motion.
- (2075) (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.
- (2076) (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.
- (2077) (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.
- (2078) (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.
- (2079) (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.

(2080)

§164.37 Equipment: Vessels of 10,000 gross tons or more.

- (2081) (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.

(2082) **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.

- (2083) (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.

(2084)

§164.38 Automatic radar plotting aids (ARPA). (See 33 CFR 164.)

(2085)

§164.39 Steering gear; Foreign tankers.

- (2086) (a) This section applies to each foreign tanker of 10,000 gross tons or more, except a public vessel, that—

(2087) (1) Transfers oil at a port or place subject to the jurisdiction of the United States; or

(2088) (2) Otherwise enters or operates in the navigable waters of the United States, except a vessel described by §164.02 of this part.

(2089) (b) *Definitions.* The terms used in this section are as follows:

(2090) *Constructed* means the same as in Chapter II-1, Regulations 1.1.2 and 1.1.3.1, of SOLAS 74.

(2091) *Existing tanker* means a tanker—

(2092) (1) For which the building contract is placed on or after June 1, 1979;

(2093) (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;

(2094) (3) The delivery of which occurs on or after June 1, 1982; or

(2095) (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.

(2096) *Public vessel, oil hazardous materials, and foreign vessel* mean the same as in 46 U.S.C. 2101.

(2097) *SOLAS 74* means the International Convention for the Safety of Life at Sea, 1974, as amended.

(2098) *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).

(2099) (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.

(2100) (d) Each tanker constructed before September 1, 1984, must meet the requirements of chapter II-1, Regulation 29.19, of SOLAS 74.

(2101) (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.

(2102) (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.

(2103)

§164.40 Devices to indicate speed and distance.

(2104) (a) Each vessel required to be fitted with an Automatic Radar Plotting Aid (ARPA) under §164.38 of this part must be fitted with a device to indicate speed and distance of the vessel either through the water or over the ground.

(2105) (b) The device must meet the following specifications:

(2106) (1) The display must be easily readable on the bridge by day or night.

(2107) (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.

(2108) (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.

(2109)

§164.41 Electronic position fixing devices.

(2110) (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—

(2111) (1) Automatic acquisition of satellite signals after initial operator settings have been entered; and

(2112) (2) Position updates derived from satellite information during each usable satellite pass.

(2113) (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. Note: The Federal Radionavigation Plan is available from the National Technical Information Service, Springfield, Va. 22161, with the following Government Accession Numbers:

(2114) Vol 1, ADA 116468

(2115) Vol 2, ADA 116469

(2116) Vol 3, ADA 116470

(2117) Vol 4, ADA 116471

(2118)

§164.42 Rate of turn indicator.

(2119) 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.

(2120)

§164.43 [Removed]

(2121)

§164.46 Automatic Identification System.

(2122) (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—

(2123) (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;

(2124) (2) Receives automatically such information from similarly fitted ships, monitors and tracks ships; and

(2125) (3) Exchanges data with shore-based facilities.

(2126) *Gross tonnage* means tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969.

(2127) *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.

(2128) *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).

(2129) (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:

(2130) (i) A self-propelled vessel of 65 feet or more in length, engaged in commercial service.

(2131) (ii) A towing vessel of 26 feet or more in length and more than 600 horsepower, engaged in commercial service.

- (2132) (iii) A self-propelled vessel that is certificated to carry more than 150 passengers.
- (2133) (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.
- (2134) (v) A self-propelled vessel engaged in the movement of—
- (2135) (A) Certain dangerous cargo as defined in subpart C of part 160 of this chapter, or
- (2136) (B) Flammable or combustible liquid cargo in bulk that is listed in 46 CFR 30.25-1, Table 30.25-1.
- (2137) (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:
- (2138) (i) Fishing industry vessels;
- (2139) (ii) Vessels identified in paragraph (b)(1)(i) of this section that are certificated to carry less than 150 passengers and that—
- (2140) (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
- (2141) (B) Do not operate at speeds in excess of 14 knots; and
- (2142) (iii) Vessels identified in paragraph (b)(1)(iv) of this section engaged in dredging operations.
- (2143) *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.
- (2144) (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):
- (2145) (1) A vessel of 300 gross tonnage or more, on an international voyage.
- (2146) (2) A vessel of 150 gross tonnage or more, when carrying more than 12 passengers on an international voyage.
- (2147) (d) *Operations.* The requirements in this paragraph are applicable to any vessel equipped with AIS.
- (2148) (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.
- (2149) (2) AIS must be maintained in effective operating condition, which includes—
- (2150) (i) The ability to reinitialize the AIS, which requires access to and knowledge of the AIS power source and password;
- (2151) (ii) The ability to access AIS information from the primary conning position of the vessel;
- (2152) (iii) The accurate broadcast of a properly assigned Maritime Mobile Service Identity (MMSI) number;
- (2153) (iv) The accurate input and upkeep of all AIS data fields and system updates; and
- (2154) (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).
- (2155) (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).
- (2156) (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.
- (2157) *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.

(2158) (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.

(2159) (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.

(2160) (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).

(2161) (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.

(2162) (1) Vessels that operate solely within a very confined area (e.g., less than a 1 nautical-mile radius, shipyard, or barge fleeting facility);

(2163) (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);

(2164) (3) Vessels that are not likely to encounter other AIS-equipped vessels;

(2165) (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

(2166) (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.

(2167) (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.

(2168) (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.

(2169)

§164.51 Deviations from rules: Emergency.

(2170) 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.

(2171)

§164.53 Deviations from rules and reporting: Non-operating equipment.

(2172) (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.

(2173) (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.

(2174)

§164.55 Deviations from rules: Continuing operation or period of time.

(2175) 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.

(2176)

§164.61 Marine casualty reporting and record retention.

(2177) 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:

(2178) (a) Ensure compliance with 46 CFR 4.05, "Notice of Marine Casualty and Voyage Records," and

(2179) (b) Ensure that the voyage records required by 46 CFR 4.05-15 are retained for:

(2180) (1) 30 days after the casualty if the vessel remains in the navigable waters of the United States; or

(2181) (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.

(2182)

§164.70 Definitions.

(2183) For purposes of §§164.72 through 164.82, the term—

(2184) *Current edition* means the most recent published version of a publication, chart, or map required by §164.72.

(2185) *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.

(2186) *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.

(2187) *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.

(2188) *Swing-meter* means an electronic or electric device that indicates that rate of turn of the vessel on board which it is installed.

(2189) *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.

(2190) *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.

(2191)

§164.72 Navigational-safety equipment, charts or maps, and publications required on towing vessels.

(2192) (a) Except as provided by §164.01(b), each towing vessel must be equipped with the following navigational-safety equipment:

(2193) (1) *Marine Radar*. By August 2, 1997, a marine radar that meets the following applicable requirements:

(2194) (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—

(2195) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(2196) (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.

(2197) (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—

(2198) (A) The requirements of the FCC specified by 47 CFR part 80; and

(2199) (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.

(2200) (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—

(2201) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(2202) (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.

(2203) (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—

(2204) (A) The requirements of the FCC specified by 47 CFR Part 80; and

(2205) (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.

(2206) (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.

(2207) (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.

(2208) (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.)

(2209) (4) *Magnetic Compass*. Either—

(2233)

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.			

(2210) (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

(2211) (ii) An illuminated card-type magnetic steering compass readable from the vessel's main steering station.

(2212) (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.

(2213) (6) *Electronic Position-Fixing Device*. An electronic position-fixing device, 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.

(2214) (b) Each towing vessel must carry on board and maintain the following:

(2215) (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.

(2216) (i) The charts or maps must be of a large enough scale and have enough detail to make safe navigation of the areas possible.

(2217) (ii) The charts or maps must be either—

(2218) (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

(2219) (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.

(2220) (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.

(2221) (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:

(2222) (i) If the vessel is engaged in towing exclusively on Western Rivers—

(2223) (A) U.S. Coast Guard Light List;

(2224) (B) Applicable Notices to Navigation published by the ACOE, or Local Notices to Mariners (LNMs)

published by the Coast Guard, for the area to be transited, when available; and

(2225) (C) Tidal-current tables published by private entities using data provided by the NOS, or river-current tables published by a river authority;

(2226) (ii) if the vessel is engaged other than in towing exclusively on Western Rivers—

(2227) (A) Coast Guard Light List;

(2228) (B) Notices to Mariners published by the National Geospatial-Intelligence Agency, or LNM published by the Coast Guard;

(2229) (C) Tidal-current tables published by private entities using data provided by the NOS, or river-current tables published by a river authority;

(2230) (D) Tide tables published by private entities using data provided by the NOS; and

(2231) (E) U.S. Coast Pilot.

(2232) (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 engaged in towing:

(2234)

§164.74 Towline and terminal gear for towing astern.

(2235) (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:

(2236) (1) The size and material of each towline must be—

(2237) (i) Appropriate for the horsepower or bollard pull of the vessel;

(2238) (ii) Appropriate for the static loads and dynamic loads expected during the intended service;

(2239) (iii) Appropriate for the sea conditions expected during the intended service;

(2240) (iv) Appropriate for exposure to the marine environment and to any chemicals used or carried on board the vessel;

(2241) (v) Appropriate for the temperatures of normal stowage and service on board the vessel;

(2242) (vi) Compatible with associated navigational-safety equipment; and

(2243) (vii) Appropriate for the likelihood of mechanical damage.

(2244) (2) Each towline as rigged must be—

(2245) (i) Free of knots;

(2246) (ii) Spliced with a thimble, or have a poured socket at its end; and

(2247) (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.

(2248) (3) The condition of each towline must be monitored through the—

(2249) (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 (incorporated by reference, see §164.03), Standard Test Method for Testing Fiber Ropes; or Cordage Institute CIA 3, Standard Test Methods for Fiber Rope Including Standard Terminations;

(2250) (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;

(2251) (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);

(2252) (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—

(2253) (A) Nautical miles on, or time in service of, the towline;

(2254) (B) Operating conditions experienced by the towline;

(2255) (C) History of loading of the towline;

(2256) (D) Surface condition, including corrosion and discoloration, of the towline;

(2257) (E) Amount of visible damage to the towline;

(2258) (F) Amount of material deterioration indicated by measurements of diameter and, if applicable, measurements of lay extension of the towline; and

(2259) (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

(2260) (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.

(2261) (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:

- (2262) (1) The material and size of the terminal gear are appropriate for the strength and anticipated loading of the towline and for the environment;
- (2263) (2) Each connection is secured by at least one nut with at least one cotter pin or other means of preventing its failure;
- (2264) (3) The lead of the towline is appropriate to prevent sharp bends in the towline from fairlead blocks, chocks, or tackle;
- (2265) (4) There is provided a method, whether mechanical or non-mechanical, that does not endanger operating personnel but that easily releases the towline;
- (2266) (5) The towline is protected from abrasion or chafing by chafing gear, lagging, or other means;
- (2267) (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
- (2268) (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.

(2269)

\$164.76 Towline and terminal gear for towing alongside and pushing ahead.

- (2270) The owner, master, or operator of each vessel towing alongside or pushing ahead shall ensure the face wires, spring lines, and push gear used—
- (2271) (a) Are appropriate for the vessel's horsepower;
- (2272) (b) Are appropriate for the arrangement of the tow;
- (2273) (c) Are frequently inspected; and
- (2274) (d) Remain serviceable.

(2275)

\$164.78 Navigation under way: Towing vessels.

- (2276) (a) The owner, master, or operator of each vessel towing shall ensure that each person directing and controlling the movement of the vessel—
- (2277) (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;
- (2278) (2) Can fix the position of the vessel using installed navigational equipment, aids to navigation, geographic reference-points, and hydrographic contours;
- (2279) (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.);

- (2280) (4) Evaluates the danger of each closing visual or radar contact;

- (2281) (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;

- (2282) (6) Knows the speed and direction of the current, and the set, drift, and tidal state for the area to be transited;

- (2283) (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

- (2284) (8) Monitors the voyage plan required by §164.80.

- (2285) (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.

(2286)

\$164.80 Tests inspections, and voyage planning.

- (2287) (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:

- (2288) (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.

- (2289) (2) *Navigational equipment.* A test of all installed navigational equipment.

- (2290) (3) *Communications.* Operation of all internal vessel control communications and vessel-control alarms, if installed.

- (2291) (4) *Lights.* Operation of all navigational lights and all searchlights.

- (2292) (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.

- (2293) (6) *Propulsion systems.* Visual inspection of the spaces for main propulsion machinery, of machinery, and of devices for monitoring machinery.

- (2294) (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:

- (2295) (1) *Navigational equipment.* Tests of onboard equipment as required by §164.25.

- (2296) (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.

- (2297) (c)(1) The voyage-planning requirements outlined in this section do not apply to you if your towing vessel is—

- (2298) (i) Used solely for any of the following services or any combination of these services—
- (2299) (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;
- (2300) (B) For harbor assist;
- (2301) (C) For assistance towing as defined by 46 CFR 10.103;
- (2302) (D) For response to emergency or pollution;
- (2303) (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;
- (2304) (iii) A foreign vessel engaged in innocent passage; or
- (2305) (iv) Exempted by the Captain of the Port (COTP).
- (2306) (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.
- (2307) (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):
- (2308) (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;
- (2309) (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);
- (2310) (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;
- (2311) (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;
- (2312) (v) Pre-departure checklists;
- (2313) (vi) Calculated speed and estimated time of arrival at proposed waypoints;
- (2314) (vii) Communication contacts at any Vessel Traffic Services, bridges, and facilities, and any port specific requirements for VHF radio;
- (2315) (viii) Any master's or operator's standings orders detailing closest points of approach, special conditions, and critical maneuvers; and
- (2316) (ix) Whether the towing vessel has sufficient power to control the tow under all foreseeable circumstances.
- (2317) **§164.82 Maintenance, failure, and reporting.**
- (2318) (a) *Maintenance.* The owner, master, or operator or each towing vessel shall maintain operative the navigational-safety equipment required by §164.72.
- (2319) (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.
- (2320) (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.
- (2321) (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.
- (2322) (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.
- (2323) (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.

(2324)

Part 165—Regulated Navigation Areas and Limited Access Areas

(2325)

Subpart A—General

(2326)

§165.1 Purpose of part.

(2327) The purpose of this part is to—

- (2328) (a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;
- (2329) (b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;
- (2330) (c) Prescribe specific requirements for established areas; and
- (2331) (d) List specific areas and their boundaries.

(2332)

§165.3 Definitions.

(2333) The following definitions apply to this part:

(2334) *Credential* means any or all of the following:

- (2335) (1) Merchant mariner's document.
- (2336) (2) Merchant mariner's license.
- (2337) (3) STCW endorsement.
- (2338) (4) Certificate of registry.
- (2339) (5) Merchant mariner credential.

(2340) *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.

(2341)

§165.5 Establishment procedures.

- (2342) (a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.
- (2343) (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:
 - (2344) (1) The name of the person submitting the request;
 - (2345) (2) The location and boundaries of the safety zone, security zone, or regulated navigation area;
 - (2346) (3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;
 - (2347) (4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;

(2348) (5) The nature of the restrictions or conditions desired; and

(2349) (6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(2350) (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.

(2351) (Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Budget under control number 1625-0020)

(2352)

§165.7 Notification.

(2353) (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.

(2354) (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.

(2355)

§165.8 Geographic coordinates.

(2356) 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.

(2357)

§165.9 Geographic application of limited and controlled access areas and regulated navigation areas.

(2358) (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.

(2359) (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.

(2360) (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.

- (2361) (d) *Naval vessel protection zones*. These zones are issued under the authority of 14 U.S.C. 91 and 633 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.

(2362)

Subpart B—Regulated Navigation Areas

(2363)

§165.10 Regulated navigation area.

- (2364) 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.

(2365)

§165.11 Vessel operating requirements (regulations).

- (2366) Each District Commander may control vessel traffic in an area which is determined to have hazardous conditions, by issuing regulations:

- (2367) (a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;
- (2368) (b) Establishing vessel size, speed, draft limitations, and operating conditions; and
- (2369) (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.

(2370)

§165.13 General regulations.

- (2371) (a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.
- (2372) (b) No person may cause or authorize the operation of a vessel in a regulated navigation area contrary to the regulations in this part.

(2373)

Subpart C—Safety Zones

(2374)

§165.20 Safety zones.

- (2375) 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.

(2376)

§165.23 General regulations.

- (2377) Unless otherwise provided in this part:

- (2378) (a) No person may enter a safety zone unless authorized by the COTP or the District Commander.

- (2379) (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.

- (2380) (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

- (2381) (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.

(2382)

Subpart D—Security Zones

(2383)

§165.30 Security Zones.

- (2384) (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.

- (2385) (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:

- (2386) (1) Vessels,

- (2387) (2) Harbors,

- (2388) (3) Ports and

- (2389) (4) Waterfront facilities:

- (2390) in the United States and all territory and water, continental or insular, that is subject to the jurisdiction of the United States.

(2391)

§165.33 General regulations.

- (2392) Unless otherwise provided in the special regulations in Subpart F of this part:

- (2393) (a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

- (2394) (b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

- (2395) (c) The Captain of the Port may take possession and control of any vessel in the security zone;

- (2396) (d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

- (2397) (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
- (2398) (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.

(2399)

Subpart E—Restricted Waterfront Areas

(2400)

§165.40 Restricted waterfront areas.

- (2401) 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 §125.09 of this chapter when certain shipping activities are conducted that are outlined in §125.15 of this chapter.

(2402)

Subpart F—Specific Regulated Navigation Areas and Limited Access Areas

(2403)

§165.1101 Security Zone: San Diego Bay, CA.

- (2404) (a) *Location.* The following area is a security zone: the water area within Naval Station, San Diego enclosed by the following points: Beginning at
- (2405) 32°41'16.5"N., 117°08'01"W (Point A); thence running southwesterly to
- (2406) 32°40'58.3"N., 117°08'11.0"W. (Point B); to
- (2407) 32°40'36.0"N., 117°07'49.1"W. (Point C); to
- (2408) 32°40'17.0"N., 117°07'34.6"W. (Point D); to
- (2409) 32°39'36.4"N., 117°07'24.8"W. (Point E); to
- (2410) 32°39'38.5"N., 117°07'06.5"W. (Point F); thence running generally northwesterly along the shoreline of the Naval Station to the place of the beginning. All coordinates referenced use datum: NAD 1983.
- (2411) (b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port San Diego; Commander, Naval Base San Diego; Commander, Navy Region Southwest; or the Commanding Officer, Naval Station, San Diego.
- (2412) (2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 619-683-6495 or on VHF 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 his or her designated representative.
- (2413) (c) *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.
- (2414) (d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

(2415)

§165.1102 Security Zone: Naval Base Point Loma; San Diego Bay, CA.

- (2416) (a) *Location.* The following area is a security zone: The water adjacent to the Naval Base Point Loma, San Diego, CA, enclosed by the following coordinates:
- (2417) 32°42'28.8"N, 117°14'13.2"W (Point A)
- (2418) 32°42'28.8"N, 117°14'12.6"W (Point B)
- (2419) 32°42'10.2"N, 117°14'03.0"W (Point C)
- (2420) 32°42'06.2"N, 117°14'01.5"W (Point D)
- (2421) 32°41'49.5"N, 117°14'07.0"W (Point E)
- (2422) 32°41'47.4"N, 117°14'11.4"W (Point F)
- (2423) 32°41'43.8"N, 117°14'12.6"W (Point G)
- (2424) 32°41'31.8"N, 117°14'13.8"W (Point H)
- (2425) 32°41'33.0"N, 117°14'01.2"W (Point I)
- (2426) 32°41'10.2"N, 117°13'57.0"W (Point J)
- (2427) 32°41'10.2"N, 117°13'58.2"W (Point K)
- (2428) Thence running generally north along the shoreline to Point A.
- (2429) (b) *Regulations.* (1) The general regulations governing security zones found in 33 CFR 165.33 apply to the security zone described in paragraph (a) of this section.
- (2430) (2) Entry into, or remaining in, the areas of either zone is prohibited unless authorized by the Captain of the Port San Diego; Commanding Officer, Naval Base Point Loma; or Commander, Naval Region Southwest.
- (2431) (3) Persons desiring to transit the area of the security zone may request permission from the Captain of the Port San Diego at telephone number 619-278-7033 or on VHF channel 16 (156.8 MHz) or from either the Commanding Officer, Naval Base Point Loma or the Commanding Officer Navy Region Southwest by calling the Navy Port Operation Dispatch at telephone number 619-556-1433 or on VHF-FM channels 16 or 12. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port San Diego or his or her designated representative.
- (2432) (c) *Definitions.* For purposes of this section: Captain of the Port San Diego, means the Commanding Officer of the Coast Guard Sector San Diego; Commander, Navy Region Southwest, means Navy Region Commander responsible for the Southwest Region; Commanding Officer, Naval Base Point Loma, means the Installation Commander of the naval base located on Point Loma, San Diego, California; Designated Representative, means any U.S. Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port San Diego to assist in the enforcement of the security zone described in paragraph (a) of this section.
- (2433) (d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the security zone described in paragraph (a) of this section by the U.S. Navy and local law enforcement agencies.

(2434)

§165.1103 Security Zone: Naval Mine Anti

Submarine Warfare Command; San Diego Bay, San Diego, CA.

(2435) (a) *Location*. (1) The following area is a security zone: The water adjacent to the Naval Mine Anti Submarine Warfare Command, bound by the following coordinates:

(2436) 32°43'40.9"N, 117°12'54.9"W (A)

(2437) 32°43'40.6"N, 117°12'52.3"W (B)

(2438) 32°43'22.5"N, 117°12'57.8"W (C)

(2439) 32°43'23.4"N, 117°13'01.3"W (D)

(2440) Thence running generally northwest along the shoreline to Point A.

(2441) (2) The proposed security zone at the Naval Mine Anti Submarine Warfare Command would be established to provide for the 100 feet of standoff distance.

(2442) (b) *Regulations*. (1) The general regulations governing security zones found in 33 CFR 165.33 apply to the security zone described in paragraph (a) of this section.

(2443) (2) Entry into, or remaining in, the areas of either zone is prohibited unless authorized by the Captain of the Port San Diego; Commanding Officer, Naval Mine Anti Submarine Warfare Command; or Commander, Naval Region Southwest.

(2444) (3) Persons desiring to transit the area of the security zone may request permission from the Captain of the Port San Diego at telephone number 619–278–7033 or on VHF channel 16 (156.8 MHz) or from either the Commanding Officer, Naval Mine Anti Submarine Warfare Command or the Commander, Navy Region Southwest by calling the Navy Port Operation Dispatch at telephone number 619–556–1433 or on VHF–FM channels 16 or 12. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port San Diego or his or her designated representative.

(2445) (c) *Definitions*. For purposes of this section: Captain of the Port San Diego, means the Commanding Officer of the Coast Guard Sector San Diego; Commander, Navy Region Southwest, means Navy Region Commander responsible for the Southwest Region; Commanding Officer, Naval Mine Anti Submarine Warfare Command, means the Installation Commander of the naval base located on Point Loma, San Diego, California; Designated Representative, means any U.S. Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port San Diego to assist in the enforcement of the security zone described in paragraph (a) of this section.

(2446) (d) *Enforcement*. The U.S. Coast Guard may be assisted in the patrol and enforcement of the security zone described in paragraph (a) of this section by the U.S. Navy and local law enforcement agencies.

(2447)

§165.1104 Security Zone: San Diego Bay, CA.

(2448) (a) *Location*. The following area is a security zone: on the waters along the northern shoreline of Naval Base

Coronado, the area enclosed by the following points: Beginning at

(2449) 32°42'53.0"N., 117°11'45.0 W. (Point A); thence running northerly to

(2450) 32°42'55.5"N., 117°11'45.0"W., (Point B); thence running easterly to

(2451) 32°42'57.0"N., 117°11'31.0"W., (Point C); thence southeasterly to

(2452) 32°42'42.0"N., 117°11'04.0"W. (Point D); thence southeasterly to

(2453) 32°42'21.0"N., 117°10'47.0"W. (Point E) thence running southerly to

(2454) 32°42'13.0"N., 117°10'51.0"W. (Point F); thence running generally northwesterly along the shoreline of Naval Base Coronado to the place of beginning. All coordinates referenced use datum: NAD 1983.

(2455) (b) *Regulations*. (1) In accordance with the general regulations in Sec. 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port San Diego; Commander, Naval Base Coronado, or Commander, Navy Region Southwest.

(2456) (2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 619–683–6495 or on VHF 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 his or her designated representative.

(2457) (c) *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.

(2458) (d) *Enforcement*. The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

(2459)

§165.1105 Security Zone: San Diego Bay, CA.

(2460) (a) *Location*: (1) The following area is a security zone: The water area adjacent to Naval Air Station North Island, Coronado, California, and within 100 yards (91 meters) of Bravo Pier, and vessels moored thereto, bounded by the following points (when no vessel is moored at the pier):

(2461) (i) 32°41'53.0"N., 117°13'33.6"W.;

(2462) (ii) 32°41'53.0"N., 117°13'40.6"W.;

(2463) (iii) 32°41'34.0"N., 117°13'40.6"W.;

(2464) (iv) 32°41'34.0"N., 117°13'34.1"W.

(2465) (2) Because the area of this security zone is measured from the pier and from vessels moored thereto, the actual area of this security zone will be larger when a vessel is moored at Bravo Pier.

(2466) (b) *Regulations*: In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commanding Officer, Naval Air Station North Island. Section 165.33 also contains other general requirements.

(2467)

§165.1106 San Diego Bay, CA—safety zone.

(2468) (a) The waters of San Diego Bay enclosed by the following boundaries are a safety zone:

(2469) From a point located on the boundary of Coast Guard Air Station San Diego, California at latitude 32°43'37.2"N., longitude 117°10'45.0"W. (point A), for a point of beginning; thence southeasterly to latitude 32°43'36.2"N., longitude 117°10'41.5"W. (point B); thence southwesterly to latitude 32°43'20.2"N., longitude 117°10'49.5"W. (point C); thence northwesterly to latitude 32°43'25.7"N., longitude 117°11'04.6"W. (point D); thence northeasterly to latitude 32°43'35.7"N., longitude 117°10'59.5"W. (point E); thence generally easterly along the air station boundary to the point of beginning (point A).

(2470) (b)(1) In accordance with the general regulations in §165.23 of this Part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, except as provided for below.

(2471) (2) Vessels may transit the area of this safety zone without permission, but may not anchor, stop, remain within the zone, or approach within 100 yards (92 meters) of the land area of Coast Guard Air Station San Diego or structures attached thereto.

(2472)

§165.1107 San Diego Bay, CA.

(2473) (a) *Location.* The area encompassed by the following geographic coordinates is a regulated navigation area:

(2474) 32°41'24.6"N., 117°14'21.9"W.

(2475) 32°41'34.2"N., 117°13'58.5"W.

(2476) 32°41'34.2"N., 117°13'37.2"W., thence south along the shoreline to

(2477) 32°41'11.2"N., 117°13'31.3"W.

(2478) 32°41'11.2"N., 117°13'58.5"W., thence north along the shoreline to the point of origin.

(2479) Datum: NAD 1983.

(2480) (b) *Regulations.* (1) During submarine docking/undocking operations at the U.S. Naval Submarine Base on Ballast Point, San Diego Bay, California, mariners transiting within the regulated navigation area shall proceed at a speed that generates no wake from their vessel.

(2481) (2) The Coast Guard will issue a Broadcast Notice to Mariners, and if time permits a Local Notice to Mariners, to inform the maritime community of the dates and times of the submarine docking/undocking operations covered by paragraph (b)(1).

(2482) (3) The master and/or operator of a vessel within the regulated navigation area shall comply with any other orders or directions issued by the Coast Guard as required for the safety of the submarine docking/undocking operations covered by paragraph (b)(1).

(2483)

§165.1108 Security Zones; Cruise Ships, Port of San Diego, CA.

(2484) (a) *Definition.* “Cruise Ship” as used in this section means a passenger vessel, except for a ferry, 100 gross tons or more, authorized to carry more than 12 passengers for hire; capable of making international voyages lasting more than 24 hours, any part of which is on the high seas; and for which passengers are embarked, disembarked or at a port of call in the San Diego port.

(2485) (b) *Location.* The following areas are security zones: All navigable water, extending from the surface to the sea floor, within a 100-yard radius around any cruise ship that is located within the San Diego port area landward of the sea buoys bounding the Port of San Diego.

(2486) (c) *Regulations.* Under regulations in 33 CFR part 165, subpart D, a person or vessel may not enter into or remain in the security zones created by this section unless authorized by the Coast Guard Captain of the Port, San Diego (COTP) or a COTP designated representative. Persons desiring to transit these security zones may contact the COTP at telephone number 619–278–7033 or on VHF-FM 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 his or her designated representative.

(2487) (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.

(2488) (e) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the security zones by the San Diego Harbor Police.

(2489)

§165.1110 Security Zone: Coronado Bay Bridge, San Diego, CA.

(2490) (a) *Location.* All navigable waters of San Diego Bay, from the surface to the sea floor, within 25 yards of all piers, abutments, fenders and pilings of the Coronado Bay Bridge. These security zones will not restrict the main navigational channel nor will it restrict vessels from transiting through the channel.

(2491) (b) *Regulations.* (1) Under §165.33, entry into, transit through, loitering, or anchoring within any of these security zones by all persons and vessels is prohibited, unless authorized by the Captain of the Port, or his designated representative. Mariners seeking permission to transit through a security zone may request authorization to do so from Captain of the Port or his designated representative. The Coast Guard can be contacted on San Diego Bay via VHF-FM channel 16.

(2492) (2) Vessels may enter a security zone if it is necessary for safe navigation and circumstances do not allow sufficient time to obtain permission from the Captain of the Port.

(2493)

§165.1120 Security Zone; Naval Amphibious Base, San Diego, CA.

(2494) (a) *Location.* The following area is a security zone: the waters of San Diego Bay, enclosed by lines connecting the following points: Beginning at

(2495) 32°40'30.0"N., 117°10'03.0"W. (Point A); thence running northeasterly to

(2496) 32°40'54.0"N., 117°09'35.5"W. (Point B); thence running northeasterly to

(2497) 32°40'55.0"N., 117°09'27.0"W. (Point C); thence running southeasterly to

(2498) 32°40'43.0"N., 117°09'09.0"W. (Point D); thence running southerly to

(2499) 32°40'39.0"N., 117°09'08.0"W. (Point E); thence running southwesterly to

(2500) 32°40'30.0"N., 117°09'12.9"W. (Point F); thence running a short distance to

(2501) 32°40'29.0"N., 117°09'14.0"W. (Point G); thence running southwesterly to

(2502) 32°40'26.0"N., 117°09'17.0"W. (Point H); thence running northwesterly to the shoreline to

(2503) 32°40'31.0"N., 117°09'22.5"W. (Point I), thence running along the shoreline to the beginning point.

(2504) (b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commander, Navy Region Southwest.

(2505) (c) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

(2506)

§165.1121 [Removed and Reserved]

(2507)

§165.1122 San Diego Bay, Mission Bay and their Approaches—Regulated navigation area.

(2508) (a) *Regulated navigation area.* The following area is a regulated navigation area (RNA): All waters of San Diego Bay, Mission Bay, and their approaches encompassed by a line commencing at Point La Jolla (32°51'06"N., 117°16'42"W.); thence proceeding seaward on a line bearing 255°T to the outermost extent of the territorial seas; thence proceeding southerly along the outermost extent of the territorial seas to the intersection of the maritime boundary with Mexico; thence proceeding easterly, along the maritime boundary with Mexico to its intersection with the California coast; thence proceeding northerly, along the shoreline of the California coast—and including the inland waters of San Diego Bay and Mission Bay, California, shoreward of the COLREGS Demarcation Line—back to the point of origin. All coordinates reference 1983 North American Datum (NAD 83).

(2509) (b) *Definitions.* As used in this section—

(2510) *COLREGS Demarcation Line* means the line described at 33 CFR 80.1104 or 80.1106.

(2511) *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.

(2512) *Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

(2513) (c) *Applicability.* This section applies to all vessels of 100 gross tons (GT) or more, including tug and barge combinations of 100 GT or more (combined), operating within the RNA, with the exception of public vessels, vessels not intending to cross the COLREGS Demarcation Line and enter San Diego Bay or Mission Bay, and any vessels exercising rights under principles of international law, including innocent passage or force majeure, within the area of the RNA. Vessels operating properly installed, operational, type approved automatic identification system (AIS) as denoted in 33 CFR 164.46 are exempted from making requests as required in this regulation.

(2514) (d) *Regulations* (1) No vessel to which this rule applies may enter, depart or move within San Diego Bay or Mission Bay unless it complies with the following requirements:

(2515) (i) Obtain permission to enter San Diego Bay or Mission Bay from the Captain of the Port or designated representative immediately upon entering the RNA. However, to avoid potential delays, we recommend seeking permission 30 minutes prior to entering the RNA.

(2516) (ii) Follow all instructions issued by the Captain of the Port or designated representative.

(2517) (iii) Obtain permission for any departure from or movement within the RNA from the Captain of the Port or designated representative prior to getting underway.

(2518) (iv) Follow all instructions issued by the Captain of the Port or designated representative.

(2519) (v) Requests may be made by telephone at 619-278-7033 (select option 2) or via VHF-FM radiotelephone on channel 16 (156.800 Mhz). The call sign for radiotelephone requests to the Captain of the Port or designated representative is “Coast Guard Sector San Diego.”

(2520) (2) For purposes of the requirements in paragraph (d) (1) of this section, the Captain of the Port or designated representative means any official designated by the Captain of the Port, including but not limited to commissioned, warrant, and petty officers of the U.S. Coast Guard, and any U.S. Coast Guard patrol vessel. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(2521) (e) *Waivers.* The Captain of the Port or designated representative may, upon request, waive any regulation in this section.

(2522)

§165.1131 Security Zone: Wilson Cove, San Clemente Island, CA.

- (2523) (a) *Location.* The following area is a security zone: The water area adjacent to San Clemente Island, California within 1.5 nautical miles (1.73 statute miles, 2.8 kilometers) of the shoreline of San Clemente Island from Wilson Cove North End Light (LLNR 2565) to Spruce Pier, approximately 4.1 nautical miles (4.7 statute miles, 7.65 kilometers) southeast of Wilson Cove North End Light, described as follows: Starting at a point on the shoreline of San Clemente Island, California, in position
- (2524) 33°01'25.0"N., 118°33'43.0"W. for a place of beginning (point A), thence northeasterly to
- (2525) 33°02'11.0"N., 118°32'13.5"W. (point B), thence southeasterly to
- (2526) 32°58'40.5"N., 118°29'15.5"W. (point C), thence southwesterly to
- (2527) 32°57'54.0"N., 118°31'17.2"W. (point D), thence northwesterly along the shoreline of San Clemente Island to the place of beginning.
- (2528) (b) *Regulations.* In accordance with the general regulations in §165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port, San Diego, California. Section 165.33 also contains other general requirements.

(2529)

§165.1141 Safety Zone; San Clemente 3 NM Safety Zone, San Clemente Island, CA.

- (2530) (a) *Location.* The following area is a safety zone: All waters of the Pacific Ocean surrounding San Clemente Island, from surface to bottom, extending from the high tide line on the island seaward 3 NM. The zone consists of the following sections (see Figure 1):
- (2532) (1) *Section A*
- (2533) Beginning at 33°02'03.0"N., 118°35'51.0"W.; thence to 33°04'55.8"N., 118°37'04.2"W.; thence running parallel to the shore at a distance of approximately 3 NM from the high tide line to 33°02'49.2"N., 118°30'39.0"W.;

(2531)

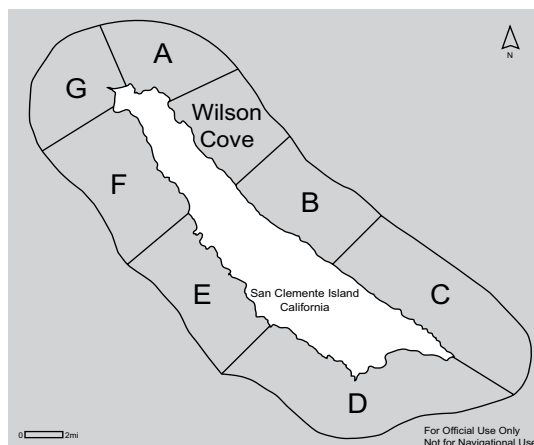


Figure 1. San Clemente Island Safety Zone Configuration

thence 33°01'17.4"N., 118°33'52.8"W.; thence along the shoreline returning to 33°02'03.0"N., 118°35'51.0"W.

(2534) (2) *Section B*

- (2535) Beginning at 32°57'18.0"N., 118°30'52.8"W.; thence to 32°59'36.0"N., 118°28'19.8"W.; thence running parallel to the shore at a distance of approximately 3 NM from the high tide line to 32°55'49.8"N., 118°24'13.2"W.; thence to 32°53'31.8"N., 118°26'31.2"W.; thence along the shoreline returning to 32°57'18.0"N., 118°30'52.8"W.

(2536) (3) *Section C*

- (2537) Beginning at 32°53'31.8"N., 118°26'31.2"W.; thence to 32°55'49.8"N., 118°24'13.2"W.; thence running parallel to the shore at a distance of approximately 3 NM from the high tide line to 32°47'16.2"N., 118°18'13.8"W.; thence to 32°49'06.0"N., 118°21'03.0"W.; thence along the shoreline returning to 32°53'31.8"N., 118°26'31.2"W.

(2538) (4) *Section D*

- (2539) Beginning at 32°49'06.0"N., 118°21'03.0"W.; thence to 32°47'16.2"N., 118°18'13.8"W.; thence running parallel to the shore at a distance of approximately 3 NM from the high tide line to 32°48'22.8"N., 118°31'41.4"W.; thence to 32°50'42.0"N., 118°29'22.2"W.; thence along the shoreline returning to 32°49'06.0"N., 118°21'03.0"W.

(2540) (5) *Section E*

- (2541) Beginning at 32°50'42.0"N., 118°29'22.2"W.; thence to 32°48'03.0"N., 118°31'40.8"W.; thence running parallel to the shore at a distance of approximately 3 NM from the high tide line to 32°53'37.2"N., 118°35'55.8"W.; thence to 32°56'07.8"N., 118°32'57.0"W.; thence along the shoreline returning to 32°50'42.0"N., 118°29'22.2"W.

(2542) (6) *Section F*

- (2543) Beginning at 32°56'07.8"N., 118°32'57.0"W.; thence to 32°53'37.2"N., 118°35'55.8"W.; thence running parallel to the shore at a distance of approximately 3 NM from the high tide line to 32°59'57.0"N., 118°39'46.2"W.; thence to 33°01'04.8"N., 118°36'19.8"W.; thence along the shoreline returning to 32°56'07.8"N., 118°32'57.0"W.

(2544) (7) *Section G*

- (2545) Beginning at 33°01'04.8"N., 118°36'20.0"W.; thence to 32°59'57.0"N., 118°39'46.2"W.; thence running parallel to the shore at a distance of approximately 3 NM from the high tide line to 33°04'55.8"N., 118°37'04.2"W.; thence to 33°02'03.0"N., 118°35'51.0"W.; along the shoreline returning to 33°01'04.8"N., 118°36'19.8"W.

(2546) (8) *Wilson Cove*

- (2547) Beginning at 33°01'16.8"N., 118°33'52.8"W.; thence to 33°02'49.2"N., 118°30'39.0"W.; thence running parallel to the shore at a distance of approximately 3 NM from the high tide line to 32°59'36.0"N., 118°28'19.8"W.; thence to 32°57'18.0"N., 118°30'52.8"W.; thence along the shoreline returning to 33°01'16.8"N., 118°33'52.8"W.

- (2548) (b) *Definitions.* The following definition applies to this section: designated representative, means any commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and Federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port (COTP).

- (2549) (c) *Enforcement.* (1) This regulation will be enforced at all times in Section G and the Wilson Cove section of the safety zone described in paragraph (a) of this section. Mariners must obtain permission in accordance with the procedure described in paragraph (d)(2) of this section before entering either of those sections (paragraphs (a) (7) and (8)).
- (2550) (2) This regulation will be enforced in Sections A through F of the safety zone described in paragraphs (a) (1) through (6) of this section except when the Coast Guard notifies the public that enforcement of the zone in specified sections is temporarily suspended. Mariners need not obtain permission in accordance with the procedure described in paragraph (d)(2) of this section to enter a zone section in which enforcement is temporarily suspended. At all other times, mariners must obtain permission in accordance with the procedure described in paragraph (d)(2) before entering any of those sections.
- (2551) (3) The COTP will provide notice of suspended enforcement by means appropriate to affect the widest publicity, including broadcast notice to mariners, publication in the local notice to mariners, and posting the schedule of restricted access periods by date, location and duration at <http://www.scisland.org>.
- (2552) (d) *Regulations.* (1) The general regulations governing safety zones found in 33 CFR 165.23 apply to the safety zone described in paragraph (a) of this section.
- (2553) (2) Mariners requesting permission to transit through any section of the zone may request authorization to do so from the Fleet Area Control and Surveillance Facility (FACSFAC) San Diego by either calling 619-545-4742 or establishing a VHF bridge to bridge radio connection on Channel 16. Immediately upon completing transit, the vessel operator must promptly notify the FACSFAC of safe passage through the safety zone. Failure to expeditiously notify FACSFAC of passage through the safety zone will result in a determination by the Navy that the vessel is still in the safety zone, thereby restricting the use of the area for naval operations. If the Navy determines that facilitating safe transit through the zone negatively impacts range operations, the Navy will cease this practice and enforce the safety zones in these two areas without exception.
- (2554) (3) All persons and vessels must comply with the instructions of the U.S. Navy, Coast Guard Captain of the Port or the designated representative.
- (2555) (4) Upon being hailed by U.S. Navy or U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel must proceed as directed.
- (2556) (5) The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone described in paragraph (a) of this section by the U.S. Navy and local law enforcement agencies.
- (2557) **§165.1151 Security Zones; Liquefied Hazardous Gas Tank Vessels, San Pedro Bay, CA.**
- (2558) (a) *Definition.* “Liquefied Hazardous Gas” as used in this section means a liquid containing one or more of the products listed in Table 127.005 of this part that is carried in bulk on board a tank vessel as liquefied petroleum gas, liquefied natural gas, or similar liquefied gas products.
- (2559) (b) *Location.* The following areas are security zones:
- (2560) (1) All waters, extending from the surface of the sea floor, within a 500 yard radius around any liquefied hazardous gas (LHG) tank vessel that is anchored at a designated anchorage either inside the Federal breakwaters bounding San Pedro Bay or outside at designated anchorages within three nautical miles of the breakwater;
- (2561) (2) The shore area and all waters, extending from the surface to the sea floor, within a 500 yard radius around any LHG tank vessel that is moored, or in the process of mooring, at any berth within the Los Angeles or Long Beach port areas inside the Federal breakwaters bounding San Pedro Bay;
- (2562) (3) All waters, extending from the surface to the sea floor, within 1000 yards ahead and 500 yards on each side and astern of any LHG tank vessel that is underway either on the waters inside the Federal breakwaters bounding San Pedro Bay or on the waters within three nautical miles seaward of the Federal breakwaters.
- (2563) (c) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into or remaining in these zones is prohibited unless authorized by the Coast Guard Captain of the Port Los Angeles-Long Beach, or his or her designated representative.
- (2564) (2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number (800) 221-USCG (8724) or on VHF-FM channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels shall comply with the instructions of the Captain of the Port or his or her designated representative.
- (2565) (3) When any LHG tank vessels approach within 500 yards of a vessel that is moored or anchored, the stationary vessel must stay moored or anchored while it remains within the LHG tank vessel’s security zone unless it is either ordered by or given permission from the Captain of the Port Los Angeles-Long Beach to do otherwise.
- (2566) (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.
- (2567) (e) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of these security zones by the Los Angeles Port Police and the Long Beach Police Department.

(2568)

\$165.1152 San Pedro Bay, CA—Regulated navigation area.

(2569) (a) *Applicability*: This section applies to all vessels unless otherwise specified. (Note: All geographic coordinates are defined using North American Datum 1983 (NAD 83)).

(2570) (b) *Deviations*. The Captain of the Port of Los Angeles—Long Beach or his or her designated representative may authorize a deviation from the requirements of this regulation when it is deemed necessary in the interests of safety.

(2571) (c) *Location*. (1) The San Pedro Bay Regulated Navigation Area (RNA) consists of the water area enclosed by the Los Angeles—Long Beach breakwater and a line connecting Point Fermin Light at 33°42.30'N., 118°17.60'W., with the following geographical positions:

(2572) 33°35.50'N., 118°17.60'W.

(2573) 33°35.50'N., 118°09.00'W.

(2574) 33°37.70'N., 118°06.50'W.

(2575) 33°43.40'N., 118°10.80'W.

(2576) (2) The San Pedro Bay RNA consists of the following named sub-areas, defined by lines connecting their respective geographic coordinates:

(2577) (i) The Los Angeles Pilot Area:

(2578) 33°42.50'N., 118°15.10'W. (Los Angeles Light)

(2579) 33°42.62'N., 118°14.70'W.

(2580) 33°41.30'N., 118°13.50'W.

(2581) 33°40.85'N., 118°14.90'W.

(2582) 33°42.50'N., 118°15.10'W.

(2583) (ii) The Long Beach Pilot Area:

(2584) 33°43.40'N., 118°11.20'W. (Long Beach Light)

(2585) 33°43.40'N., 118°10.80'W.

(2586) 33°41.50'N., 118°10.22'W.

(2587) 33°40.52'N., 118°10.22'W.

(2588) 33°40.52'N., 118°11.82'W.

(2589) 33°41.50'N., 118°11.82'W.

(2590) 33°43.40'N., 118°11.20'W.

(2591) (iii) The Los Angeles Deep Water Traffic Lane:

(2592) 33°42.47'N., 118°14.95'W.

(2593) 33°42.56'N., 118°14.75'W.

(2594) 33°39.48'N., 118°13.32'W.

(2595) 33°39.42'N., 118°13.55'W.

(2596) 33°42.47'N., 118°14.95'W.

(2597) (iv) The Long Beach Deep Water Traffic Lane:

(2598) 33°43.43'N., 118°11.15'W.

(2599) 33°43.39'N., 118°10.90'W.

(2600) 33°41.51'N., 118°10.71'W.

(2601) 33°41.50'N., 118°10.95'W.

(2602) 33°43.43'N., 118°11.15'W.

(2603) (v) Los Angeles Deep Water Pilot Area: A 0.5 nm radius around 33°39.00'N., 118°13.19'W.

(2604) (d) *General Regulations*. The following regulations contained in paragraphs (d)(1) through (d)(3) of this section apply to power driven vessels of 1,600 or more gross tons, a towing vessel of 8 meters (approximately 26 feet) or over in length engaged in towing, or vessels

of 100 gross tons and upward carrying one or more passengers for hire.

(2605) (1) A vessel shall not exceed a speed of 12 knots through the water within the RNA.

(2606) (2) A vessel navigating within the RNA, shall have its engine(s) ready for immediate maneuver and shall operate its engine(s) in a control mode and on fuel that will allow for an immediate response to any engine order, ahead or astern, including stopping its engine(s) for an extended period of time.

(2607) (3) A vessel navigating within the RNA shall maintain a minimum separation from other vessels of at least 0.25 nm.

(2608) (e) *Specific Regulations*—(1) *Los Angeles Pilot Area*.

(i) No vessel may enter the Los Angeles Pilot Area unless it is entering or departing Los Angeles Harbor entrance (Angels Gate).

(2609) (ii) Vessels entering the Los Angeles Pilot Area shall pass directly through without stopping or loitering except as necessary to embark or disembark a pilot.

(2610) (2) *Long Beach Pilot Area*. (i) No vessel may enter the Long Beach Pilot Area unless it is entering or departing Long Beach Harbor entrance (Queens Gate).

(2611) (ii) Vessels entering the Long Beach Pilot Area shall pass directly through without stopping or loitering except as necessary to embark or disembark a pilot.

(2612) (iii) Every vessel shall leave Long Beach Approach Lighted Whistle Buoy “LB” to port when entering and departing Long Beach Channel and departing vessels shall pass across the southern boundary of the Long Beach Pilot Area.

(2613) (3) *Los Angeles and Long Beach Deep Water Traffic Lanes*. When a vessel of 50 foot draft or greater is using the Los Angeles or Long Beach Deep Water Traffic Lane no other vessel shall enter the Deep Water Traffic Lane if it will result in a meeting, crossing or overtaking situation.

(2614) (4) *Los Angeles Deep Water Pilot Area*. When a vessel of 50 foot draft or greater is embarking or disembarking a pilot in the Los Angeles Deep Water Pilot Area no other vessel shall enter the Deep Water Pilot Area.

(2615) (5) Vessels described in Paragraph (d) of this section may not enter the waters between Commercial Anchorage G and the Middle Breakwater as defined by an area enclosed by the line beginning at Los Angeles Main Channel Entrance Light 8 (33°42.70'N., 118°14.70'W.), thence east along the Middle Breakwater to Long Beach Light (33°43.40'N., 118°11.20'W.), thence south to (33°43.08'N., 118°11.26'W.), thence westerly to (33°43.08'N., 118°12.26'W.), thence southwesterly parallel to the breakwater to (33°42.43'N., 118°14.30'W.), thence to the point of origin, unless such vessel is:

(2616) (i) In an emergency;

(2617) (ii) Proceeding to anchor in or departing Commercial Anchorage G;

(2618) (iii) Standing by with confirmed pilot boarding arrangements; or,

(2619) (iv) Engaged in towing vessels to or from Commercial Anchorage G, or to or from the waters

between Commercial Anchorage G and the Middle Breakwater.

(2620)

§165.1154 Security Zones; Moored Cruise Ships, San Pedro Bay, CA.

(2621) (a) *Definition*. “Cruise ship” as used in this section means a passenger vessel, except for a ferry, over 100 feet in length, authorized to carry more than 12 passengers for hire; making voyages lasting more than 24 hours, any part of which is on the high seas; and for which passengers are embarked or disembarked in the Port of Los Angeles or Port of Long Beach.

(2622) (b) *Location*. The following areas are security zones: All navigable waters, extending from the surface to the sea floor, within a 100-yard radius around any cruise ship that is located within the San Pedro Bay area landward of the sea buoys bounding the port of Los Angeles or Port of Long Beach or designated anchorages within 3 nautical miles seaward of the Federal Breakwaters.

(2623) (c) *Regulations*. Under regulations in 33 CFR part 165, subpart D, a person or vessel may not entry into or remain in the security zones created by this section unless authorized by the Coast Guard Captain of the Port, Los Angeles—Long Beach (COTP) or a COTP designated representative.

(2624) (1) Persons desiring to transit these security zones may contact the COTP at telephone number 310–521–3801 or on VHF–FM 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 his or her designated representative.

(2625) (2) When a cruise ship approaches within 100 yards of a vessel that is moored, or anchored, the stationary vessel must stay moored or anchored while it remains within the cruise ship’s security zone unless it is either ordered by, or given permission from, the COTP Los Angeles-Long Beach to do otherwise.

(2626) (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.

(2627) (e) *Enforcement*. The U.S. Coast Guard may be assisted in the patrol and enforcement of the security zone by the Los Angeles Port Police and the Long Beach Police Department.

(2628)

§165.1155 Security Zone; Diablo Canyon Nuclear Power Plant, Avila Beach, CA.

(2629) (a) *Location*. The following area is a security zone: all waters of the Pacific Ocean, from surface to bottom, within a 2,000 yard radius of Diablo Canyon Nuclear Power Plant centered at position 35°12'23"N., 120°51'23"W. [Datum: NAD 83].

(2630) (b) *Regulations*. (1) In accordance with the general regulations in §165.33 of this part, entry into or remaining in this zone is prohibited unless authorized by the Coast

Guard Captain of the Port, Los Angeles-Long Beach, or his or her designated representative.

(2631) (2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 1-800-221-8724 or on VHF-FM channel 16 (156.8 MHz). If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(2632) (c) *Authority*. In addition to 46 U.S.C. 70034, the authority for this section includes 46 U.S.C. 70116.

(2633)

§165.1156 Safety Zone; Offshore Marine Terminal, El Segundo, CA.

(2634) (a) *Location*. The following area is a safety zone: All waters of Santa Monica Bay, from surface to bottom, enclosed by a line beginning at

(2635) 33°54'59"N., 118°26'50"W.; then to

(2636) 33°54'59"N., 118°27'34"W.; then to

(2637) 33°54'00"N., 118°27'34"W.; then to

(2638) 33°54'00"N., 118°26'50"W; then to the point of beginning (NAD 1983).

(2639) (b) *Regulations*. (1) In accordance with the general regulations in §165.23 of this part, entry into or movement within this zone is prohibited except for:

(2640) (i) Commercial vessels authorized to use the offshore marine terminal for loading or unloading;

(2641) (ii) Commercial tugs, lighters, barges, launches, or other vessels authorized to engage in servicing the offshore marine terminal or vessels therein;

(2642) (iii) Public vessels of the United States.

(2643) (2) Persons desiring to transit the area of the safety zone may contact the Captain of the Port at telephone number 1-800-221-8724 or on VHF-FM channel 16 (156.8 MHz). If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(2644) (3) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from complying with the Navigation Rules (COLREGS and their associated Annexes and Inland Navigation Rules (33 CFR subchapter E)) and safe navigation practice.

(2645)

§165.1157 Security Zone; Cruise Ships, Santa Barbara, CA.

(2646) (a) *Location*. The following areas are security zones: All navigable waters, from the surface to the sea floor within a 100-yard radius of any cruise ship located within 3 nautical miles of the Santa Barbara Harbor Breakwater Light (Light List Number 3750; 34–24–17.364N, 119–41–16.260W).

(2647) (b) *Definition*. “Cruise ship” as used in this section means any vessel, except for a ferry, over 100 feet in length, authorized to carry more than 12 passengers for hire; making voyages lasting more than 24 hours, any part of which is on the high seas; and for which passengers are embarked or disembarked in the U.S. or its territories.

(2648) (c) *Regulations.* (1) Under general security zone regulations in subpart D, entry into or remaining in the zones described in paragraph (a) of this section is prohibited unless authorized by the Coast Guard Captain of the Port (COTP) Los Angeles—Long Beach (LA–LB), or a designated representative of COTP LA–LB.

(2649) (2) Persons desiring to transit the area of the security zone may contact the COTP LA–LB at telephone number 1–310–521–3801 or on VHF–FM channel 16 (156.800 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 his designated representative.

(2650)

\$165.1181 San Francisco Bay Region, CA—Regulated navigation area.

(2651) (a) *Applicability.* This section applies to all vessels unless otherwise specified.

(2652) (b) *Deviations.* The Captain of the Port, San Francisco Bay, or the Commanding Officer, Vessel Traffic Service San Francisco, as a representative of the Captain of the Port, may authorize a deviation from the requirements of this regulation when it is deemed necessary in the interests of safety.

(2653) (c) *Regulated Navigation Areas*—(1) *San Francisco Bay RNA.* (i) The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:

(2654) 37°47'18"N., 122°30'22"W.; thence to

(2655) 37°48'55"N., 122°31'41"W.; thence along the shoreline to

(2656) 37°50'38"N., 122°28'37"W.; thence to

(2657) 37°50'59"N., 122°28'00"W.; thence to

(2658) 37°51'45"N., 122°27'28"W.; thence to

(2659) 37°52'58"N., 122°26'06"W.; thence to

(2660) 37°51'53"N., 122°24'58"W.; thence to

(2661) 37°51'53"N., 122°24'00"W.; thence to

(2662) 37°51'40"N., 122°23'48"W.; thence to

(2663) 37°49'22"N., 122°23'48"W.; thence to

(2664) 37°48'20"N., 122°22'12"W.; thence to

(2665) 37°47'02"N., 122°21'33"W.; thence to

(2666) 37°47'02"N., 122°23'04"W.; thence along the shoreline to the point of beginning. Datum: NAD 83

(2667) (ii) The San Francisco Bay RNA consists of the following defined sub-areas:

(2668) (A) *Golden Gate Traffic Lanes*—(1) *Westbound traffic lane:* Bounded by the Golden Gate precautionary area and the COLREGS Demarcation Line (33 CFR 80.1142), between the separation zone and a line connecting the following coordinates:

(2669) 37°48'30"N., 122°31'22"W.; thence to

(2670) 37°49'03"N., 122°29'52"W. Datum: NAD 83

(2671) (2) *Eastbound traffic lane.* Bounded by the COLREGS Demarcation Line (33 CFR 80.1142) and the Golden Gate precautionary area, between the separation zone and a line connecting the following coordinates:

(2672) 37°47'50"N., 122°30'48"W.; thence to

(2673) 37°48'30"N., 122°29'29"W.; Datum: NAD 83

(2674) (3) *Golden Gate Separation Zone:* The area 75 yards each side of a line connecting the following coordinates:

(2675) 37°48'08"N., 122°31'05"W.; thence to

(2676) 37°48'46"N., 122°29'40"W. Datum: NAD 83

(2677) (B) *Golden Gate Precautionary Area:* An area bounded by a line connecting the following coordinates beginning at:

(2678) 37°48'30"N., 122°29'29"W.; thence to

(2679) 37°48'52"N., 122°28'41"W.; thence to

(2680) 37°48'52"N., 122°27'49"W.; thence to

(2681) 37°49'36"N., 122°27'46"W.; thence to

(2682) 37°49'55"N., 122°28'09"W.; thence to

(2683) 37°49'28"N., 122°28'45"W.; thence to

(2684) 37°49'03"N., 122°29'52"W.; thence returning to the point of beginning. Datum: NAD 83

(2685) (C) *Central Bay Traffic Lanes*—(1) *Westbound traffic lane:* Bounded by the Central Bay precautionary area and the Golden Gate precautionary area, between the Central Bay and the Deep Water Traffic Lane separation zones.

(2686) (2) *Eastbound traffic lane:* Bounded by the Golden Gate precautionary area and the Central Bay precautionary area, between the Central Bay Separation Zone and a line connecting the following coordinates, beginning at:

(2687) 37°48'41"N., 122°25'17"W.; thence to

(2688) 37°48'50"N., 122°26'14"W.; thence to

(2689) 37°48'52"N., 122°27'49"W. Datum: NAD 83

(2690) (3) *Deep Water (two-way) Traffic Lane:* Bounded by the Central Bay precautionary area and the Golden Gate precautionary area, between the Deep Water Traffic Lane separation zone and a line connecting the following coordinates, beginning at:

(2691) 37°49'55"N., 122°28'9"W.; thence to

(2692) 37°50'36"N., 122°27'12"W.; thence to

(2693) 37°50'47"N., 122°26'26"W. Datum: NAD 83

(2694) (D) *Central Bay Separation Zone:* The area 75 yards each side of a line connecting the following coordinates, beginning at:

(2695) 37°49'17"N., 122°27'47"W.; thence to

(2696) 37°49'35"N., 122°25'25"W. Datum: NAD 83

(2697) (E) *Deep Water Traffic Lane Separation Zone:* The area 75 yards each side of a line connecting the following coordinates beginning at:

(2698) 37°49'36"N., 122°27'46"W.; thence to

(2699) 37°50'22"N., 122°26'49"W.; thence to

(2700) 37°50'25"N., 122°26'22"W.; Datum: NAD 83

(2701) (F) *Central Bay Precautionary Area:* An area bounded by a line connecting the following coordinates, beginning at:

(2702) 37°48'41"N., 122°25'17"W.; thence to

(2703) 37°49'32"N., 122°25'13"W.; thence to

(2704) 37°50'25"N., 122°26'22"W.; thence to

(2705) 37°50'47"N., 122°26'26"W.; thence to

(2706) 37°51'04"N., 122°24'58"W.; thence to

(2707) 37°51'53"N., 122°24'58"W.; thence to

(2708) 37°51'53"N., 122°24'00"W.; thence to

(2709) 37°51'40"N., 122°23'48"W.; thence to

- (2710) 37°49'22"N., 122°23'48"W.; thence to
 (2711) 37°48'20"N., 122°22'12"W.; thence to
 (2712) 37°47'02"N., 122°21'33"W.; thence to
 (2713) 37°47'02"N., 122°23'04"W.; thence returning along the shoreline to the point of beginning. Datum: NAD 83
 (2714) (2) *North Ship Channel RNA*. The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:
 (2715) 37°51'53"N., 122°24'58"W.; thence to
 (2716) 37°54'15"N., 122°27'27"W.; thence to
 (2717) 37°56'06"N., 122°26'49"W.; thence to
 (2718) 37°56'06"N., 122°26'34"W.; thence to
 (2719) 37°54'48"N., 122°26'42"W.; thence to
 (2720) 37°54'02"N., 122°26'10"W.; thence to
 (2721) 37°51'53"N., 122°24'00"W.; thence returning to the point of beginning. Datum: NAD 83
 (2722) (3) *San Pablo Strait Channel RNA*. The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:
 (2723) 37°56'06"N., 122°26'49"W.; thence to
 (2724) 37°57'26"N., 122°27'21"W.; thence to
 (2725) 38°00'48"N., 122°24'45"W.; thence to
 (2726) 38°01'54"N., 122°22'24"W.; thence to
 (2727) 38°01'44"N., 122°22'18"W.; thence to
 (2728) 37°57'37"N., 122°26'23"W.; thence to
 (2729) 37°56'06"N., 122°26'34"W.; thence returning to the point of beginning. Datum: NAD 83
 (2730) (4) *Pinole Shoal Channel RNA*. The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:
 (2731) 38°01'54"N., 122°22'25"W.; thence to
 (2732) 38°03'13"N., 122°19'50"W.; thence to
 (2733) 38°03'23"N., 122°18'31"W.; thence to
 (2734) 38°03'13"N., 122°18'29"W.; thence to
 (2735) 38°03'05"N., 122°19'28"W.; thence to
 (2736) 38°01'44"N., 122°22'18"W.; thence returning to the point of beginning. Datum: NAD 83
 (2737) (5) *Benicia-Martinez Railroad Drawbridge Regulated Navigation Area (RNA)*: The following is a regulated navigation area—The waters bounded by the following longitude lines:
 (2738) (i) 122°13'31"W. (coinciding with the charted location of the Carquinez Bridge)
 (2739) (ii) 121°53'17"W. (coinciding with the charted location of New York Point) Datum: NAD 83
 (2740) (6) *Southampton Shoal Channel/Richmond Harbor RNA*: The following, consisting of two distinct areas, is a regulated navigation area—
 (2741) (i) The waters bounded by a line connecting the following coordinates, beginning at:
 (2742) 37°54'17"N., 122°22'00"W.; thence to
 (2743) 37°54'08"N., 122°22'00"W.; thence to
 (2744) 37°54'15"N., 122°23'12"W.; thence to
 (2745) 37°54'30"N., 122°23'09"W.; thence along the shoreline to the point of beginning. Datum: NAD 83
 (2746) (ii) The waters bounded by a line connecting the following coordinates, beginning at:
 (2747) 37°54'28"N., 122°23'36"W.; thence to
 (2748) 37°54'20"N., 122°23'38"W.; thence to
 (2749) 37°54'23"N., 122°24'02"W.; thence to
 (2750) 37°54'57"N., 122°24'51"W.; thence to
 (2751) 37°55'05"N., 122°25'02"W.; thence to
 (2752) 37°54'57"N., 122°25'22"W.; thence to
 (2753) 37°53'26"N., 122°25'03"W.; thence to
 (2754) 37°53'24"N., 122°25'13"W.; thence to
 (2755) 37°55'30"N., 122°25'35"W.; thence to
 (2756) 37°55'40"N., 122°25'10"W.; thence to
 (2757) 37°54'54"N., 122°24'30"W.; thence to
 (2758) 37°54'30"N., 122°24'00"W.; thence returning to the point of beginning. Datum: NAD 83
 (2759) (7) *Oakland Harbor RNA*. The following is a regulated navigation area—The waters bounded by a line connecting the following coordinates, beginning at:
 (2760) 37°48'40"N., 122°19'58"W.; thence to
 (2761) 37°48'50"N., 122°20'02"W.; thence to
 (2762) 37°48'29"N., 122°20'39"W.; thence to
 (2763) 37°48'13"N., 122°21'26"W.; thence to
 (2764) 37°48'10"N., 122°21'39"W.; thence to
 (2765) 37°48'20"N., 122°22'12"W.; thence to
 (2766) 37°47'36"N., 122°21'50"W.; thence to
 (2767) 37°47'52"N., 122°21'40"W.; thence to
 (2768) 37°48'03"N., 122°21'00"W.; thence to
 (2769) 37°47'48"N., 122°19'46"W.; thence to
 (2770) 37°47'55"N., 122°19'43"W.; thence returning along the shoreline to the point of the beginning. Datum: NAD 83
 (2771) (d) *General regulations*. (1) A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, navigating within the RNAs defined in paragraph (c) of this section, shall not exceed a speed of 15 knots through the water.
 (2772) (2) A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, navigating within the RNAs defined in paragraph (c) of this section, shall have its engine(s) ready for immediate maneuver and shall operate its engine(s) in a control mode and on fuel that will allow for an immediate response to any engine order, ahead or astern, including stopping its engine(s) for an extended period of time.
 (2773) (3) The master, pilot or person directing the movement of a vessel within the RNAs defined in paragraph (c) of this regulation shall comply with Rule 9 of the Inland Navigation Rules (INRs) (33 CFR subchapter E) in conjunction with the provisions of the associated INRs.
 (2774) (e) *Specific Regulations*—(1) *San Francisco Bay RNA*: (i) A vessel shall navigate with particular caution in a precautionary area, or in areas near the terminations of traffic lanes or channels, as described in this regulation.
 (2775) (ii) A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, shall:
 (2776) (A) Use the appropriate traffic lane and proceed in the general direction of traffic flow for that lane;
 (2777) (B) Use the Central Bay Deep Water Traffic Lane if eastbound with a draft of 45 feet or greater or westbound with a draft of 28 feet or greater;

- (2778) (C) Not enter the Central Bay Deep Water Traffic Lane when another power-driven vessel of 1600 or more gross tons or tug with a tow of 1600 or more gross tons is navigating therein when either vessel is:
- (2779) (1) Carrying certain dangerous cargoes (as denoted in section 160.202 of this subchapter);
- (2780) (2) Carrying bulk petroleum products; or
- (2781) (3) A tank vessel in ballast if such entry would result in meeting, crossing, or overtaking the other vessel.
- (2782) (D) Normally join or leave a traffic lane at the termination of the lane, but when joining or leaving from either side, shall do so at as small an angle to the general direction of traffic flow as practicable;
- (2783) (E) So far as practicable keep clear of the Central Bay Separation Zone and the Deep Water Traffic Lane Separation Zone;
- (2784) (F) Not cross a traffic lane separation zone unless crossing, joining, or leaving a traffic lane.
- (2785) (2) *Pinole Shoal Channel RNA:*
- (2786) (i) A vessel less than 1600 gross tons or a tug with a tow of less than 1600 gross tons is not permitted within this RNA.
- (2787) (ii) A power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons shall not enter Pinole Shoal Channel RNA when another power-driven vessel of 1600 or more gross tons or tug with a tow of 1600 or more gross tons is navigating therein if such entry would result in meeting, crossing, or overtaking the other vessel, when either vessel is:
- (2788) (A) Carrying certain dangerous cargoes (as denoted in §160.203 of this subchapter);
- (2789) (B) Carrying bulk petroleum products; or
- (2790) (C) A tank vessel in ballast.
- (2791) (iii) Vessels permitted to use this channel shall proceed at a reasonable speed so as not to endanger other vessels or interfere with any work which may become necessary in maintaining, surveying, or buoying the channel, and they shall not anchor in the channel except in case of a deviation authorized under paragraph (b) of this section.
- (2792) (iv) This paragraph shall not be construed as prohibiting any necessary use of the channel by any public vessels while engaged in official duties, or in emergencies by pilot boats.
- (2793) (3) *Benicia-Martinez Railroad Drawbridge Regulated Navigation Area (RNA)*—
- (2794) (i) *Eastbound vessels:*
- (2795) (A) The master, pilot, or person directing the movement of a power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons traveling eastbound and intending to transit under the lift span (centered at coordinates 38°02'18"N., 122°07'17"W.) of the railroad bridge across Carquinez Strait at mile 7.0 shall, immediately after entering, the RNA, determine whether the visibility around the lift span is ½ nautical mile or greater.
- (2796) (B) If the visibility is less than ½ nautical mile, or subsequently becomes less than ½ nautical mile, the vessel shall not transit under the lift span.
- (2797) (ii) *Westbound vessels:*
- (2798) (A) The master, pilot, or person directing the movement of a power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons traveling westbound and intending to transit under the lift span (centered at coordinates 38°02'18"N., 122°07'17"W.) of the railroad bridge across Carquinez Strait at mile 7.0 shall, immediately after entering the RNA determine whether the visibility around the lift span is ½ nautical mile or greater.
- (2799) (B) If the visibility is less than ½ nautical mile, the vessel shall not pass beyond longitude line 121°55'19"W. (coinciding with the charted position of the westernmost end of Mallard Island) until the visibility improves to greater than ½ nautical mile around the lift span.
- (2800) (C) If after entering the RNA visibility around the lift span subsequently becomes less than ½ nautical mile, the master, pilot, or person directing the movement of the vessel either shall not transit under the lift span or shall request a deviation from the requirements of the RNA as prescribed in paragraph (b) of this section.
- (2801) (D) Vessels that are moored or anchored within the RNA with the intent to transit under the lift span shall remain moored or anchored until visibility around the lift span becomes greater than ½ nautical mile.
- (2802) (4) *Southampton Shoal/Richmond Harbor RNA:* A power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, shall not enter Southampton Shoal/Richmond Harbor RNA when another power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, is navigating therein, if such entry would result in meeting, crossing or overtaking the other vessel.
- (2803) (5) *Oakland Harbor RNA:* A power-driven vessel of 1600 or more gross tons or a tug with a tow of 1600 or more gross tons shall not enter the Oakland Harbor RNA when another power-driven vessel of 1600 or more gross tons, or a tug with a tow of 1600 or more gross tons, is navigating therein, if such entry would result in meeting, crossing, or overtaking the other vessel.
- (2804) **§165.1182 Safety/Security Zone: San Francisco Bay, San Pablo Bay, Carquinez Strait, and Suisun Bay, CA.**
- (2805) (a) *Regulated area.* The following area is established as a moving safety/security zone:
- (2806) (1) All waters 200 yards ahead and astern and 100 yards to each side of every vessel transporting nuclear materials on behalf of the United States Department of Energy while such vessels transit from a line drawn between San Francisco Main Ship Channel Lighted Bell Buoy 7 and San Francisco Main Ship Channel Lighted Whistle Buoy 8 (LLNR 4190 & 4195, positions 37°46.9'N, 122°35.4'W & 37°46.5'N, 122°35.2'W, respectively) until safely moored at the Weapons Support Facility

Seal Beach Detachment Concord on Suisun Bay (position 38°03.3'N, 122°02.5'W). All coordinates referenced use datum: NAD 1983.

(2807) (2) All waters within 100 yards of such vessels described in paragraph (a)(1) of this section while such vessels are conducting cargo operations at the Weapons Support Facility Seal Beach Detachment Concord.

(2808) (b) *Notification*. Commander, Eleventh Coast Guard District, will cause notice of the activation of this safety/security zone to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the **Federal Register** as practicable, in accordance with the provisions of 33 CFR 165.7(a); such means of announcement may include, but are not limited to, Broadcast Notice to Mariners. The Coast Guard will issue a Broadcast Notice to Mariners notifying the public when nuclear materials cargo handling has been completed.

(2809) (c) *Effective Period*. The safety/security zone will be effective commencing at the time any vessel described in paragraph (a)(1) of this section enters the zone described in paragraph (a)(1) of this section and will remain in effect until all spent nuclear materials cargo handling operations have been completed at Weapons Support Facility Seal Beach Detachment Concord.

(2810) (d) *Regulations*. The general regulations governing safety and security zones contained in both 33 CFR 165.23 in 33 CFR 165.33 apply. Entry into, transit through, or anchoring within this moving safety/security zone is prohibited unless authorized by Commander, Eleventh Coast Guard District, or his designated representative.

(2811)

§165.1183 Security Zones; tankers, cruise ships, and High Value Assets, San Francisco Bay and Delta Ports, Monterey Bay and Humboldt Bay, CA

(2812) (a) *Definitions*. The following definitions apply to these sections—

(2813) (1) *Cruise ship* means any vessel over 100 gross register tons, carrying more than 500 passengers for hire which makes voyages lasting more than 24 hours, of which any part is on the high seas. Passengers from cruise ships are embarked or disembarked in the U.S. or its territories. Cruise ships do not include ferries that hold Coast Guard Certificates of Inspection endorsed for “Lakes, Bays and Sounds” that transit international waters for only short periods of time on frequent schedules.

(2814) (2) *High Value Asset* means any waterside asset of high value including military and commercial vessels, or commercial vessels carrying CDC as defined in 33 CFR 160.202, deemed by the Captain of Port, or higher authority, as requiring protection based upon risk assessment analysis and is therefore escorted by the Coast Guard or other law enforcement vessel with an embarked Coast Guard commissioned, warrant, or petty officer.

(2815) (3) *Tanker* means any self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous materials in bulk in the cargo spaces.

(2816) (4) *Designated representative* means any commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, State and Federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(2817) (b) *Locations*. (1) *San Francisco Bay*. All waters, extending from the surface to the sea floor, within 500 yards (457 meters) ahead, astern and extending along either side of a tanker, cruise ship, or HVA underway (100 yards when anchored or moored) within the San Francisco Bay and areas shoreward of the line drawn between San Francisco Main Ship Channel Lighted Bell Buoy 7 and San Francisco Main Ship Channel Lighted Whistle Buoy 8 (LLNR 4190 & 4195) in positions 37°46.9'N., 122°35.4'W. and 37°46.5'N., 122°35.2'W., respectively.

(2818) (2) *Monterey Bay*. All waters, extending from the surface to the sea floor, within 500 yards (457 meters) ahead, astern and extending along either side of a tanker, cruise ship, or HVA underway (100 yards when anchored or moored) within the Monterey Bay area shoreward of a line drawn between Santa Cruz Light (LLNR 305) to the north in position 36°57.10'N., 122°01.60'W., and Cypress Point, Monterey to the south, in position 36°34.90'N., 121°58.70'W.

(2819) (3) *Humboldt Bay*. All waters, extending from the surface to the sea floor, within 500 yards (457 meters) ahead, astern and extending along either side of a tanker, cruise ship, or HVA underway (100 yards when anchored or moored) within the Humboldt Bay area shoreward of a 4 nautical mile radius line drawn to the west of the Humboldt Bay Entrance Lighted Whistle Buoy HB (LLNR 8130) in position 40°46.25'N., 124°16.13'W.

(2820) (c) *Regulations*. (1) In accordance with the general regulations in §165.33 of this part, entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, San Francisco Bay, or a designated representative.

(2821) (2) Mariners requesting permission to transit through the security zone may request authorization to do so from the Patrol Commander (PATCOM). The PATCOM may be contacted on VHF-FM Channel 16.

(2822) (3) All persons and vessels shall comply with the instructions of the Captain of the Port or the designated representative.

(2823) (4) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(2824) (5) The Coast Guard may be assisted by other Federal, State, or local agencies.

(2825)

§165.1184 Safety Zone; Coast Guard Use of Force Training Exercises, San Pablo Bay, CA

(2826) (a) *Location*. This safety zone will apply to the navigable waters in the San Pablo Bay, and will encompass an area beginning at position

- (2827) 38°01'44"N., 122°27'06"W.;
- (2828) 38°04'36"N., 122°22'06"W.;
- (2829) 38°00'35"N., 122°26'07"W.;
- (2830) 38°03'00"N., 122°20'20"W. (NAD 83) and back to the starting point.

(2831) (b) *Enforcement.* The Coast Guard will notify the public via a Broadcast Notice to Mariners prior to the activation of this safety zone. The safety zone will be activated on average two times per month, but could be activated up to six times per month. It will be in effect for approximately three hours from 9 a.m. to 11:59 p.m. If the exercises conclude prior to the scheduled termination time, the Coast Guard will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners. Persons and vessels may also contact the Coast Guard to determine the status of the safety zone on VHF-16 or the 24-hour Command Center via telephone at (415) 399-3547.

(2832) (c) *Definitions.* As used in this section, designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port San Francisco (COTP) in the enforcement of the safety zone.

(2833) (d) *Regulations.* (1) Under the general regulations in § 165.23, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the COTP or the COTP's designated representative.

(2834) (2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or the COTP's designated representative.

(2835) (3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or the COTP's representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or the COTP's designated representative. Persons and vessels may request permission to enter the safety zone on VHF-16 or the 24-hour Command Center via telephone at (415) 399-3547.

(2836) **§165.1185 Regulated Navigation Area; San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacramento River, San Joaquin River, and connecting waters in CA.**

(2837) (a) *Location.* All waters of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacramento River, San Joaquin River, and connecting waters in California are a Regulated Navigation Area.

(2838) (b) *Definitions.* "Liquefied hazardous gas (LHG)" is a liquid containing one or more of the products listed in Table 127.005 of 33 CFR 127.005 that is carried in bulk on board a tank vessel as a liquefied gas product. The hazards normally associated with these products include toxic or flammable properties or a combination of both.

(2839) (c) *Regulations.* All vessels loaded with a cargo of liquefied hazardous gas (LHG) within this Regulated Navigation Area must proceed directly to their intended cargo reception facility to discharge their LHG cargo, unless:

(2840) (1) The vessel is otherwise directed or permitted by the Captain of the Port. The Captain of the Port can be reached at telephone number 415-399-3547 or on VHF-FM channel 16 (156.8 MHz). If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(2841) (2) The vessel is in an emergency situation and unable to proceed as directed in paragraph (a) of this section without endangering the safety of persons, property, or the environment.

(2842)

§165.1187 Security Zones; Golden Gate Bridge and the San Francisco-Oakland Bay Bridge, San Francisco Bay, CA.

(2843) (a) *Location.* All waters extending from the surface to the sea floor, within 25 yards of all piers, abutments, fenders and pilings of the Golden Gate Bridge and the San Francisco-Oakland Bay Bridge, in San Francisco Bay, California.

(2844) (b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into these security zones is prohibited, unless doing so is necessary for safe navigation, to conduct official business such as scheduled maintenance or retrofit operations, or unless specifically authorized by the Captain of the Port San Francisco Bay or his designated representative.

(2845) (2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 415-399-3547 or on VHF-FM 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 his or her designated representative.

(2846) (c) *Enforcement.* All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Patrol personnel comprise commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(2847) **§165.1189 Security Zone; San Francisco Bay, San Francisco, CA .**

(2848) (a) *Location.* The following area is a security zone: all navigable waters of the San Francisco Bay on the east side of Yerba Buena Island from a point along the southeastern shore of Yerba Buena Island at 37°48'27"N, 122°21'44"W; east to 37°48'27"N, 122°21'35"W; north to 37°48'49"N, 122°21'35"W, a point on the northeastern

side of Yerba Buena Island. These coordinates are based on North American Datum (NAD) 83.

(2849) (b) *Regulations.* (1) In accordance with the general security zone regulations in subpart D of this part, entry into the area of the security zone described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port (COTP) San Francisco.

(2850) (2) The security zone is closed to all vessel traffic, except as may be permitted by the COTP.

(2851) (3) To seek permission to enter, contact the COTP by VHF Marine Radio channel 16 or through the 24-hour Command Center at telephone (415) 399-3547. Those in the security zone must comply with all lawful orders or directions given to them by the COTP.

(2852) (c) *Enforcement.* The Captain of the Port will enforce the security zone described in paragraph (a) of this section and may be assisted in the patrol and enforcement of this security zone by any Federal, State, county, municipal, or private agency.

(2853)

\$165.1190 Security Zone; San Francisco Bay, Oakland Estuary, Alameda, CA.

(2854) (a) *Locations.* The following areas are security zones:

(2855) (1) *Coast Guard Island.* All waters of the Oakland Estuary, from surface to bottom, encompassed by a line connecting the following points beginning at 37°46'42.5" N, 122°14'51.4" W; thence to 37°46'46.6" N, 122°14'59.7" W; thence to 37°46'51.8" N, 122°15'7.4" W; thence to 37°46'56.3" N, 122°15'12.1" W; thence to 37°47'2.2" N, 122°15'16.4" W; thence to 37°47'8" N, 122°15'16.6" W; thence to 37°47'10" N, 122°15'12.8" W; thence to 37°47'10.1" N, 122°15'5.7" W; thence to 37°47'7.8" N, 122°15'0.1" W; thence to 37°47'5.2" N, 122°14'53.7" W; thence to 37°47'2.1" N, 122°14'49.5" W; thence to 37°46'58.9" N, 122°14'46.2" W; thence to 37°46'57.1" N, 122°14'44.6" W; thence to 37°46'52.9" N, 122°14'42.6" W; thence to 37°46'50.2" N, 122°14'42.9" W; thence to 37°46'47.9" N, 122°14'43.6" W; thence to 37°46'42.3" N, 122°14'44.1" W; and back to the beginning point. These coordinates are based on North American Datum (NAD) 83.

(2856) (2) *Coast Guard Island Causeway.* All waters of the Oakland Estuary, from surface to bottom, 50 yards on either side of a line beginning at 37°46'48.1" N, 122°14'45.8" W; thence to 37°46'46.1" N, 122°14'41.5" W; thence to 37°46'45.4" N, 122°14'36.6" W. These coordinates are based on NAD 83.

(2857) (b) *Regulations.* (1) Under the general security zone regulations in subpart D of this part, you may not enter the security zone described in paragraph (a)(1) of this section unless authorized by the Captain of the Port (COTP). The security zone described in paragraph (a)(1) of this section is closed to all vessel traffic, except as may be permitted by the COTP. To seek permission to enter the security zone in paragraph (a)(1) of this section, contact the COTP by VHF Marine Radio channel 16 or through the 24-hour

Command Center at telephone (415) 399-3547. Those in the security zone must comply with all lawful orders or directions given to them by the COTP.

(2858) (2) Under the general security zone regulations in subpart D of this part, you may not loiter in the security zone described in paragraph (a)(2) of this section unless authorized by the COTP. Vessels must make a direct passage through the security zone described in paragraph (a)(2) of this section.

(2859) (c) *Enforcement.* The Captain of the Port will enforce this security zone and may be assisted in the patrol and enforcement of this security zone by any Federal, State, county, municipal, or private agency.

(2860)

\$165.1192 Security Zones; Waters surrounding San Francisco International Airport and Oakland International Airport, San Francisco Bay, CA.

(2861) (a) *Locations.* The following areas are security zones:

(2862) (1) *San Francisco International Airport Security Zone.* This security zone includes all waters extending from the surface to the sea floor within approximately 200 yards seaward from the shoreline of the San Francisco International Airport and encompasses all waters in San Francisco Bay within a line connecting the following geographical positions—

(2863) 37°36'19"N., 122°22'36"W.

(2864) 37°36'45"N., 122°22'18"W.

(2865) 37°36'26"N., 122°21'30"W.

(2866) 37°36'31"N., 122°21'21"W.

(2867) 37°36'17"N., 122°20'45"W.

(2868) 37°36'37"N., 122°20'40"W.

(2869) 37°36'50"N., 122°21'08"W.

(2870) 37°37'00"N., 122°21'12"W.

(2871) 37°37'21"N., 122°21'53"W.

(2872) 37°37'39"N., 122°21'44"W.

(2873) 37°37'56"N., 122°21'51"W.

(2874) 37°37'50"N., 122°22'20"W.

(2875) 37°38'25"N., 122°22'54"W.

(2876) 37°38'23"N., 122°23'01"W.

(2877) and along the shoreline back to the beginning point.

(2878) (2) *Oakland International Airport Security Zone.*

This security zone includes all waters extending from the surface to the sea floor within approximately 200 yards seaward from the shoreline of the Oakland International Airport and encompasses all waters in San Francisco Bay within a line connecting the following geographical positions—

(2879) 37°43'35"N., 122°15'00"W.

(2880) 37°43'40"N., 122°15'05"W.

(2881) 37°43'34"N., 122°15'12"W.

(2882) 37°43'24"N., 122°15'11"W.

(2883) 37°41'54"N., 122°13'05"W.

(2884) 37°41'51"N., 122°12'48"W.

(2885) 37°41'53"N., 122°12'44"W.

(2886) 37°41'35"N., 122°12'18"W.

(2887) 37°41'46"N., 122°12'08"W.

(2888) 37°42'03"N., 122°12'34"W.

(2889) 37°42'08"N., 122°12'32"W.

(2890) 37°42'35"N., 122°12'30"W.

(2891) 37°42'40"N., 122°12'06"W.

(2892) and along the shoreline back to the beginning point.

(2893) (b) *Regulations.* (1) Under §165.33, entering, transiting through, or anchoring in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, San Francisco Bay, or his designated representative.

(2894) (2) Persons desiring to transit the area of a security zone may contact the Captain of the Port at telephone number 415-399-3547 or on VHF-FM 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 his or her designated representative.

(2895) (c) *Enforcement.* All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. Patrol personnel comprise commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, State, and Federal law enforcement vessels. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(2896)

§165.1195 Regulated Navigation Area; Humboldt Bay Bar Channel and Humboldt Bay Entrance Channel, Humboldt Bay, CA.

(2897) (a) *Location.* The Regulated Navigation Area (RNA) includes all navigable waters of the Humboldt Bay Bar Channel and the Humboldt Bay Entrance Channel, Humboldt Bay, California.

(2898) (b) *Definitions.* As used in this section—

(2899) *COTP* means the Captain of the Port as defined in Title 33, Code of Federal Regulations, Section 1.01-30 and 3.55-20.

(2900) *Sector* means Coast Guard Sector/Air Station Humboldt Bay.

(2901) *Sector Commander* means the Commanding Officer of Coast Guard Sector/Air Station Humboldt Bay.

(2902) *Hazardous material* means any of the materials or substances listed in 46 CFR 153.40.

(2903) *Humboldt Bay Area* means the area described in the location section of this regulation.

(2904) *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.

(2905) *Station* means Coast Guard Station Humboldt Bay.

(2906) *Tank Vessel* means any vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue.

(2907) (c) *Applicability.* These regulations apply to the owners and operators of tank vessels transporting oil or hazardous material as cargo within the Humboldt Bay Area.

(2908) (d) *Regulations.* (1) In addition to the arrival and departure notification requirements listed in title 33 CFR, part 160, Ports and Waterways Safety-General, subpart C-Notifications of “Arrivals, Departures, Hazardous Conditions, and Certain Dangerous Cargoes”, the owner, master, agent or person in charge of a vessel to which this notice applies shall obtain permission to cross within four hours of crossing the Humboldt Bay Bar. Between 6:30 a.m. and 10 p.m., notification/requests for permission can be made to Station Humboldt Bay on VHF-FM Channel 16, or at 707-443-2213. If between 10 p.m. and 6:30 a.m., or if unable to reach the Station, notification/requests for permission can be made directly to Sector/Air Station Humboldt Bay on VHF-FM Channel 16 or at 707-839-6113.

(2909) (2) Permission for a bar crossing by vessels or towing vessels and their tows to which this regulation applies is dependent on environmental and safety factors, including but not limited to: Sea state, winds, visibility, size and type of vessel or tow, wave period, time of day/night, and tidal currents. The final decision to close the bar rests with Humboldt Bay Sector Commander or his designated representative. At a minimum, Humboldt Bay Bar Channel crossings by vessels subject to this advisory will generally not be permitted unless all of the following conditions exist: Proper permission to cross has been received, sea conditions at the bar are less than 6 feet, winds at the bar are less than 30 knots, the transit will take place during daylight hours, the vessel has only a single tow or no tow, the visibility at the bar is greater than 1,000 yards, and the vessel and tow are in proper operating condition.

(2910) (3) If the bar is closed to vessels to which this regulation applies, waiver requests will be accepted within four hours of crossing the entrance channel. If the waiver request is made between 6:30 a.m. and 10 p.m., the request should be made to Station Humboldt Bay on VHF-FM Channel 16, or at 707-443-2213. If between 10 p.m. and 6:30 a.m., or if unable to reach the Station, the request can be made directly to Sector/Air Station Humboldt Bay on VHF-FM Channel 16 or at 707-839-6113. Waiver requests must be made by the vessel master and must provide the following: A description of the proposed operation, the conditions for which the waiver is requested, the reasons for requesting the waiver, the reasons that the requester believes the proposed operation can be accomplished safely, and a callback phone number. The Station or Sector Watchstander receiving the request will brief the Officer in Charge of the Station who will then brief the Sector Commander. The authority to grant waivers rests with the Sector Commander or his designated representative.

(2911) (4) In addition to the requirements in paragraphs (d)(1)–(3) of this section, vessels transporting liquefied hazardous gases or compressed hazardous gases in bulk as cargo into or out of Humboldt Bay are required to be aided by two assist tugs. If the vessel carrying the gases is towed, the assist tug requirement is in addition

to the towing tug. The assist tugs shall escort the vessel through its transit and must be stationed so as to provide immediate assistance in response to the loss of power or steering of the cargo vessel, its towing tug, or loss of control over the tow.

- (2912) (5) Vessels to which this regulation applies may be required by the Sector Commander or his designated representative to be escorted by a Coast Guard vessel during their transit. In addition, if a vessel master, agent, or pilot has concerns about the safety of a vessel's transit through the Humboldt Bay Entrance Channel, a Coast Guard escort may be requested. Requests for an escort should be directed to Station on VHF-FM channel 16 or at 707-443-2213 between 6:30 a.m. and 10 p.m., or to Sector on VHF-FM channel 16 or at 707-839-6113 if between 10 p.m. and 6:30 a.m.

- (2913) (e) *Enforcement.* Acting as a representative of the Captain of the Port, the Humboldt Bay Sector Commander will enforce this regulation and has the authority to take steps necessary to ensure the safe transit of vessels in Humboldt Bay. The Sector Commander can enlist the aid and cooperation of any Federal, State, county, and municipal agency to assist in the enforcement of the regulation. All persons and vessels shall comply with the instructions of the Sector Commander or the designated on-scene patrol personnel. Patrol personnel comprise commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, State, and Federal law enforcement vessels.

- (2914) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(2915)

§ 165.1196 Regulated Navigation Areas; Harbor Entrances along the Coast of Northern California.

- (2916) (a) *Regulated navigation areas.* Each of the following areas is a regulated navigation area (RNA):

- (2917) (1) Humboldt Bay Entrance Channel: The navigable waters enclosed by the following coordinates:

- (2918) (i) 40°45'17"N., 124°14'10"W., (Point A);
 (2919) (ii) 40°45'56"N., 124°15'06"W., (Point B);
 (2920) (iii) 40°46'25"N., 124°14'30"W., (Point C);
 (2921) (iv) 40°46'04"N., 124°13'46"W., (Point D); and
 (2922) (v) Thence back to Point A, in Eureka, CA (NAD 83).

- (2923) (2) Noyo River Entrance Channel: The navigable waters of the Noyo River Entrance Channel enclosed by the following coordinates:

- (2924) (i) 39°25'36"N., 123°48'34"W., (Point A);
 (2925) (ii) 39°25'37"N., 123°48'38"W., (Point B);
 (2926) (iii) 39°25'42"N., 123°48'39"W., (Point C);
 (2927) (iv) 39°25'42"N., 123°48'32"W., (Point D); and
 (2928) (v) Thence back to Point A, in Fort Bragg, CA (NAD 83).

- (2929) (3) Crescent City Harbor Entrance Channel: The navigable waters of the Crescent City Harbor Entrance Channel enclosed by the following coordinates:

- (2930) (i) 41°43'50"N., 124°11'27"W., (Point A)
 (2931) (ii) 41°44'12"N., 124°11'42"W., (Point B)
 (2932) (iii) 41°44'26"N., 124°10'55"W., (Point C)
 (2933) (iv) 41°44'13"N., 124°10'20"W., (Point D); and
 (2934) (v) Thence back to Point A, in Crescent City, CA (NAD 83).

- (2935) (4) Estero-Morro Bay Harbor Entrance Channel: The navigable waters of the Morro Bay Harbor Entrance Channel enclosed by the following coordinates:

- (2936) (i) 35°21'21" N, 120°52'12" W (Point A);
 (2937) (ii) 35°21'41"N., 120°52'37"W., (Point B);
 (2938) (iii) 35°21'55"N., 120°52'10"W., (Point C);
 (2939) (iv) 35°21'38"N., 120°51'51"W., (Point D); and
 (2940) (v) Thence back to Point A, in Morro Bay, CA (NAD 83).

- (2941) (b) *Definitions.* For purposes of this section:

- (2942) (1) *Bar closure* means that the operation of any vessel within an RNA established in paragraph (a) of this section has been prohibited by the Coast Guard.

- (2943) (2) *Bar crossing plan* (also known as a Go/No-Go plan) means a plan, developed by local industry, in coordination with Coast Guard, for a bar within an RNA established in paragraph (a) of this section and adopted by the master or operator of a small passenger vessel or commercial fishing vessel to guide his or her vessel's operations on and in the vicinity of that bar.

- (2944) (3) *Bar restriction* means that operation of a recreational, uninspected passenger, small passenger, and commercial fishing vessel within an RNA established in paragraph (a) of this section has been prohibited by the Coast Guard.

- (2945) (4) *Commercial fishing industry vessel* means a fishing vessel, fish tender vessel, or a fish processing vessel.

- (2946) (5) *COTP designated representative* means any Coast Guard commissioned officer, warrant officer, petty officer or civilian that has been authorized by the Captain of the Port (COTP) to act on his or her behalf in the enforcement of the RNA.

- (2947) (6) *Fish processing vessel* means a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing, or brine chilling.

- (2948) (7) *Fish tender vessel* means a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing, fish tender vessel or a fish processing facility.

- (2949) (8) *Fishing vessel* means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

- (2950) (9) *Operator* means a person who is an owner, a demise charterer, or other contractor, who conducts the operation of, or who is responsible for the operation of a vessel.

- (2951) (10) *Readily accessible* means equipment that is taken out of stowage and is available within the same space as any person for immediate use during an emergency.
- (2952) (11) *Recreational vessel* means any vessel manufactured or used primarily for non-commercial use or leased, rented, or chartered to another for noncommercial use. It does not include a vessel engaged in carrying paying passengers.
- (2953) (12) *Small passenger vessel* means a vessel inspected under 46 CFR subchapter T or 46 CFR subchapter K.
- (2954) (13) *Uninspected passenger vessel* means an uninspected vessel—
- (2955) (i) Of at least 100 gross tons;
- (2956) (A) Carrying not more than 12 passengers, including at least one passenger-for-hire; or
- (2957) (B) That is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 12 passengers; or
- (2958) (ii) Of less than 100 gross tons;
- (2959) (A) Carrying not more than six passengers, including at least one passenger-for-hire; or
- (2960) (B) That is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than six passengers.
- (2961) (14) Unsafe condition exists when the wave height within an RNA identified in paragraph (a) of this section is equal to or greater than the maximum wave height determined by the formula $L/10 + F = W$ where:
- (2962) L = Overall length of a vessel measured in feet in a straight horizontal line along and parallel with the centerline between the intersections of this line with the vertical planes of the stem and stern profiles excluding deckhouses and equipment.
- (2963) F = The minimum freeboard when measured in feet from the lowest point along the upper strake edge to the surface of the water.
- (2964) W = Maximum wave height in feet to the nearest highest whole number.
- (2965) (c) Regulations. (1)(i) Bar restrictions. The COTP or a designated representative will determine when to restrict passage for recreational and uninspected passenger vessels across the bars located in the RNAs established in paragraph (a) of this section. In making this determination, the COTP or a designated representative will determine whether an unsafe condition exists for such vessels as defined in paragraph (b) of this section. Additionally, the COTP or a designated representative will use his or her professional maritime experience and knowledge of local environmental conditions in making his or her determination. Factors that will be considered include, but are not limited to: Size and type of vessel, sea state, winds, wave period, and tidal currents. When a bar is restricted, the operation of recreational and uninspected passenger vessels in the RNA established in paragraph (a) of this section in which the restricted bar is located is prohibited unless specifically authorized by the COTP or a designated representative.
- (2966) (ii) Bar closure. The bars located in the RNAs established in paragraph (a) of this section will be closed to all vessels whenever environmental conditions exceed the operational limitations of the relevant Coast Guard Search and Rescue resources as determined by the COTP. When a bar is closed, the operation of any vessel in the RNA established in paragraph (a) of this section in which the closed bar is located, is prohibited unless specifically authorized by the COTP or a designated representative. For bars having deep draft vessel access, the COTP will consult with the local pilots association, when practicable, prior to closing the affected bar.
- (2967) (iii) Notification. The Coast Guard will notify the public of bar restrictions and bar closures via a Broadcast Notice to Mariners on VHF-FM Channel 16 and 1022. Additionally, Coast Guard personnel may be on-scene to advise the public of any bar restrictions or closures. In some locations, the Coast Guard may use bar warning lights to provide a visual indication of unsafe conditions to the public. Monitoring cameras and associated websites may also provide mariners with additional information in some locations.
- (2968) (2) Safety requirements for recreational vessels. The operator of any recreational vessel operating in an RNA established in paragraph (a) of this section shall ensure that all persons located in any unenclosed areas of the recreational vessel are wearing lifejackets and that lifejackets are readily accessible for/to all persons located in any enclosed area of the recreational vessel:
- (2969) (i) When crossing the bar and a bar restriction exists or
- (2970) (ii) Whenever the recreational vessel is being towed or escorted across the bar.
- (2971) (3) Safety requirements for uninspected passenger vessels (UPVs). (i) The master or operator of any uninspected passenger vessel operating in an RNA established in paragraph (a) of this section shall ensure that all persons located in any unenclosed areas of their vessel are wearing lifejackets and that lifejackets are readily accessible for/to all persons located in any enclosed areas of their vessel uninspected passenger vessel:
- (2972) (A) When crossing the bar and a bar restriction exists or
- (2973) (B) Whenever the uninspected passenger vessel is being towed or escorted across the bar.
- (2974) (ii) The master or operator of any uninspected passenger vessel operating in an RNA established in paragraph (a) of this section during the conditions described in paragraph (c)(3)(i)(A) of this section shall contact the Coast Guard on VHF-FM Channel 16 prior to crossing the bar. The master or operator shall report the following:
- (2975) (A) Vessel name,
- (2976) (B) Vessel location or position,
- (2977) (C) Number of persons onboard the vessel and
- (2978) (D) Vessel destination.

- (2979) (4) *Safety Requirements for Small Passenger Vessels (SPI)*. (i) The master or operator of any small passenger vessel operating in an RNA established in paragraph (a) of this section shall ensure that all persons located in any unenclosed areas of the small passenger vessel are wearing lifejackets and that lifejackets are readily accessible for/to all persons located in any enclosed areas of the vessel:
- (2980) (A) Whenever crossing the bar and a bar restriction exists or
- (2981) (B) Whenever their vessel is being towed or escorted across the bar.
- (2982) (ii) Small passenger vessels with bar crossing plans that have been reviewed by and accepted by the Officer in Charge of Marine Inspection (OCMI) are exempt from the safety requirements described in paragraph (c)(4)(i) of this section during the conditions described in paragraph (c)(4)(i)(A) of this section so long as when crossing the bar the master or operator ensures that all persons on their vessel wear lifejackets in accordance with their bar crossing plan. If the vessel's bar crossing plan does not specify the conditions when the persons on their vessel shall wear lifejackets, however, then the master or operator shall comply with the safety requirements provided in paragraph (c)(4)(i) of this section in its entirety.
- (2983) (iii) The master or operator of any small passenger vessel operating in an RNA established in paragraph (a) of this section during the conditions described in paragraph (c)(4)(i)(A) of this section shall contact the Coast Guard on VHF-FM Channel 16 prior to crossing the bar. The master or operator shall report the following:
- (2984) (A) Vessel name,
- (2985) (B) Vessel location or position,
- (2986) (C) Number of persons on board the vessel and
- (2987) (D) Vessel destination.
- (2988) (5) *Safety Requirements for Commercial Fishing Vessels (CFV)*. (i) The master or operator of any commercial fishing vessel operating in an RNA described in paragraph (a) of this section shall ensure that all persons located in any unenclosed areas of commercial fishing vessel are wearing lifejackets or immersion suits and that lifejackets or immersion suits are readily accessible for/to all persons located in any enclosed spaces of the vessel:
- (2989) (A) Whenever crossing the bar and a bar restriction exists or
- (2990) (B) Whenever the commercial fishing vessel is being towed or escorted across the bar.
- (2991) (ii) The master or operator of any commercial fishing vessel operating in an RNA described in paragraph (a) of this section during the conditions described in paragraph (c)(5)(i)(A) of this section shall contact the Coast Guard on VHF-FM Channel 16 prior to crossing the bar. The master or operator shall report the following:
- (2992) (A) Vessel name,
- (2993) (B) Vessel location or position,
- (2994) (C) Number of persons on board the vessel and
- (2995) (D) Vessel destination.
- (2996) (6) *Penalties*. All persons and vessels within the RNAs described in paragraph (a) of this section shall comply with orders of Coast Guard personnel. Coast Guard personnel includes commissioned, warrant, petty officers, and civilians of the United States Coast Guard. Any person who fails to comply with this regulation is subject to civil penalty in accordance with 46 U.S.C. 70036.
- (2997) **§165.1197 Security Zones; San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, CA.**
- (2998) (a) *Locations*. The following areas are security zones:
- (2999) (1) *Chevron Long Wharf, San Francisco Bay*. This security zone includes all waters extending from the surface to the sea floor within approximately 100 yards of the Chevron Long Wharf, Richmond, CA, and encompasses all waters in San Francisco Bay within a line connecting the following geographical positions—
- (3000) 37°55'52.2"N., 122°24'04.7"W.
- (3001) 37°55'41.8"N., 122°24'07.1"W.
- (3002) 37°55'26.8"N., 122°24'35.9"W.
- (3003) 37°55'47.1"N., 122°24'55.5"W.
- (3004) 37°55'42.9"N., 122°25'03.5"W.
- (3005) 37°55'11.2"N., 122°24'32.8"W.
- (3006) 37°55'14.4"N., 122°24'27.5"W.
- (3007) 37°55'19.7"N., 122°24'23.7"W.
- (3008) 37°55'22.2"N., 122°24'26.2"W.
- (3009) 37°55'38.5"N., 122°23'56.9"W.
- (3010) 37°55'47.8"N., 122°23'53.3"W.
- (3011) and along the shoreline back to the beginning point.
- (3012) (2) *Conoco-Phillips, San Pablo Bay*. This security zone includes all waters extending from the surface to the sea floor within approximately 100 yards of the Conoco-Phillips Wharf, Rodeo, CA, and encompasses all waters in San Pablo Bay within a line connecting the following geographical positions—
- (3013) 38°03'06.0"N., 122°15'32.4"W.
- (3014) 38°03'20.7"N., 122°15'35.8"W.
- (3015) 38°03'21.8"N., 122°15'29.8"W.
- (3016) 38°03'29.1"N., 122°15'31.8"W.
- (3017) 38°03'23.8"N., 122°15'55.8"W.
- (3018) 38°03'16.8"N., 122°15'53.2"W.
- (3019) 38°03'18.6"N., 122°15'45.2"W.
- (3020) 38°03'04.0"N., 122°15'42.0"W.
- (3021) and along the shoreline back to the beginning point.
- (3022) (3) *Shell Terminal, Carquinez Strait*. This security zone includes all waters extending from the surface to the sea floor within approximately 100 yards of the Shell Terminal, Martinez, CA, and encompasses all waters in San Pablo Bay within a line connecting the following geographical positions—
- (3023) 38°01'39.8"N., 122°07'40.3"W.
- (3024) 38°01'54.0"N., 122°07'43.0"W.
- (3025) 38°01'56.9"N., 122°07'37.9"W.
- (3026) 38°02'02.7"N., 122°07'42.6"W.
- (3027) 38°01'49.5"N., 122°08'08.7"W.

- (3028) 38°01'43.7"N., 122°08'04.2"W.
 (3029) 38°01'50.1"N., 122°07'50.5"W.
 (3030) 38°01'36.3"N., 122°07'47.6"W.
 (3031) and along the shoreline back to the beginning point.
 (3032) (4) *Amorco Pier, Carquinez Strait*. This security zone includes all waters extending from the surface to the sea floor within approximately 100 yards of the Amorco Pier, Martinez, CA, and encompasses all waters in the Carquinez Strait within a line connecting the following geographical positions—
 (3033) 38°02'03.1"N., 122°07'11.9"W.
 (3034) 38°02'05.6"N., 122°07'18.9"W.
 (3035) 38°02'07.9"N., 122°07'14.9"W.
 (3036) 38°02'13.0"N., 122°07'19.4"W.
 (3037) 38°02'05.7"N., 122°07'35.9"W.
 (3038) 38°02'00.5"N., 122°07'31.1"W.
 (3039) 38°02'01.8"N., 122°07'27.3"W.
 (3040) 38°01'55.0"N., 122°07'11.0"W.
 (3041) and along the shoreline back to the beginning point.
 (3042) (5) *Valero, Carquinez Strait*. This security zone includes all waters extending from the surface to the sea floor within approximately 100 yards of the Valero Pier, Benicia, CA, and encompasses all waters in the Carquinez Strait within a line connecting the following geographical positions—
 (3043) 38°02'37.6"N., 122°07'51.5"W.
 (3044) 38°02'34.7"N., 122°07'48.9"W.
 (3045) 38°02'44.1"N., 122°07'34.9"W.
 (3046) 38°02'48.0"N., 122°07'37.9"W.
 (3047) 38°02'47.7"N., 122°07'42.1"W.
 (3048) and along the shoreline back to the beginning point.
 (3049) (6) *Avon Pier, Suisun Bay*. This security zone includes all waters extending from the surface to the sea floor within approximately 100 yards of the Avon Pier, Martinez, CA, and encompasses all waters in Suisun Bay within a line connecting the following geographical positions—
 (3050) 38°02'24.6"N., 122°04'52.9"W.
 (3051) 38°02'54.0"N., 122°05'19.5"W.
 (3052) 38°02'55.8"N., 122°05'16.1"W.
 (3053) 38°03'02.1"N., 122°05'19.4"W.
 (3054) 38°02'55.1"N., 122°05'42.6"W.
 (3055) 38°02'48.8"N., 122°05'39.2"W.
 (3056) 38°02'52.4"N., 122°05'27.7"W.
 (3057) 38°02'46.5"N., 122°05'22.4"W.
 (3058) and along the shoreline back to the beginning point.
 (3059) (b) *Regulations*. (1) In accordance with the general regulations in §165.33, entry into the security zones described in paragraph (a) of this section is prohibited, unless specifically authorized by the Captain of the Port San Francisco Bay, or his designated representative.
 (3060) (2) Persons desiring to transit the area of a security zone may contact the Captain of the Port at telephone number 415–399–3547 or on VHF-FM 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 his designated representative.

- (3061) (c) *Enforcement*. The U.S. Coast Guard may be assisted in the patrol and enforcement of these security zones by federal, state and local law enforcement as necessary.

(3062)

§165.1198 Safety zone; Military Ocean Terminal Concord Safety Zone, Suisun Bay, Military Ocean Terminal Concord, CA.

- (3063) (a) *Location*. This safety zone is established in the navigable waters of Suisun Bay near Military Ocean Terminal Concord, CA (MOTCO) as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18656. Upon commencement of military onloads and offloads, the safety zone will encompass the navigable waters in the area between 500 yards of MOTCO Pier 2 in position 38°03'30"N, 122°01'14"W (NAD 83) as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18656 (the perimeter of the existing security zone) and 3,000 yards of the pier.
 (3064) (b) *Enforcement period*. The zone described in paragraph (a) of this section will be enforced during all military onload and offload operations. The Captain of the Port San Francisco (COTP) will notify the maritime community of periods during which this zone will be enforced via actual notice on-scene during military onloads and offloads.
 (3065) (c) *Regulations*. (1) The safety zone is open to all persons and vessels for transitory use.
 (3066) (2) Persons and vessels operating within the safety zone may not anchor or otherwise loiter within the safety zone.
 (3067) (3) Vessel operators desiring to anchor or otherwise loiter within the safety zone must contact Sector San Francisco Vessel Traffic Service at 415–399–7410 or VHF Channel 14 to obtain permission.
 (3068) (4) All persons and vessels transiting through or operating within the safety zone must comply with all directions given to them by the COTP or a designated representative.
 (3069) (5) The public can contact Sector San Francisco Bay at 415–399–3530 to obtain information concerning enforcement of this rule.
 (3070) (d) *Enforcement*. All persons and vessels must comply with the instructions of the COTP or the designated on-scene patrol personnel. Patrol personnel comprise commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by local law enforcement and the MOTCO police as necessary. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel must proceed as directed.

(3071)

§ 165.1199 Security Zones; Military Ocean Terminal Concord (MOTCO), Concord, California.

(3072) (a) *Location.* The security zone(s) reside(s) within the navigable waters of Suisun Bay, California, extending from the surface to the sea floor, within 500 yards of the three Military Ocean Terminal Concord (MOTCO) piers in Concord, California.

(3073) (b) *Definitions.* As used in this section, “designated representative” means any Coast Guard commissioned, warrant, or petty officer or any Federal, state, or local law enforcement officer who has been designated by the Captain of the Port San Francisco (COTP) to act on the COTP’s behalf. The COTP’s representative may be on a Coast Guard vessel, a Coast Guard Auxiliary vessel, a Federal, state, or local law enforcement vessel, or a location on shore.

(3074) (c) *Regulations.* (1) The security zone(s) described in paragraph (a) of this section will be in force during active military onloading and/or offloading operations and at any time a vessel loaded with munitions is present at a pier.

(3075) (2) When one or more piers are involved in onload or offload operations at the same time, there will be a 500-yard security zone for each involved pier.

(3076) (3) Under the general regulations in subpart D of this part, entry into, transiting or anchoring within the security zone(s) described in paragraph (a) of this section is prohibited during times of enforcement unless authorized by the COTP or a designated representative.

(3077) (4) Vessel operators desiring to enter or operate within the security zone(s) during times of enforcement must contact the COTP or a designated representative on VHF-16 or through the 24-hour Command Center at telephone (415) 399–3547 to obtain permission to do so. Vessel operators given permission to enter or operate in the security zone(s) must comply with all directions given to them by the COTP or a designated representative.

(3078) (5) Upon being hailed by the COTP or designated representative by siren, radio, flashing light, or other means, the operator of a vessel approaching the security zone(s) must proceed as directed to avoid entering the security zone(s).

(3079) (d) *Notice of enforcement or suspension of enforcement of security zone(s).* During periods that one or more security zones are enforced, the COTP or a designated representative will issue a Broadcast Notice to Mariners and/or notify mariners via actual notice onscene. In addition, COTP maintains a telephone line that is maintained 24 hours a day, 7 days a week. The public can contact COTP at (415) 399–3547 to obtain information concerning enforcement of this section. When the security zones are no longer needed, the COTP or designated representative will cease enforcement of the security zones. Upon suspension of enforcement, all persons and vessels are granted general permissions to enter, move within, and exit the security zones, but

should remain cognizant of the applicable restricted area designated in 33 CFR 334.1110.

(3080)

Subpart G—Protection of Naval Vessels

(3081)

§165.2010 Purpose.

(3082) 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.

(3083)

§165.2015 Definitions.

(3084) The following definitions apply to this subpart:

(3085) *Atlantic Area* means that area described in 33 CFR 3.04–1 Atlantic Area.

(3086) *Large U.S. naval vessel* means any U.S. naval vessel greater than 100 feet in length overall.

(3087) *Naval defensive sea area* means those areas described in 32 CFR part 761.

(3088) *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.

(3089) *Navigable waters of the United States* means those waters defined as such in 33 CFR part 2.

(3090) *Navigation rules* means the Navigation Rules, International-Inland.

(3091) *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.

(3092) *Pacific Area* means that area described in 33 CFR 3.04–3 Pacific Area.

(3093) *Restricted area* means those areas established by the Army Corps of Engineers and set out in 33 CFR part 334.

(3094) *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.

(3095) *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.

(3096) *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.

(3097)

§165.2020 Enforcement authority.

(3098) (a) *Coast Guard*. Any Coast Guard commissioned, warrant or petty officer may enforce the rules and regulations contained in this subpart.

(3099) (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.

(3100)

§165.2030 Pacific Area.

(3101) (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 Pacific Area, which includes the Eleventh, Thirteenth, Fourteenth, and Seventeenth U.S. Coast Guard Districts.

(3102) **Note to paragraph (a):** The boundaries of the U.S. Coast Guard Pacific Area and the Eleventh, Thirteenth, Fourteenth, and Seventeenth U.S. Coast Guard Districts are set out in 33 CFR part 3.

(3103) (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 dry dock, except when the large naval vessel is moored or anchored within a restricted area or within a naval defensive sea area.

(3104) (c) The Navigation Rules shall apply at all times within a naval vessel protection zone.

(3105) (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.

(3106) (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.

(3107) (f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(3108) (1) Give advance notice on VHF-FM channel 16 of all large U.S. naval vessel movements;

(3109) (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

(3110) (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

(3111) (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.

(3112) **Note to 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.

(3113)

Part 166—Shipping Safety Fairways

(3114)

Subpart A—General

(3115)

§166.100 Purpose.

(3116) 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.

(3117)

§166.103 Geographic coordinates.

(3118) 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.

(3119)

§166.105 Definitions.

(3120) (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.

(3121) (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.

(3122)

§166.110 Modification of areas.

(3123) Fairways and fairway anchorages are subject to modification in accordance with 33 U.S.C. 1223(c); 92 Stat. 1473.

(3124)

Subpart B—Designations of Fairways and Fairway Anchorages

(3125)

§166.300 Areas along the coast of California.

(3126) (a) *Purpose.* Fairways as described in this section are established to control the erection of structures therein to provide safe vessel routes along the coast of California.

(3127) (b) *Designated Areas*—(1) *Port Hueneme Safety Fairway.* An area one nautical mile in width centered on the alinement of Port Hueneme Entrance Channel and extending seaward from the 30-foot-depth curve for a distance of 1.5 nautical miles, thence turning southerly and widening to 1.5 nautical miles at the 3-mile limit, all between lines joining the following points:

(3128) 34°06'30"N., 119°15'00"W.

(3129) 34°07'37"N., 119°14'25"W.

(3130) 34°08'49"N., 119°13'21"W. thence generally along the 30-foot-depth curve to the seaward end of the west entrance jetty; seaward end of the east entrance jetty, thence generally along the 30-foot-depth curve to:

(3131) 34°08'21"N., 119°12'15"W.

(3132) 34°07'10"N., 119°13'20"W.

(3133) 34°05'48"N., 119°13'23"W.

(3134) (2) [Reserved]

(3135)

Part 167—Offshore Traffic Separation Schemes

(3136)

Subpart A—General

(3137)

§167.1 Purpose.

(3138) 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.

(3139)

§167.3 Geographic coordinates.

(3140) Geographic coordinates are defined using North American 1927 Datum (NAD 27) unless indicated otherwise.

(3141)

§167.5 Definitions.

(3142) (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.

(3143)

(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.

(3144)

(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.

(3145)

(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.

(3146)

(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.

(3147)

(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.

(3148)

(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.

(3149)

§167.10 Operating rules.

(3150)

The operator of a vessel in a TSS shall comply with Rule 10 of the International Regulations for Preventing Collision at Sea, 1972, as amended.

(3151)

§167.15 Modification of schemes.

(3152)

(a) A traffic separation scheme or precautionary area described in this Part may be permanently amended in accordance with 46 U.S.C. 70003 (92 Stat. 1473), and with international agreements.

(3153)

(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.

(3154)

Subpart B—Description of Traffic Separation Schemes and Precautionary Areas

(3155)

§167.400 Off San Francisco Traffic Separation Scheme: General.

(3156) The Off San Francisco Traffic Separation Scheme consists of six parts: a Precautionary Area, a Northern Approach, a Southern Approach, a Western Approach, a Main Ship Channel, and an Area To Be Avoided. The specific areas in the Off San Francisco TSS and Precautionary Area are described in §167.401 through §167.406 of this chapter. The geographic coordinates in §167.401 through §167.406 are defined using North American Datum 1983 (NAD 83).

(3157)

§167.401 Off San Francisco: Precautionary area.*

(3158) (a)(1) A precautionary area is established bounded to the west by an arc of a circle with a radius of 6 miles centering upon geographical position 37°45.00'N., 122°41.50'W., and connecting the following geographical positions: 37°42.70'N., 122°34.60'W., thence to 37°50.30'N., 122°38.00'W.

(3159) (2) The precautionary area is bounded to the east by a line connecting the following geographic positions: 37°42.70'N., 122°34.60'W., thence to 37°45.90'N., 122°38.00'W., thence to 37°50.30'N., 122°38.00'W.

(3160) (b) A pilot boarding area is located near the center of the precautionary area described in paragraph (a) of this section. 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.

(3161) *Amended Traffic Separation Scheme references IMO Circular COLREG.2/Circ.64, 4 Dec. 2012.

(3162)

§167.402 Off San Francisco: Northern approach.*

(3163) (a) A separation zone is bounded by a line connecting the following geographical positions: 37°48.52'N., 122°47.63'W., thence to 37°58.45'N., 123°09.49'W., thence to 38°09.09'N., 123°20.82'W., thence to 38°08.03'N., 123°21.34'W., thence to 37°57.67'N., 123°10.31'W., thence to 37°47.66'N., 122°48.29'W.

(3164) (b) A traffic lane for north-westbound traffic is established between the separation zone and a line connecting the following geographical positions: 37°49.29'N., 122°46.79'W., thence to 37°59.22'N., 123°08.66'W., thence to 38°10.14'N., 123°20.29'W.

(3165) (c) A traffic lane for south-eastbound traffic is established between the separation zone and a line

connecting the following geographical positions: 38°06.92'N., 123°21.82'W., thence to 37°56.89'N., 123°11.14'W., thence to 37°46.72'N., 122°48.76'W.

(3166) *Amended Traffic Separation Scheme references IMO Circular COLREG.2/Circ.64, 4 Dec. 2012.

(3167)

§167.403 Off San Francisco: Southern approach.*

(3168) (a) A separation zone is bounded by a line connecting the following geographical positions: 37°39.07'N., 122°40.40'W., thence to 37°18.45'N., 122°40.40'W., thence to 37°18.71'N., 122°43.00'W., thence to 37°39.12'N., 122°43'00.

(3169) (b) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographical positions: 37°39.30'N., 122°39.14'W., thence to 37°18.36'N., 122°39.14'W.

(3170) (c) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographical positions: 37°18.89'N., 122°44.26'W., thence to 37°39.41'N., 122°44.26'W.

(3171) *Amended Traffic Separation Scheme references IMO Circular COLREG.2/Circ.64, 4 Dec. 2012.

(3172)

§167.404 Off San Francisco: Western approach.*

(3173) (a) A separation zone is bounded by a line connecting the following geographical positions: 37°41.90'N., 122°47.99'W., thence to 37°33.54'N., 123°03.79'W., thence to 37°34.15'N., 123°00.37'W., thence to 37°41.09'N., 122°47.25'W.

(3174) (b) A traffic lane for south-westbound traffic is established between the separation zone and a line connecting the following geographical positions: 37°42.81'N., 122°48.55'W., thence to 37°34.37'N., 123°04.49'W.

(3175) (c) A traffic lane for north-eastbound traffic is established between the separation zone and a line connecting the following geographical positions: 37°31.87'N., 123°02.40'W., thence to 37°40.38'N., 122°46.33'W.

(3176) *Amended Traffic Separation Scheme references IMO Circular COLREG.2/Circ.64, 4 Dec. 2012.

(3177)

§167.405 Off San Francisco: Main ship channel.*

(3178) (a) A separation line connects the following geographical positions: 37°45.90'N., 122°38.00'W., thence to 37°47.00'N., 122°34.30'W., thence to 37°48.10'N., 122°31.00'W.

(3179) (b) A traffic lane for eastbound traffic is established between the separation line and a line connecting the following geographical positions: 37°45.80'N., 122°37.70'W., thence to 37°47.80'N., 122°30.80'W.

(3180) (c) A traffic lane for westbound traffic is established between the separation line and a line connecting the following geographical positions: 37°46.20'N., 122°37.90'W., thence to 37°46.90'N., 122°35.30'W., thence to 37°48.50'N., 122°31.30'W.

(3181) *Amended Traffic Separation Scheme references IMO Circular COLREG.2/Circ.64, 4 Dec. 2012.

(3182)

\$167.406 Off San Francisco: Area to be avoided.*

(3183) A circular area to be avoided, with a radius of half of a nautical mile, is centered upon geographic position: 37°45.00'N., 122°41.50'W.

(3184) *Amended Traffic Separation Scheme references IMO Circular COLREG.2/Circ.64, 4 Dec. 2012.

(3185)

\$167.450 In the Santa Barbara Channel Traffic Separation Scheme: General.

(3186) The Traffic Separation Scheme in the Santa Barbara Channel is described in §167.451 and §167.452. The geographic coordinates in §167.451 and §167.452 are defined using North American Datum 1983 (NAD 83).

(3187)

\$167.451 In the Santa Barbara Channel: Between Point Vicente and Point Conception.*

(3188) (a) A separation zone is bounded by a line connecting the following geographical positions: 34°20.84'N., 120°30.28'W., thence to 34°03.87'N., 119°15.63'W., thence to 33°44.93'N., 118°35.75'W., thence to 33°44.06'N., 118°36.34'W., thence to 34°02.94'N., 119°16.09'W., thence to 34°19.88'N., 120°30.59'W.

(3189) (b) A traffic lane for north-westbound traffic is established between the separation zone and a line connecting the following geographical positions: 34°21.80'N., 120°29.96'W., thence to 34°04.80'N., 119°15.16'W., thence to 33°45.80'N., 118°35.15'W.

(3190) (c) A traffic lane for south-eastbound traffic is established between the separation zone and a line connecting the following geographical positions: 33°43.18'N., 118°36.94'W., thence to 34°02.01'N., 119°16.56'W., thence to 34°18.92'N., 120°30.91'W.

(3191) Note: Port Hueneme Fairway: A safety fairway is established in the approach to Port Hueneme.

(3192) *Amended Traffic Separation Scheme references IMO Circular COLREG.2/Circ.64, 4 Dec. 2012.

(3193)

\$167.452 In the Santa Barbara Channel: Between Point Conception and Point Arguello.*

(3194) (a) A separation zone is bounded by a line connecting the following geographical positions: 34°20.84'N., 120°30'.28'W., thence to 34°19.88'N., 120°30.59'W., thence to 34°24.76'N., 120°52.10'W., thence to 34°25.72'N., 120°51.78'W.

(3195) (b) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographical positions: 34°21.80'N., 120°29.96'W., thence to 34°26.68'N., 120°51.46'W.

(3196) (c) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographical positions: 34°18.92'N., 120°30.91'W., thence to 34°23.80'N., 120°52'.42'W.

(3197) *Amended Traffic Separation Scheme references IMO Circular COLREG.2/Circ.64, 4 Dec. 2012.

(3198)

\$167.500 In the approaches to Los Angeles-Long Beach Traffic Separation Scheme: General.

(3199) The Traffic Separation Scheme in the approaches to Los Angeles-Long Beach consists of three parts: a Precautionary Area, a Western Approach, and a Southern Approach. The specific areas in the approaches to Los Angeles-Long Beach are described in §167.501 through §167.503. The geographic coordinates in §167.501 through §167.503 are defined using North American Datum 1983 (NAD 83).

(3200)

\$167.501 In the approaches to Los Angeles-Long Beach: Precautionary area.*

(3201) (a) The precautionary area consists of the water area enclosed by the Los Angeles – Long Beach breakwater and a line connecting Point Fermin Light at 33°42.30'N., 118°17.60'W., with the following geographical positions: 33°35.50'N., 118°17.60'W., thence to 33°35.50'N., 118°09.00'W., thence to 33°37.70'N., 118°06.50'W., thence to 33°43.40'N., 118°10.80'W.

(3202) (b) Pilot boarding areas are located within the precautionary area described in paragraph (a) of this section. 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.

(3203) *Amended Traffic Separation Scheme references IMO Circular COLREG.2/Circ.64, 4 Dec. 2012.

(3204)

\$167.502 In the approaches to Los Angeles-Long Beach: Western approach.*

(3205) (a) A separation zone is bounded by a line connecting the following geographical positions: 33°37.70'N., 118°17.60'W., thence to 33°36.50'N., 118°17.60'W., thence to 33°36.50'N., 118°20.48'W., thence to 33°44.06'N., 118°36.34'W., thence to 33°44.93'N., 118°35.75'W., thence to 33°37.70'N., 118°20.57'W.

(3206) (b) A traffic lane for northbound coastwise traffic is established between the separation zone and a line connecting the following geographical positions: 33°38.70'N., 118°17.60'W., thence to 33°38.70'N., 118°20.24'W., thence to 33°45.80'N., 118°35.15'W.

(3207) (c) A traffic lane for southbound coastwise traffic is established between the separation zone and a line connecting the following geographical positions: 33°35.50'N., 118°17.60'W., thence to 33°43.18'N., 118°36.94'W., thence to 33°35.50'N., 118°20.81'W.

(3208) *Amended Traffic Separation Scheme references IMO Circular COLREG.2/Circ.64, 4 Dec. 2012.

(3209)

\$167.503 In the approaches to Los Angeles-Long Beach TSS: Southern approach.*

(3210) (a) A separation zone is established bounded by a line connecting the following geographic positions: 33°35.50'N., 118°10.30'W., thence to 33°19.00'N., 118°05.60'W., thence to 33°35.50'N., 118°12.75'W., thence to 33°19.70'N., 118°03.50'W.

(3211) (b) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographical positions: 33°35.50'N., 118°09.00'W., thence to 33°20.00'N., 118°02.30'W.

(3212) (c) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographical positions: 33°35.50'N., 118°14.00'W., thence to 33°18.70'N., 118°06.75'W.

(3213) *Amended Traffic Separation Scheme references IMO Circular COLREG.2/Circ.64, 4 Dec. 2012.

(3214)

Part 168—Escort Requirements for Certain Tankers

(3215)

§168.01 Purpose.

(3216) (a) This part prescribes regulations in accordance with section 4116(c) of the Oil Pollution Act of 1990 (OPA 90) (Pub. L. 101-380), as amended by section 711 of the Coast Guard Authorization Act of 2010 (Pub. L. 111-281). The regulations will reduce the risk of oil spills from laden, single hull and double hull tankers over 5,000 GT by requiring that these tankers be escorted by at least two suitable escort vessels in applicable waters, as defined in §168.40. The escort vessels will be immediately available to influence the tankers' speed and course in the event of a steering or propulsion equipment failure, thereby reducing the possibility of groundings or collisions.

(3217) (b) The regulations in this part establish minimum escort vessel requirements. Nothing in these regulations should be construed as relieving the master of a tanker from the duty to operate the vessel in a safe and prudent manner, taking into account the navigational constraints of the waterways to be traversed, other vessel traffic, and anticipated weather, tide, and sea conditions, which may require reduced speeds, greater assistance from escort vessels, or other operational precautions.

(3218)

§168.05 Definitions.

(3219) As used in this part—

(3220) *Disabled tanker* means a tanker experiencing a loss of propulsion or steering control.

(3221) *Double hull tanker* means any self-propelled tank vessel that is constructed with both double bottom and double sides in accordance with the provisions of 33 CFR 157.10d.

(3222) *Escort transit* means that portion of the tanker's voyage through waters where escort vessels are required.

(3223) *Escort vessel* means any vessel that is assigned and dedicated to a tanker during the escort transit, and that is fendered and outfitted with towing gear as appropriate for its role in an emergency response to a disabled tanker.

(3224) *Laden* means transporting in bulk any quantity of applicable cargo, except for clingage and residue in otherwise empty cargo tanks.

(3225) *Single hull tanker* means any self-propelled tank vessel that is not constructed with both double bottom and double sides in accordance with the provisions of 33 CFR 157.10d.

(3226) *Tanker master* means the licensed onboard person in charge of the tanker.

(3227) *Tanker owner or operator* means the owner or shoreside organization (individual, corporation, partnership, or association), including a demise charterer, responsible for the overall management and operation of the tanker.

(3228)

§168.10 Responsibilities.

(3229) (a) The tanker owner or operator shall:

(3230) (1) select escort vessels that can meet the performance requirements of this part; and

(3231) (2) inform the tanker master of the performance capabilities of the selected escort vessels. This information must be provided to the master before beginning the escort transit.

(3232) (b) The tanker master shall operate the tanker within the performance capabilities of the escort vessels, taking into account speed, sea and weather conditions, navigational considerations, and other factors that may change or arise during the escort transit.

(3233) (c) In an emergency, the tanker master may deviate from the requirements of this part to the extent necessary to avoid endangering persons, property, or the environment, but shall immediately report the deviation to the cognizant Coast Guard Captain of the Port (COTP).

(3234)

§168.20 Applicable vessels.

(3235) The requirements of this part apply to the following laden tankers of 5,000 gross tons or more:

(3236) (a) All single hull tankers on the waters listed in §168.40(a) and (b); and

(3237) (b) All double hull tankers on the waters listed in §168.40(a).

(3238)

§168.30 Applicable cargoes.

(3239) The requirements of this part apply to any petroleum oil listed in 46 CFR Table 30.25-1 as a pollution category I cargo.

(3240)

§168.40 Applicable waters and number of escort vessels.

(3241) The requirements of this part apply to the following waters:

(3242) (a) *Prince William Sound*: Each tanker to which this part applies must be escorted by at least two escort vessels in those navigable waters of the United States within Prince William Sound, Alaska, and the adjoining tributaries, bays, harbors, and ports, including the navigable waters of the United States within a line drawn from Cape Hinchinbrook Light, to Seal Rocks Light, to a point on Montague Island at 60°14.6'N., 146°59'W., and

the waters of Montague Strait east of a line between Cape Puget and Cape Cleare.

- (3243) (b) *Puget Sound and certain associated waters:* Each tanker to which this part applies must be escorted by at least two escort vessels in those navigable waters of the United States and Washington State east of a line connecting New Dungeness Light with Discovery Island Light and all points in the Puget Sound area north and south of these lights. This area includes all the navigable waters of the United States within Haro Strait, Rosario Strait, the Strait of Georgia, Puget Sound, and Hood Canal, as well as those portions of the Strait of Juan de Fuca east of the New Dungeness-Discovery Island line.

(3244)

§168.50 Performance and operational requirements.

- (3245) (a) Except as provided in paragraph (c) of §168.10, at all times during the escort transit each tanker to which this part applies:
- (3246) (1) Must be accompanied by escort vessels that meet the performance requirements of paragraph (b) of this section (but not less than the number of escorts required by §168.40).
- (3247) (2) Must have the escort vessels positioned relative to the tanker such that timely response to a propulsion or steering failure can be effected.
- (3248) (3) Must not exceed a speed beyond which the escort vessels can reasonably be expected to safely bring the tanker under control within the navigational limits of the waterway, taking into consideration ambient sea and weather conditions, surrounding vessel traffic, hazards, and other factors that may reduce the available sea room.
- (3249) (b) The escort vessels, acting singly or jointly in any combination as needed, and considering their applied force vectors on the tanker's hull, must be capable of—
- (3250) (1) Towing the tanker at 4 knots in calm conditions, and holding it in steady position against a 45-knot headwind;
- (3251) (2) [Reserved]
- (3252) (3) Holding the tanker on a steady course against a 35-degree locked rudder at a speed of 6 knots; and
- (3253) (4) Turning the tanker 90 degrees, assuming a free-swinging rudder and a speed of 6 knots, within the same distance (advance and transfer) that it could turn itself with a hard-over rudder.

(3254)

§168.60 Pre-escort conference.

- (3255) (a) Before commencing an escort transit, the tanker master shall confer, by radio or in person, with the tanker pilot and the masters of the escort vessels regarding the escort operation.
- (3256) (b) The purpose of the pre-escort conference is for all parties to plan and discuss particulars of the escort transit.
- (3257) (c) At a minimum, the following topics must be addressed during the pre-escort conference:

- (3258) (1) The destination, route, planned speed, other vessel traffic, anticipated weather, tide, and sea conditions, and other navigational considerations;
- (3259) (2) The type and operational status of communication, towing, steering, and propulsion equipment on the tanker and escort vessels;
- (3260) (3) The relative positioning and reaction time for the escort vessels to move into assist positions, including, if appropriate, pre-tethering the escort vessels at crucial points along the route;
- (3261) (4) The preparations required on the tanker and escort vessels, and the methods employed in making an emergency towline connection, including stationing of deck crews, preparation of messenger lines, bridles, and other towing gear, and energizing appropriate deck equipment;
- (3262) (5) The manner in which an emergency towline connection would be made (which escort vessel will respond, how messengers and towlines will be passed, etc.);
- (3263) (6) Other relevant information provided by the tanker master, pilot or escort vessel masters.

(3264)

Part 169—Ship Reporting Systems

(3265)

Subpart A—General

(3266)

§169.1 What is the purpose of this part?

- (3267) 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.

(3268) **Note to §169.1:** For ship reporting system requirements not established by the Coast Guard, see 50 CFR Part 404.

(3269)

§169.5 How are terms used in this part defined?

- (3270) As used in this part—
- (3271) *Administration* means the Government of the State whose flag the ship is entitled to fly.
- (3272) *Cargo ship* means any ship which is not a passenger ship.
- (3273) *Flag Administration* means the Government of a State whose flag the ship is entitled to fly.
- (3274) *Gross tonnage* means tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969 (Incorporated by reference, see §169.15).

(3275) *Gross tons* means vessel tonnage measured in accordance with the method utilized by the flag state administration of that vessel.

(3276) *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 $V=3.7 \times \text{displ}^{.1667}$, where “V” is the maximum speed and “displ” is the vessel displacement corresponding to the design waterline in cubic meters.

(3277) *High speed passenger craft* means a high speed craft carrying more than 12 passengers.

(3278) *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.

(3279) *Long range identification and tracking (LRIT) information or position report* means report containing the following information:

(3280) (1) The identity of the ship;

(3281) (2) The position of the ship (latitude and longitude); and

(3282) (3) The date and time of the position provided.

(3283) *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.

(3284) *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.

(3285) *Mobile offshore drilling unit* means a self-propelled vessel capable of engaging in drilling operations for the exploration or exploitation of subsea resources.

(3286) *Passenger ship* means a ship that carries more than 12 passengers.

(3287) *Self-propelled ships* means ships propelled by mechanical means.

(3288) *Shore-based authority* means the government appointed office or offices that will receive the reports made by ships entering each of the mandatory 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.

(3289) *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.

(3290)

§169.10 What geographic coordinates are used?

(3291) 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.

(3292)

§169.15 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?

(3293) (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 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.

(3294) (b) *International Electrotechnical Commission (IEC) Bureau Central de la Commission Electrotechnique Internationale*, 3 rue de Varembe, P.O. Box 131, 1211 Geneva 20, Switzerland.

(3295) (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.

(3296) (2) [Reserved]

(3297) (c) *International Maritime Organization (IMO)*, 4 Albert Embankment, London SE1 7SR, U.K.

(3298) (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.

(3299) (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.

(3300) (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.

- (3301) (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.

- (3302) (5) International Convention on Tonnage Measurement of Ships, 1969, incorporation by reference approved for §169.5.

(3303)

Subpart C—Transmission of Long Range Identification and Tracking Information

(3304)

§169.200 What is the purpose of this subpart?

- (3305) 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.

(3306)

§169.205 What types of ships are required to transmit LRIT information (position reports)?

- (3307) The following ships, while engaged on an international voyage, are required to transmit position reports:

- (3308) (a) A passenger ship, including high speed passenger craft.
- (3309) (b) A cargo ship, including high speed craft, of 300 gross tonnage or more.
- (3310) (c) A mobile offshore drilling unit while underway and not engaged in drilling operations.

(3311)

§169.210 Where during its international voyage must a ship transmit position reports?

- (3312) 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.

- (3313) (a) *Flag State relationship.* A U.S. flag ship engaged on an international voyage must transmit position reports wherever they are located.

- (3314) (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.

- (3315) (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.

(3316)

§169.215 How must a ship transmit position reports?

- (3317) 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).

(3318)

§169.220 When must a ship be fitted with LRIT equipment?

- (3319) A ship identified in §169.205 must be equipped with LRIT equipment—

- (3320) (a) Before getting underway, if the ship is constructed on or after December 31, 2008.

- (3321) (b) By the first survey of the radio installation after December 31, 2008, if the ship is—

- (3322) (1) Constructed before December 31, 2008, and

- (3323) (2) Operates within—

- (3324) (i) One hundred (100) nautical miles of the United States baseline, or

- (3325) (ii) Range of an Inmarsat geostationary satellite, or other Application Service Provider recognized by the Administration, with continuous alerting is available.

- (3326) (c) By the first survey of the radio installation after July 1, 2009, if the ship is—

- (3327) (1) Constructed before December 31, 2008, and

- (3328) (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.

(3329)

§169.225 Which Application Service Providers may a ship use?

- (3330) A ship may use an application Service Provider (ASP) recognized by its administration. Some Communication Service Providers may also serve as an ASP.

(3331)

§169.230 How often must a ship transmit position reports?

- (3332) 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.

(3333)

§169.235 What exemptions are there from reporting?

(3334) A ship is exempt from this subpart if it is—

- (3335) (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,
- (3336) (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
- (3337) (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.

(3338)

§169.240 When may LRIT equipment be switched off?

(3339) 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).

(3340)

§169.245 What must a ship master do if LRIT equipment is switched off or fails to operate?

- (3341) (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.
- (3342) (b) The master must also make an entry in the ship's logbook that states—
- (3343) (1) His or her reason for switching the LRIT equipment off, or an entry that the equipment has failed to operate, and
- (3344) (2) The period during which the LRIT equipment was switched off or non-operational.
- (3345) 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.

(3346)

Part 207—Navigation Regulations

(3347)

§207.800 Collection of navigation statistics.

- (3348) (a) *Definitions.* For the purpose of this regulation the following terms are defined:
- (3349) (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.)

(3350) (2) *Offenses and Violations* mean:

(3351) (i) Failure to submit a required report.

(3352) (ii) Failure to provide a timely, accurate, and complete report.

(3353) (iii) Failure to submit monthly listings of idle vessels or vessels in transit.

(3354) (iv) Failure to submit a report required by the lockmaster or canal operator.

(3355) (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 a specified remuneration from the lessee. Commercial movements on an affreightment basis are not considered a lease or charter of a particular vessel.

(3356) (4) *Person or entity* means an individual, corporation, partnership, or company.

(3357) (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.

(3358) (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.

(3359) (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 included 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.

(3360) (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.

(3361) (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.

(3362) (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.

(3363) (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.

- (3364) (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 movement.
- (3365) (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 1986 (Pub. L. 99-662), mandates the following:
- (3366) (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.
- (3367) (i) For vessels under lease/charter agreements, the lessee or chartered of any commercial vessel engaged in commercial transportation will be responsible for the filing of said reports until the lease/charter expires.
- (3368) (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.
- (3369) (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:
- (3370) (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, P.O. Box 61280, New Orleans, LA 70161-1280.
- (3371) (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.
- (3372) (B) Vessels idle during the month must also be reported.
- (3373) (C) Notwithstanding the above requirements, the following waterborne vessel movements need not be reported:
- (3374) (1) Movements of recreational vessels.
- (3375) (2) Movements of fire, police, and patrol vessels.
- (3376) (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.
- (3377) (4) Movements of dredges to or from the dredging site. However, vessel movements of dredge material from the dredging site to the disposal site must be reported.
- (3378) (5) Specific movements granted exemption in writing by the Waterborne Commerce Statistics Center.
- (3379) (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.
- (3380) (E) The vessel operating company may request a waiver from the Army Corp of Engineers, and upon written approval by the Waterborne Commerce Center, the company may be allowed to provide the requisite information of the above paragraph (D), on computer printouts, magnetic tape, diskettes, or alternate medium approved by the Center.
- (3381) (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).
- (3382) (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.
- (3383) (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 Form 3925.
- (3384) (3) Refer to 19 CFR part 24 for detailed information on exemptions and ports subject to the Harbor Maintenance Tax.
- (3385) (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.
- (3386) (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.
- (3387) (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.
- (3388) (c) *Penalties for Noncompliance*. The following penalties for noncompliance can be assessed for offenses and violations.
- (3389) (1) *Criminal Penalties*. Every person or persons violating the provisions of this regulation shall, for each and very 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.
- (3390) (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.

(3391) (3) *Denial of Passage*. In addition to these fines, penalties, and imprisonments, the lockmaster or canal operator can refuse to allow vessel passage.

(3392) (d) *Enforcement Policy*. Every means at the disposal of the Army Corps of Engineers will be utilized to monitor and enforce these regulations.

(3393) (1) To identify vessel operating companies that should be reporting waterborne commerce data, the Corps will make use of, but is not limited to, the following sources.

(3394) (i) Data on purchase and sale of vessels.

(3395) (ii) U.S. Coast Guard vessel documentation and reports.

(3396) (iii) Data collected at Locks, Canals, and other facilities operated by the Corps.

(3397) (iv) Data provided by terminals on ENG Form 3926.

(3398) (v) Data provided by the other Federal agencies including the Internal Revenue Service, Customs Service, Maritime Administration, Department of Transportation, and Department of Commerce.

(3399) (vi) Data provided by ports, local facilities, and State or local governments.

(3400) (vii) Data from trade journals and publications.

(3401) (viii) Site visits and inspections.

(3402) (2) *Notice of Violation*. Once a reporting violation is determined to have occurred, the Chief of the Waterborne Commerce Statistics Center will notify the responsibility 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 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.

(3403) (3) *Administrative Assessment of Civil Penalties*. Civil penalties may be assessed in the following manner.

(3404) (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.

(3405) (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.

(3406) (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, Virginia 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.

(3407) (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.

(3408)

Part 334—Danger Zones and Restricted Area Regulations

(3409)

§334.1 Purpose.

(3410) The purpose of this part is to:

(3411) (a) Prescribe procedures for establishing, amending and disestablishing danger zones and restricted areas;

(3412) (b) List the specific danger zones and restricted areas and their boundaries; and

(3413) (c) Prescribe specific requirements, access limitations and controlled activities within the danger zones and restricted areas.

(3414)

§334.2 Definitions.

(3415) (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.

(3416) (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.

(3417)

§334.3 Special policies.

(3418) (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.

(3419) (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),

(3420) (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, Hydrographic Center, 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.

(3421)

§334.4 Establishment and amendment procedures.

(3422) (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 a minimum must contain the following:

(3423) (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.

(3424) (2) Name of waterway and if a small tributary, the name of a larger connecting waterbody.

(3425) (3) Name of closest city or town, county/parish and state.

(3426) (4) Location of proposed or existing danger zone or restricted area with a map showing the location, if possible.

(3427) (5) A brief statement of the need for the area, its intended use and detailed description of the times, dates and extent of restriction.

(3428) (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.

(3429) (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:

(3430) (i) Applicable statutory authority or authorities; (40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3).

(3431) (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.

(3432) (iii) The address of the District Engineer as the recipient of any comments received.

(3433) (iv) The identity of the applicant/proponent;

(3434) (v) The name or title, address and telephone number of the Corps employee from whom additional information concerning the proposal may be obtained;

(3435) (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.

(3436) (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:

(3437) (i) The Federal Aviation Administration (FAA) where the use of airspace is involved.

(3438) (ii) The Commander, Service Force, U.S. Atlantic Fleet, if a proposed action involves a danger zone off the U.S. Atlantic coast.

(3439) (iii) Proposed danger zones on the U.S. Pacific coast must be coordinated with the applicable commands as follows:

(3440) Alaska, Oregon and Washington:

(3441) Commander, Naval Base, Seattle

(3442) California:

(3443) Commander, Naval Base, San Diego

(3444) Hawaii and Trust Territories:

(3445) Commander, Naval Base, Pearl Harbor

(3446) (c) *Public hearing.* The District Engineer may conduct a public hearing in accordance with 33 CFR part 327.

(3447) (d) *Environmental documentation.* The District Engineer shall prepare environmental documentation in accordance with appendix B to 33 CFR part 325.

(3448) (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**.

(3449) (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.

(3450)

§334.5 Disestablishment of a danger zone.

(3451) (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.

(3452) (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.

(3453)

§334.6 Datum.

(3454) (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.

(3455) (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 6147, Silver Spring, MD 20910-3282.

(3456)

§334.860 San Diego Bay, CA: Naval restricted area.

(3457) (a) *The Area.* The water of the Pacific Ocean in Middle San Diego Bay in an area extending from the northern and eastern boundary of the Naval Amphibious Base about 0.1 nautical miles and 0.6 nautical miles from the southern shoreline and basically outlined as follows:

(3458) Station

(3459) 1–32°40'33.0"N., 117°10'02.4"W.

(3460) 2–32°40'34.7"N., 117°09'54.0"W.

(3461) 3–32°40'46.0"N., 117°09'44.2"W.

(3462) 4–32°41'00.0"N., 117°09'24.6"W.

(3463) 5–32°40'20.0"N., 117°08'36.7"W.

(3464) 6–32°40'00.0"N., 117°09'00.0"W.

(3465) 7–32°39'18.0"N., 117°08'45.0"W.

(3466) 8–32°39'16.0"N., 117°08'48.5"W.

(3467) (b) *The regulations.* (1) Swimming, fishing, waterskiing, mooring or anchoring shall not be allowed within the restricted area.

(3468) (2) A portion of the restricted area extending 120 feet from pierheads and from the low water mark on shore where piers do not exist is closed to all persons and vessels except those owned by, under hire to, or performing work for, the Naval Amphibious Base.

(3469) (3) All vessels entering the restricted area shall proceed across the area by the most direct route and without unnecessary delay. For vessels under sail, necessary tacking shall constitute a direct route.

(3470) (4) The regulations in this section shall be enforced by the Commanding Officer, Naval Amphibious Base, Coronado, California, and such agencies as he/she shall designate. Organized activities (such as sail races and regattas) within the restricted area may be allowed providing that a request has been made to the Commanding Officer, Naval Amphibious Base, Coronado, San Diego, California 92155 or by calling, telephone number (619) 522–4833 at least 10 days prior to the event.

(3471)

§334.865 Naval Air Station North Island, San Diego, CA, Restricted Area.

(3472) (a) *The area.* The waters within an area beginning at

(3473) 32°42'55.0"N., 117°11'30.5"W.; to

(3474) 32°42'57.0"N., 117°11'22.5"W.; to

(3475) 32°42'56.0"N., 117°11'19.0"W.; to

(3476) 32°42'49.0"N., 117°11'08.5"W.; to

(3477) 32°42'44.5"N., 117°11'06.5"W.; and thence to

(3478) 32°42'40.0"N., 117°11'06.5"W.

(3479) (b) *The regulation.* (1) The restricted area shall not be open to swimming, fishing, water-skiing, mooring or anchorage.

(3480) (2) Dragging, seining, other fishing operations, and other activities not under the direction of the United States, which might foul underwater installations within the restricted area, are prohibited.

(3481) (3) All tows entering the restricted area shall be streamed and shortened to the seaward of the area and towing appendages and catenaries shall not be dragged along the bottom while proceeding through the area.

(3482) (4) All vessels entering the restricted area shall proceed across the area by the most direct route and without unnecessary delay.

(3483) (5) No vessel or craft of any size shall lie-to or anchor in the restricted area at any time other than a vessel operated by or for components, or other vessels

authorized by Commander, Navy Region Southwest, or his/her designee.

- (3484) (6) When security conditions dictate, Naval security forces may impose strict enforcement of stand-off distances within the restricted area. This enforcement will not prevent utilization of navigable channels, but will serve to control its use in order to protect vital National interests.

- (3485) (c) *Enforcement.* The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the Commander, Navy Region Southwest, and such agencies or persons as he/she may designate.

(3486)

§334.866 Pacific Ocean at Naval Base Coronado, in the City of Coronado, San Diego County, CA; Naval Danger Zone.

- (3487) (a) *The area.* A fan-shaped area extending westerly into the waters of the Pacific Ocean from a point on the beach of Naval Base Coronado, Coronado, California beginning at

- (3488) 32°41'13"N., 117°12'45"W.; thence easterly, along the mean high water mark, to

- (3489) 32°41'14"N., 117°12'32"W.; thence southerly to

- (3490) 32°40'31"N., 117°12'12"W.; thence westerly to

- (3491) 32°40'25"N., 117°12'43"W.; thence northerly, landward, to the point of origin.

- (3492) (b) *The regulations.* (1) Range live firing on the Naval Base Coronado, Coronado, California small arms range may occur at any time. Information on live firing schedules and coordination for community concerns can be obtained by calling the Naval Base Coronado Small Arms Range Safety Officer at 619-545-8413 during normal working hours. Assistance is also available via the Naval Base Coronado Hotline at 619-545-7190 or the Naval Base Coronado operator at 619-545-1011. If the phone numbers are changed, they will be updated on the Naval Base Coronado Web site <http://www.cnmc.navy.mil/Coronado>.

- (3493) (2) The danger zone will be open to fishing and general navigation when no weapons firing is scheduled, which will be indicated by the absence of any warning flags or flashing lights on land in the locations specified in paragraphs (b)(3) and (b)(4) of this section.

- (3494) (3) When live firing is about to be undertaken or is in progress during daylight hours, three (3) large red warning flags will be displayed at the top of the flag poles on the southern berm of the small arms range, so as to be clearly visible from all points of entry into the danger zone. The west flag pole is located on the southern berm at 32°41'21.5"N., 117°12'42.8"W., the middle flag pole is located at 32°41'21.7"N., 117°12'40.9"W., and the east flag pole is located at 32°41'22.4"N., 117°12'38.7"W.

- (3495) (4) When live firing is about to be undertaken or is in progress during periods of darkness, three (3) red flashing warning lights will be displayed at the top of the flag poles on the southern berm of the small arms range at

the locations described in paragraph (b)(3) of this section, so as to be clearly visible from all points of entry into the danger zone.

- (3496) (5) The danger zone is not considered safe for vessels or individuals when live firing is in progress. When live firing is about to begin or is scheduled as indicated by the warning flags or flashing warning lights described in paragraphs (b)(3) and (b)(4) of this section, all vessels will be required to expeditiously vacate the danger zone.

- (3497) (6) Anchoring by any vessel within the danger zone is prohibited.

- (3498) (7) Prior to conducting live firing, Navy personnel will visually scan the danger zone to ensure that no vessels or individuals are located within it. Any vessels or individuals in the danger zone will be notified by the Navy Range Safety Officer using a marine VHF-FM marine radio and by other means as necessary, to exit the danger zone and remain outside the area until conclusion of live firing. As new technology becomes available, the VHF-FM marine radio communications system may be updated.

- (3499) (8) Safety observers will be posted in accordance with range standard operating procedures at all times when the warning flags or flashing lights described in paragraphs (b)(3) and (b)(4) of this section are displayed. Operation of the small arms range will only occur when visibility is sufficient to maintain visual surveillance of the danger zone and vicinity. In the event of limited visibility due to rain, fog or other conditions, live firing will be postponed until the danger zone can be confirmed clear of all vessels and individuals.

- (3500) (9) Naval Base Coronado will maintain a schedule of live firing at the small arms range on its Web site, <http://www.cnmc.navy.mil/Coronado>, which will be accessible to the public, mariners, and recreationists. The Navy will maintain the Web site on a year round basis and update information as needed for public safety.

- (3501) (c) *Enforcement.* The regulation in this section will be enforced by the Commanding Officer, Naval Base Coronado, and such agencies and persons as he/she may designate.

(3502)

§334.870 San Diego Harbor, CA; restricted areas.

- (3503) (a) *Restricted area at Bravo Pier, Naval Air Station.*

- (3504) (1) *The area.* The water of the Pacific Ocean in North San Diego Bay in an area extending from the western boundary of North Island about 0.2 nautical miles bayward and basically outlined as follows:

- (3505) 32°41'51.3"N., 117°13'34.0"W.;

- (3506) 32°41'51.3"N., 117°13'46.6"W.;

- (3507) 32°41'43.3"N., 117°13'50.0"W.;

- (3508) 32°41'35.8"N., 117°13'48.0"W.;

- (3509) 32°41'35.8"N., 117°13'35.0"W.

- (3510) (2) *The regulations.* (i) The restricted area shall not be open to swimming, fishing, mooring or anchorage.

- (3511) (ii) Transit will be allowed through the restricted area except that no transit will be allowed within 100 feet of the

ammunition pier (Bravo Pier). All unauthorized vessels entering the restricted area shall proceed across the area by the most direct route and without unnecessary delay. Only vessels owned by, under hire to, or performing work for the Naval Air Station or the Naval Weapons Station may operate within 100 feet of the ammunition pier.

(3512) (b) *Restricted area at U.S. Naval Degaussing Station.*

(1) *The area.* That portion of San Diego Bay near Point Loma, inclosed by lines connecting the following points, which are rectangular coordinates and are referred to U.S. Coast and Geodetic Survey station "Old Town" as their origin:

(3513) "a" S. 18,738.80, W. 16,299.50.

(3514) "b" S. 18,817.60, W. 15,791.30.

(3515) "c" S. 19,376.09, W. 14,270.73.

(3516) "d" S. 20,023.15, W. 14,462.94.

(3517) "e" S. 21,080.24, W. 14,333.14.

(3518) "f" S. 22,074.40, W. 16,371.48.

(3519) (2) *The regulations.* (i) There shall be no introduction of external magnetic field sources within the area.

(3520) (ii) Craft of any size shall not be excluded from transiting the area. However, they shall proceed through the area by the most direct route without delay or loitering. On occasion, access to the bait barges may be delayed for intermittent periods not exceeding 30 minutes.

(3521) (iii) No craft of any size shall lay-to or anchor within the area except on prior permission granted by the Officer in Charge, U.S. Naval Degaussing Station.

(3522) (c) *Restricted area between Ballast Point and Zuniga Point—*(1) *The area.* An area in San Diego Bay between Ballast Point and Zuniga Point inclosed by lines connecting the following stations:

(3523) Station

(3524) A–32°41'17"N., 117°13'58"W.

(3525) B–32°41'19"N., 117°13'36.5"W.

(3526) C–32°41'01"N., 117°13'34"W.

(3527) D–32°40'59"N., 117°13'55"W.

(3528) E–32°41'03"N., 117°13'56"W.

(3529) A–32°41'17"N., 117°13'58"W.

(3530) (2) *The regulations.* (i) No vessel shall anchor within the restricted area at any time.

(3531) (ii) Dredging, dragging, seining, other fishing operations, and other activities not under the direction of the United States, which might foul underwater installations within the restricted area, are prohibited.

(3532) (iii) All tows entering the restricted area shall be streamed and shortened to the seaward of the area and towing appendages and catenaries shall not be dragged along the bottom while proceeding through the area.

(3533) (iv) All vessels entering the restricted area shall proceed across the area by the most direct route and without unnecessary delay.

(3534) (d) *Restricted area at the Naval Supply Center Pier—*

(1) *The area.* The waters of San Diego Bay extending approximately 100 feet out from the north, west and south sides of the Naval Supply Center Pier enclosed by lines connecting the following stations: Station

(3535) A–32°42'50"N., 117°10'25"W.

(3536) B–32°42'50"N., 117°10'38"W.

(3537) C–32°42'54"N., 117°10'38"W.

(3538) D–32°42'54"N., 117°10'25"W.

(3539) (2) *The regulations.* (i) No vessel or craft of any size shall lie-to or anchor in the restricted area at any time or than a vessel operated by or for the U.S. Navy, U.S. Coast Guard, other authorized military components, or other vessels authorized by Commander Naval Base, San Diego or his designee.

(3540) (ii) Loitering, dredging, dragging, seining, fishing and similar activities within the restricted area are prohibited.

(3541) (e) *Enforcement.* The regulations in this section shall be enforced by the Commander, Naval Base, San Diego, California, and such agencies as he/she may designate.

(3542)

§334.880 San Diego Harbor, CA; naval restricted area adjacent to Point Loma.

(3543) (a) *The area.* That portion of San Diego Bay southerly of Ballast Point, exclusive of the southwesterly portion of the restricted area described in §334.870(b) located westerly of the entrance channel, bounded on the west by the shoreline at Point Loma, on the east by the entrance channel west project line, and on the south by latitude 32°40'.

(3544) (b) *The regulations.* (1) The area is reserved for anchorage of vessels of the U.S. Government and authorized harbor pilot and patrol boats. All other craft may navigate and operate through the area, and temporary mooring of vessels (not to exceed 24 hours) is permissible.

(3545) (2) No other vessels shall anchor or moor permanently in the area except by special permission obtained in advance from the Commander, Naval Base, San Diego, CA.

(3546) (3) The regulations in this section shall be enforced by the Commandant, 11th Naval District, San Diego, CA, and such agencies as he may designate.

(3547)

§334.890 Pacific Ocean off Point Loma, CA; naval restricted area.

(3548) (a) *The area.* The waters of the Pacific Ocean within an area extending southerly from Point Loma, California, described as follows: Beginning at latitude 32°39'54", longitude 117°13'18"; thence southeasterly to latitude 32°34'31", longitude 117°09'41"; thence 270° true to longitude 117°16'40"; thence due north to latitude 32°39'54"; and thence 90° true to the point of beginning.

(3549) (b) *The regulations.* (1) No vessel shall anchor within the restricted area at any time without specific permission of the enforcing agency.

(3550) (2) Dredging, dragging, seining, and other similar operations within the restricted area are prohibited.

(3551) (3) The regulations in this section shall be enforced by the Commandant, Eleventh Naval District, San Diego, California, and such agencies as he may designate.

(3552)

§334.900 Pacific Ocean, U.S. Marine Corps Base, Camp Pendleton, CA; restricted area.(3553) (a) *The area.* Beginning at the shoreline north of the boat basin,

(3554) 33°13'10"N., 117°24'19"W.; thence westward to

(3555) 33°12'48"N., 117°24'56"W.; thence southward to

(3556) 33°12'32"N., 117°24'44"W.; thence eastward to

(3557) 33°12'47"N., 117°24'17"W. (a point on the breakwater); thence northeastward along breakwater to

(3558) 33°12'58"N., 117°24'09"W.; thence northward along shoreline to point of beginning.

(3559) (b) *The regulations.* (1) No vessels shall anchor within the restricted area at any time.

(3560) (2) Dredging, dragging, seining, fishing operations, and other activities, which might foul underwater installations within the restricted area, are prohibited.

(3561) (3) All vessels entering the restricted area shall proceed across the area by the most direct route and without unnecessary delay.

(3562) (4) The regulations in this section shall be enforced by the Commanding General, U.S. Marine Corps Base, Camp Pendleton, California, and such agencies as he may designate.

(3563)

§334.905 Pacific Ocean, Offshore of Camp Pendleton, CA; Fallbrook restricted area.(3564) (a) *The area.* The waters of the Gulf of Santa Catalina, offshore of Camp Pendleton in the Pacific Ocean, San Diego County, California. The center of the restricted area is located at 33°18.6'N. latitude, 117°32.0'W. longitude, with a radius of 9,000 feet.(3565) (b) *The regulations.* (1) No vessel or craft of any size shall lie-to or anchor in the restricted area at any time other than a vessel operated by or for the U.S. Coast Guard, local, State or Federal law enforcement agencies.

(3566) (2) Loitering, dredging, dragging, anchoring, seining, fishing, and similar activities within the restricted area during vertical replacement operations use is prohibited.

(3567) (c) *Enforcement.* The regulations in this section shall be enforced by the U.S. Coast Guard, local, State, or Federal law enforcement agencies.

(3568)

§334.910 Pacific Ocean, Camp Pendleton Boat Basin, U.S. Marine Corps Base, Camp Pendleton, CA; restricted area.(3569) (a) *The area.* All of the waters of Camp Pendleton Boat Basin entrance channel lying northerly of a line between a light on the north Camp Pendleton jetty at

(3570) 33°12'22", 117°24'07", and a light on the north Oceanside Harbor groin at

(3571) 33°12'29", 117°23'55".

(3572) (b) *The regulations.* (1) The area is reserved exclusively for use by vessels owned or operated by the Federal Government. Permission to enter the area must be obtained from the enforcing agency.

(3573)

(2) The regulations in this section shall be enforced by the Commanding General, U.S. Marine Corps Base, Camp Pendleton, California, or such agencies as he may designate.

(3574)

§334.920 Pacific Ocean off the east coast of San Clemente Island, CA; naval restricted area.(3575) (a) *The area.* The waters of the Pacific Ocean within an area extending easterly from the east coast of San Clemente Island, California, described as follows: The northerly boundary to be a continuation, to seaward of the existing southerly boundary of the restricted anchorage area, as described in 33 CFR 110.218, of this chapter, to

(3576) 33°00.3'N., 118°31.3'W.; thence to

(3577) 32°58.6'N., 118°30.0'W.; thence to

(3578) 32°57.9'N., 118°31.3'W. on the shoreline; thence northerly along the shoreline to point of beginning.

(3579) (b) *The regulations.* (1) No person or vessels, other than Naval Ordnance Test Station craft, and those cleared for entry by the Naval Ordnance Test Station, shall enter the area at any time except in an emergency, proceeding with extreme caution.

(3580) (2) Dredging, dragging, seining or other fishing operations within these boundaries are prohibited.

(3581) (3) No seaplanes, other than those approved for entry by Naval Ordnance Test Station, may enter the area.

(3582) (4) The regulations in this section shall be enforced by security personnel attached to the U.S. Naval Ordnance Test Station, China Lake, California, and by such agencies as may be designated by the Commandant, Eleventh Naval District, San Diego, California.

(3583)

§334.921 Pacific Ocean at San Clemente Island, CA; naval restricted area.(3584) (a) *The area.* All waters between the northern and southern boundaries of the area known as West Cove seaward approximately four miles.

(3585) The northern boundary is defined by the coordinates:

(3586) 33°00'52"N., 118°36'18"W.

(3587) 32°59'30"N., 118°37'30"W.

(3588) 32°59'20"N., 118°38'38"W.

(3589) The southern boundary is defined by the coordinates:

(3590) 33°00'40"N., 118°35'27"W.

(3591) 32°58'30"N., 118°36'40"W.

(3592) 32°57'45"N., 118°38'38"W.

(3593) (b) *The regulation.* (1) The use of this area for anchorage is prohibited to all craft at all times.

(3594) (2) The regulations in this section shall be enforced by the Commander, Naval Base, San Diego, and such agencies as he/she shall designate.

(3595)

§334.930 Anaheim Bay Harbor, CA; Naval Weapons Station, Seal Beach.(3596) (a) *The restricted area.* The water of Anaheim Bay Harbor between the east and west jetties at the United States Naval Weapons Station, Seal Beach, California,

and the contiguous tidal channel and basin as far east as the Anaheim Bay bridge.

(3597) (b) *The regulation.* (1) The authority of the Naval Weapons Station Commanding Officer in this area extends to restricting and disallowing the navigating or anchorage of craft during such times as the Commanding Officer determines that considerations of national security or safety warrant such action(s).

(3598) (2) All craft authorized transit of this area shall stay within the limits of the entrance channel in the Outer Harbor, and confine their movement to within the limits of the marked small craft channel at the southern portion of the Inner Harbor.

(3599) (3) Recreational craft, such as water skis, jet skis (personal water craft), row boats, canoes, kayaks, wind surfers, sail boards, surf boards, etc, and any activity involving persons in the water, are specifically prohibited within the restricted area.

(3600) (4) Boats unable to throttle down or to maintain steerage way at 5 miles per hour speed shall proceed at the minimum speed consistent with seamanship in an area regularly subject to waterborne explosive handling operations. In case of doubt, boat operators of inbound boats will remain in the west end of the basin and outbound boats in the east end of the basin until informed by a representative of the Naval Weapons Station or U.S. Coast Guard of the completion of the waterborne explosive handling hazard.

(3601) (5) Smoking, open flames and barbecues in boats are prohibited during the transit of this area.

(3602) (6) Nothing in the regulations in this section shall be construed as relieving the owner or persons in command of any vessels or plant from the penalties of the law for obstructing navigation or for not complying with the navigation laws in regard to lights or signals or for otherwise violating law.

(3603) (7) All vessel operators shall heed and obey all posted signs and/or instructions issued by security personnel of the U.S. Naval Weapons Station.

(3604) (8) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Weapons Station, Seal Beach, California, and such agencies as he/she may designate. For clarification or other information, the U.S. Naval Weapons Station Command Duty Officer should be contacted at 213-594-7101.

(3605)

\$334.938 Federal Correctional Institution, Terminal Island, San Pedro Bay, California; restricted area.

(3606) (a) *The area.* The waters of San Pedro Bay on the east side of Reservation Point extending 150 feet (50 yards), from the Federal Correctional Institution fence along the shore to the following stations:

(3607) Station

(3608) 1-33°43'45.5"N., 118°16'02.0"W.

(3609) 2-33°43'37.0"N., 118°15'58.0"W.

(3610) 3-33°43'27.5"N., 118°15'54.5"W.

(3611) The stations will be marked by three special purpose buoys (white with an orange diamond in the center).

(3612) (b) *The regulations.* No person or vessel of any kind shall enter, navigate, anchor or moor within the restricted area without first obtaining the permission of the Warden, Federal Correctional Institution, Terminal Island. The regulations in this section shall be enforced by the U.S. Coast Guard, the Warden of the Federal Correctional Institution, Terminal Island, and such agencies and he/she may designate.

(3613)

\$334.940 Pacific Ocean in vicinity of San Pedro, CA; practice firing range for United States Army Reserve, National Guard, and Coast Guard units.

(3614) (a) *The danger zone.* (1) [Reserved]

(3615) (2) *Zone B.* An area extending southwest and northwest from Point Vicente, described as follows: Beginning at Point Vicente Light,

(3616) 33°44'30"N., 118°24'36"W.; thence southwesterly to

(3617) 33°43'42"N., 118°25'24"W.; thence northwesterly to

(3618) 33°46'30"N., 118°27'06"W.; thence southeasterly to the shore,

(3619) 33°44'54"N., 118°24'42"W.; and thence southerly along the shore to the point of beginning.

(3620) (b) *The regulations.* (1) Intermittent firing may take place in the danger zone on any day from sunrise to sunset.

(3621) (2) Except as otherwise provided in this paragraph, the danger zone will be open to fishing and general navigation. When firing is not scheduled the danger zone may be occupied without restriction. When firing is in progress safety observers will be maintained to warn all vessels. Notice to vacate the area, or to stop at the boundaries, will be given by siren, patrol vessel, or other effective means, and such notice shall be promptly obeyed. All vessels permitted to enter the danger zone during a firing period, other than those owned by and operated by or under the direction of the United States Government, shall proceed across the area by the most direct route and clear the area with the greatest possible dispatch. No person shall enter the water and no vessel, fishing boat, or recreational craft shall anchor in the danger zone during an actual firing period.

(3622) (3) Nothing in this section shall be construed as relieving the owner or person in charge of a vessel from any penalties for obstructing navigation, or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights and fog signals, or for otherwise violating any law or regulations.

(3623) (4) The regulations in this section shall be enforced by the Commanding Officer, Fort MacArthur, California, and such agencies as he may designate.

(3624)

§334.950 Pacific Ocean at San Clemente Island, CA; Navy shore bombardment areas.

(3625) (a) *The danger zones.* (1) The waters of the Pacific Ocean within an area beginning at China Point Light; extending in a direction of 181 degrees true, 2.0 nautical miles; thence 072.5 degrees true, 5.375 nautical miles; thence 313 degrees true to Pyramid Head Light.

(3626) (2) The waters of the Pacific Ocean within an area beginning at China Point Light; extending in a direction of 181 degrees true, 2.0 nautical miles; thence 303 degrees true, 5.35 nautical miles; thence 040.4 degrees true to the beach.

(3627) (3) The waters of the Pacific Ocean within an area beginning at Pyramid Head Light; extending in a direction of 133 degrees true, 2.0 nautical miles; thence 024 degrees true, 2.14 nautical miles, thence 313 degrees true, 7.6 nautical miles; thence 220 degrees true to the beach.

(3628) (b) *The regulations.* (1) All persons and all vessels shall promptly vacate the areas when ordered to do so by the Navy or the Coast Guard. Persons and vessels shall not enter the areas during periods scheduled for firing. These areas are used for various surface and air gunnery and aerial bombing exercises by the United States Navy, Coast Guard and Marine Corps. Hazardous conditions exist during shore bombardment by naval ships in the area seaward of that described in paragraphs (a)(1) and (a)(2) of this section between the firing vessel and the shore. The area described in paragraph (a)(3) of this section is hazardous due to the possibility of rounds landing in the waters east of San Clemente Island.

(3629) (2) All persons in the area are warned that unexploded ordnance exists within the shore bombardment area on San Clemente Island and in the surrounding waters. All persons should exercise extreme caution when operating in the area.

(3630) (3) Information about scheduled exercises will be published in the Local Notice to Mariners and also may be obtained by calling the shore bombardment area scheduler at (619) 437-2231. Vessels in the vicinity of San Clemente Island may obtain information on the status of the range by contacting the Navy Observation Post by marine radio on channel 16. However, the Navy Observation Post is normally manned only during firing exercises. In addition, since the Navy Observation Post may not be able to receive radio transmissions or answer a vessel calling from the area described in paragraph (A)(3) of this section due to interference from the land mass, it is recommended that callers position their craft for line-of-sight transmission with the Navy Observation Posts near Pyramid Cove prior to assuming that the range is not in use.

(3631) (4) Except in an emergency, no vessel shall anchor in these areas without first obtaining permission from the Commander, Naval Base, San Diego or from the senior officer present in the area who may grant permission to anchor not exceeding the period of time that he, himself,

is authorized to remain there. The senior officer present shall advise the Commander, Naval Base, San Diego when and to whom a berth is assigned.

(3632) (5) The regulations in this section shall be enforced by the Commander, Naval Base, San Diego, and such agencies as he/she shall designate.

(3633)

§334.960 Pacific Ocean, San Clemente Island, CA; naval danger zone off West Cove.

(3634) (a) *The danger zone.* The waters of the Pacific Ocean in an area about one-half mile off the west coast of San Clemente Island basically outlined as follows:

(3635) 33°00'40"N., 118°35'45"W.

(3636) 32°57'40"N., 118°34'25"W.

(3637) 32°57'10"N., 118°35'40"W.

(3638) 33°00'10"N., 118°37'00"W.

(3639) 33°00'40"N., 118°35'45"W.

(3640) (b) *The regulations.* (1) Intermittent firing may take place in the danger zone on any day from 8:00 a.m. until 1:00 p.m.

(3641) (2) Except as otherwise provided in this section, the danger zone will be open to fishing and general navigation.

(3642) (3) The operations officer, Naval Ordnance Test Station, Pasadena Annex, Pasadena, California, will announce firing schedules. Each week, public notices will be issued giving advance firing schedules. Such notices will appear in the local newspapers and in local "Notice to Mariners" and "Notice to Airmen." For the benefit of the fishermen and small-craft operators, announcements will be made on the marine radio.

(3643) (4) When a scheduled firing is about to be undertaken, fishing boats and other small craft will be contacted by surface patrol boats or aircraft equipped with loudspeaker system. When so notified, all persons and vessels shall leave the area immediately by the shortest route. Upon completion of firing or if the scheduled firing is canceled for any reason, fishermen and small-boat operators will be notified as far in advance as possible by Marine Radio Broadcast.

(3644) (5) The regulations in this section shall be enforced by security personnel attached to the Naval Ordnance Test Station, Pasadena Annex, and by such agencies as may be designated by the Commandant, Eleventh Naval District, San Diego.

(3645)

§334.961 Pacific Ocean, San Clemente Island, California; naval danger zone off northwest shore.

(3646) (a) *The danger zone:* The waters of the Pacific Ocean adjacent to San Clemente Island, California, bounded by the following coordinates and San Clemente Island:

(3647) Point A-33°01'38.0"N., 118°36'20"W.

(3648) Point B-33°01'11.0"N., 118°37'25"W.

(3649) Point C-33°00'11.0"N., 118°37'00"W.

(3650) Point D-33°00'05.0"N., 118°38'53"W.

(3651) Point E-33°02'55.0"N., 118°39'05"W.

(3652) Point F-33°04'25.0"N., 118°37'41"W.

(3653) Point G—33°02'02.5"N., 118°35'53"W.

(3654) (b) *The regulations:* (1) No person shall enter this area during closure periods unless authorized to do so by the enforcing agency. No vessel or other craft, except vessels of the U.S. Government or vessels duly authorized by the enforcing agency shall enter this area during closure periods.

(3655) (2) The regulations in this section shall be enforced by the Commander, Naval Base, San Diego, California and such agencies as he/she shall designate.

(3656)

§334.980 Pacific Ocean, around San Nicholas Island, CA, naval restricted area.

(3657) (a) *The area.* (1) *Perimeter (restricted).* The waters of the Pacific Ocean around San Nicholas Island, CA, extending about 3 miles seaward from the shoreline, described as follows:

(3658) Point A—33°10'10"N, 119°24'20"W

(3659) Point C—33°10'10"N, 119°31'10"W

(3660) Point D—33°12'00"N, 119°35'30"W

(3661) Point E—33°14'20"N, 119°37'40"W

(3662) Point F—33°16'40"N, 119°38'10"W

(3663) Point G—33°19'10"N, 119°37'10"W

(3664) Point I—33°20'10"N, 119°31'10"W

(3665) Point K—33°17'40"N, 119°24'50"W

(3666) Point L—33°13'50"N, 119°21'50"W

(3667) (2) *Sections of area.*

(3668) (i) ALPHA section is the northerly section of the area, and is described as follows:

(3669) Point H—33°20'01"N, 119°32'02"W

(3670) Point I—33°20'10"N, 119°31'10"W

(3671) Point K—33°17'40"N, 119°24'50"W

(3672) Point L—33°13'50"N, 119°21'50"W

(3673) Point O—33°13'50"N, 119°26'02"W

(3674) Thence northwesterly along shoreline to Point N

(3675) Point N—33°17'04"N, 119°32'02"W

(3676) Point H—33°20'01"N, 119°32'02"W

(3677) (ii) BRAVO section is the westerly section of the area, and is described as follows:

(3678) Point N—33°17'04"N, 119°32'02"W

(3679) Thence westerly, southerly and easterly along the shoreline to Point M

(3680) Point M—33°13'10"N, 119°29'40"W

(3681) Point B—33°10'10"N, 119°29'40"W

(3682) Point C—33°10'10"N, 119°31'10"W

(3683) Point D—33°12'00"N, 119°35'30"W

(3684) Point E—33°14'20"N, 119°37'40"W

(3685) Point F—33°16'40"N, 119°38'10"W

(3686) Point G—33°19'10"N, 119°37'10"W

(3687) Point H—33°20'01"N, 119°32'02"W

(3688) Point N—33°17'04"N, 119°32'02"W

(3689) (iii) CHARLIE section is the southerly section of the area, and is described as follows:

(3690) Point L—33°13'50"N, 119°21'50"W

(3691) Point O—33°13'50"N, 119°26'02"W

(3692) Thence southerly and westerly along the shoreline to Point M

(3693) Point M—33°13'10"N, 119°29'40"W

(3694) Point B—33°10'10"N, 119°29'40"W

(3695) Point A—33°10'10"N, 119°24'20"W

(3696) Point L—33°13'50"N, 119°21'50"W

(3697) (b) *The regulations.* (1) Except during closure periods or as otherwise provided in this section, the restricted area will be open to all vessels.

(3698) (2) Boats must remain at least 300 yards from the shoreline of San Nicolas Island at all times. Nothing in this provision shall be construed as authorization to anchor within 300 yards or to land on San Nicolas Island, except in an emergency.

(3699) (3) No person, vessel or other craft shall enter the restricted area or designated section(s) during closure periods unless authorized to do so by the Commanding Officer, Naval Base Ventura County or the Officer in Charge, San Nicolas Island.

(3700) (4) Submarine cables within the restricted area pose a risk to the equipment of vessels engaged in dredging, dragging, seining, anchoring and other bottom contact operations. Appropriate care must be taken to avoid damage.

(3701) (5) *Closure Periods.* Notice that the restricted area or section(s) ALPHA, BRAVO, or CHARLIE are closed to entry shall be given by radio broadcast Monday through Friday at 0900 and 1200 on 2638 kHz and 2738 kHz or by contacting "PLEAD CONTROL" on VHF-FM radio channel 11 or 16. Closure information may also be requested by telephone between 0600 and 1800 Monday through Friday at 805-989-8841 or via recorded message at 805-989-1470.

(3702) (6) The regulations in this section shall be enforced by personnel attached to Naval Base Ventura County, Point Mugu, CA, and by such agencies as may be designated by the Commandant, 11th Naval District, San Diego, CA.

(3703)

§334.990 Long Beach Harbor, California; naval restricted area.

(3704) (a) *The area.* All the waters between the Navy mole and Terminal Island to the westward of longitude 118°13'10".

(3705) (b) *The regulations.* (1) The area is reserved exclusively for use by naval vessels. Permission for any person or vessel to enter the area must be obtained from the enforcing agency.

(3706) (2) The regulations in this section shall be enforced by the Commander, U.S. Naval Base Los Angeles, Long Beach, California, and such agencies as he may designate.

(3707)

§334.1010 San Francisco Bay in vicinity of Hunters Point; naval restricted area.

(3708) (a) *The area.* Bounded by the shore of the San Francisco Naval Shipyard and the following lines: Beginning at a point on the northerly shore of the Shipyard bearing 292°40', 950 yards, from Hunters Point Light; thence 035°27', 730 yards to the U.S. Pierhead Line; thence 142°55', 1,300 yards, along the Pierhead

Line; thence 180°, 2,450 yards, to the San Francisco-San Mateo County Line; thence 270°, 430 yards, along the County Line; thence 305°27', 1,313 yards, to and along the southwesterly side of South Basin; and thence due north, 413 yards, to the southwesterly shore of the Shipyard.

(3709) **Note:** All bearings in this section are referred to true meridian.

(3710) (b) *The regulations.* No person may enter the area and no vessel or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commander, San Francisco Naval Shipyard, shall navigate, anchor or moor in this area.

(3711)

§334.1020 San Francisco Bay and Oakland Inner Harbor; restricted areas in vicinity of Naval Air Station, Alameda.

(3712) (a) *The areas.* (1) The waters of San Francisco Bay bounded by the shore of Naval Air Station, Alameda, and a line beginning at a point on the north side of Oakland Inner Harbor Entrance Channel at approximately:

(3713) 37°47'57"N., 122°19'43"W; WSW to

(3714) 37°47'53"N., 122°19'57"W; SE to

(3715) 37°47'46"N., 122°20'00"W; SE to

(3716) 37°47'41"N., 122°19'52"W; S to

(3717) 37°46'49"N., 122°19'52"W; E to

(3718) 37°46'49"N., 122°19'28"W; SE to

(3719) 37°46'46"N., 122°19'21"W; E to

(3720) 37°46'45"N., 122°19'05"W; SE to

(3721) 37°46'38"N., 122°18'59"W; SSW to

(3722) 37°46'18"N., 122°19'05"W; SE to

(3723) 37°46'00"N., 122°18'28"W; E to

(3724) 37°46'00"N., 122°18'22"W; N to

(3725) 37°46'03"N., 122°18'22"W; E to

(3726) 37°46'00"N., 122°17'28"W; NE to

(3727) 37°46'03"N., 122°17'26"W; where it joins the naval air station breakwater.

(3728) (2) The waters of the entrance channel to Oakland Inner Harbor (San Antonio Estuary) between the westerly end of the rock wall on the south side of the channel and the easterly boundary of the Naval Air Station.

(3729) (b) *The regulations.* (1) No person shall enter this area and no vessel or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commanding Officer, U.S. Naval Air Station, Alameda, California, shall navigate, anchor or moor in the area described in paragraph (a)(1) of this section.

(3730) (2) No person shall enter this area and no vessel without special authorization of the Commander, Twelfth Coast Guard District, shall lie, anchor or moor in the area described in paragraph (a)(2) of this section. Vessels may proceed through the entrance channel in process of ordinary navigation or may moor alongside wharves on the Oakland side of the channel.

(3731)

§334.1030 Oakland Inner Harbor adjacent to

Alameda Facility, Naval Supply Center, Oakland; restricted area.

(3732) (a) *The area.* Within 100 feet of the Alameda Facility wharf.

(3733) (b) *The regulations.* No persons and no vessels or other craft, except vessels of the United States Government or vessels duly authorized by the Commanding Officer, Naval Supply Center, Oakland, shall enter this area.

(3734)

§334.1040 Oakland Harbor in vicinity of Naval Supply Center, Oakland; restricted area and navigation.

(3735) (a) *The area.* Bounded by the shore of the Naval Supply Center and the following lines: Beginning at a point on the north shore located at about 37°48'26"N., 122°19'34"W.; thence 225°12', 290 yards; and thence 173°10', 620 yards to a point on the south shore at about 37°48'02"N., 122°19'39"W.

(3736) (b) *The regulations.* (1) No persons and no vessels or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commanding Officer, Naval Supply Center, Oakland, shall enter this area.

(3737) (2) All vessels over 1,000 tons displacement, bound for the Naval Supply Center, Oakland, shall use a qualified pilot regularly licensed for the waters of Oakland Harbor.

(3738)

§334.1050 Oakland Outer Harbor adjacent to the Military Ocean Terminal, Bay Area, Pier No. 8 (Port of Oakland Berth No. 10); restricted area.

(3739) (a) *The area.* Within 100 feet of the pier.

(3740) (b) *The regulations.* No persons and no vessels or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commander, Oakland Army Base, shall enter this area.

(3741)

§334.1060 Oakland Outer Harbor adjacent to the Oakland Army Base; restricted area.

(3742) (a) *The area.* Within 100 feet of the pier.

(3743) (b) *The regulations.* No persons and no vessels or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commander, Oakland Army Base, shall enter this area.

(3744)

§334.1065 U.S. Coast Guard Station, San Francisco Bay, Yerba Buena Island, San Francisco Bay, California; Restricted Area.

(3745) (a) *The area.* San Francisco Bay on the east side of Yerba Buena Island: From a point along the southeastern shore of Yerba Buena Island at

(3746) 37°48'27"N., 122°21'44"W.; east to

(3747) 37°48'27"N., 122°21'35"W.; north to

(3748) 37°48'49"N., 122°21'35"W., a point on the northeastern side of Yerba Buena Island.

(3749) (b) *The regulation.* (1) All persons and vessels are prohibited from entering the waters within the Restricted Area for any reason without prior written permission

from the Commanding Officer of the Coast Guard Group San Francisco on Yerba Buena Island.

- (3750) (2) Mooring, anchoring, fishing, transit and/or swimming shall not be allowed within the Restricted Area without prior written permission from the Commanding Officer of the Coast Guard Group San Francisco on Yerba Buena Island.

- (3751) (c) *Enforcement.* The regulation in this section shall be enforced by the Commanding Officer of the Coast Guard Group San Francisco on Yerba Buena Island, and such agencies and persons as he/she shall designate.

(3752)

§334.1070 San Francisco Bay between Treasure Island and Yerba Buena Island; naval restricted area.

- (3753) (a) *The area.* All the water of the cove bounded by the south shore of Treasure Island, the north shore of Yerba Buena Island, and the connecting causeway, west of a line extending from the southeast corner of the most southerly of the four finger piers along the east side of Treasure Island, at about 37°49'11"N., 122°21'40"W., approximately 153°20' to the northeasterly point of Yerba Buena Island, at about 37°48'55"N., 122°21'30"W.

- (3754) (b) *The regulations.* No person and no vessel or other craft, except vessels owned and operated by the U.S. Government or vessels duly authorized by the Commanding Officer, Naval Station, Treasure Island, shall enter the restricted area.

(3755)

§334.1080 San Francisco Bay adjacent to northeast corner of Treasure Island; naval restricted area.

- (3756) (a) *The area.* Beginning at the intersection of Pier 21 and the bulkhead line, thence northwesterly along the bulkhead to the northernmost point of Treasure Island; thence 288° true, 290 yards; thence 26° true, 475 yards; thence 115°30' true, 520 yards; thence 152° true, 500 yards to Pier 21; thence along the pier to the point of beginning.

- (3757) (b) *The regulations.* No person shall enter the restricted area. No vessels, except those engaged in naval operations, shall lie, anchor, moor or unnecessarily delay in the area. Vessels may pass through the area in the process of ordinary navigation except as directed by patrol boats. The regulations in this paragraph shall be enforced by the Commandant, Twelfth Naval District, and such agencies as he may designate.

(3758)

§334.1090 San Francisco Bay in vicinity of NSC Fuel Department, Molate Point; restricted area.

- (3759) (a) *The area.* Bounded by the easterly shore of upper San Francisco Bay and the following lines: Beginning at a point on shore bearing 017° 800 yards, from "Tree" at Molate Point thence 270°, 870 yards; thence 189° 1,100 yards; and thence 123° to the shore.

- (3760) (b) *The regulations.* Persons and vessels not operating under supervision of the local military or naval authority or public vessels of the United States, shall not enter this

area except by specific permission of the Commanding Officer, Naval Supply Center.

(3761)

§334.1100 San Pablo Bay, Carquinez Strait and Mare Island Strait in vicinity of U.S. Naval Shipyard, Mare Island; restricted area.

- (3762) (a) *The area.* (1) Beginning at point A on the shore west of the mouth of a small slough (known as Hastings Slough) and passing east of buoy R "6" bearing 60°30' for 2,860 yards, through Point B on the eastern end of the two Seal Islands, to point C on the southern edge of the Roe Island Channel near buoy R "16A"; thence in a generally easterly direction running along the southern edge of the Roe Island Channel, Port Chicago Reach and Middle Ground West Reach (points D and E) to point F directly north of the eastern shore boundary (point G); thence 180° to point G on the shore line; thence following the high water shore line in a general westerly direction to the point of beginning. The coordinates for the points in paragraph (a)(1) of this section are provided in Table 1.

(3763) TABLE 1 to Paragraph (a)(1):

(3764) Point A (shoreline) – 38°03'05"N., 122°03'27"W.

(3765) Point B – 38°03'28"N., 122°02'35"W.

(3766) Point C – 38°03'47"N., 122°01'50"W.

(3767) Point D – 38°03'40"N., 122°01'01"W.

(3768) Point E – 38°03'33"N., 122°00'04"W.

(3769) Point F – 38°03'34"N., 122°59'18"W.

(3770) (2) The datum for these coordinates is NAD-83.

(3771)

§334.1110 Military Ocean Terminal Concord; restricted area.

- (3772) (a) *The area.* Beginning at a point on the shore and on the easterly side of the mouth of a small slough (known as Hastings Slough) bearing 189°, 2,412 yards from Tripon at Preston Point on Roe Island; thence 340°30', 400 yards to the shoreline of the westerly of the two Seal Islands; thence 060°30', 940 yards; thence 75°, 1,650 yards; thence 102°, 1,850 yards; thence 99°, 1,880 yards; thence 180°, 435 yards, to the shoreline; thence following the high water shoreline in a general westerly direction to the point of beginning.

- (3773) (b) *The regulations.* (1) No person, vessel, watercraft, conveyance or device shall enter or cause to enter or remain in this area. No person shall refuse or fail to remove any person or property in his custody or under his control from this area upon the request of the Commanding Officer of the Naval Weapons Station Concord or his/her authorized representative.

- (3774) (2) The regulations in this section shall be enforced by the Commanding Officer, Naval Weapons Station Concord, and such agencies as he/she shall designate.

(3775)

§334.1120 Pacific Ocean in the vicinity of Point Mugu, CA; naval small arms firing range.

- (3776) (a) *The danger zone.* A triangular area extending westerly into the waters of the Pacific Ocean from a point

on the beach north of Point Mugu, California, described as follows: Beginning at

(3777) 34°05'32", 119°03'57"; thence southwesterly approximately 4,000 yards to

(3778) 34°04'22", 119°05'55"; thence northwesterly approximately 1,500 yards to

(3779) 34°05'01", 119°06'17"; thence northeasterly to the point of beginning.

(3780) (b) *The regulations.* (1) Range firing will normally take place between 6 a.m. and 6 p.m., Thursday through Monday, and between 6 a.m. and 11:30 p.m., Tuesday and Wednesday of each week. Within the above periods, firing will be conducted as determined by the Commanding Officer, U.S. Naval Construction Battalion Center, Port Hueneme, CA.

(3781) (2) Except as otherwise provided in this section, the danger zone will be open to fishing and general navigation.

(3782) (3) The Commanding Officer, U.S. Naval Construction Battalion Center, Port Hueneme, California, will announce firing schedules. Each week, public notices will be issued giving advance firing schedules. Such notices will appear in the local newspapers and in local "Notice to Mariners," and "Notice to Airmen." For the benefit of fishermen and small-craft operators, announcements will be made on the marine radio.

(3783) (4) When a scheduled firing is about to be undertaken or is in progress, a large red flag will be displayed from the control tower situated at latitude 34°05'32", longitude 119°03'57", so as to be clearly visible for a distance of at least three (3) miles offshore. Safety observers will be on duty at all times when the warning flag is being displayed from the tower. Upon completion of firing, or if the scheduled firing is canceled for any reason, fishermen and small-boat operators will be notified as far in advance as possible by Marine Radio Broadcast.

(3784) (5) Persons, vessels or other craft shall not enter or remain in the danger zone when the warning flag is being displayed unless authorized to do so by the range officer in the control tower.

(3785) (6) The regulations in this section shall be enforced by the Commandant, Eleventh Naval District, San Diego, California, and such agencies as he may designate.

(3786) **§334.1125 Pacific Ocean Naval Air Weapons Station, Point Mugu Small Arms Range, Ventura County, California; danger zone.**

(3787) (a) *The area.* A triangular area extending southerly into the waters of the Pacific Ocean from a point on the beach north of Point Mugu, California, as follows:

(3788) Station

(3789) 1—34°05'48"N., 119°07'03"W.

(3790) 2—34°03'20"N., 119°08'16"W.

(3791) 3—34°03'11"N., 119°07'39"W.

(3792) 4—34°05'42"N., 119°06'59"W.

(3793) 5—34°05'41"N., 119°06'51"W.

(3794) 6—34°05'45"N., 119°06'52"W.

(3795) (b) *The regulations.* (1) Range firing will normally take place between 7 a.m. and 5 p.m. Monday through Friday.

(3796) (2) The danger zone may be used at all times for navigation and fishing, except when advance notice of intention to use this area has been given by the enforcing agency by one or more of the following means:

(3797) (i) Notice published in Ventura County daily newspaper, at least two days in advance of the date of said use and in the local "Notice to Mariners."

(3798) (ii) Display of red flag from the tower at 34°05'53"N., 119°06'59"W.; or display of red flashing beacons in the case of night firing.

(3799) (iii) Radio broadcast on VHF-FM channel 16.

(3800) (iv) Notice to individual craft by visit of United States vessel.

(3801) (v) Telephone advice to such fisherman's organizations as may request, in writing, that such advice be given.

(3802) (3) Safety observers will be on duty at all times when the range is in use. Upon completion of firings, or if the scheduled firing is canceled for any reason, fishermen and small boat operators will be notified as far in advance as possible by Marine Radio Broadcast.

(3803) (4) Persons, vessels or other craft shall not enter or remain in the danger zone when the warning flag or beacon is being displayed unless authorized to do so by the range officer in the control tower.

(3804) (5) The regulations in this section shall be enforced by personnel attached to the Naval Air Weapons Station, Point Mugu, California, and by such other agencies as the Commandant, Eleventh Naval District, San Diego, California, may designate.

(3805)

§334.1126 Naval Base Ventura County, Point Mugu, California; Restricted Area.

(3806) (a) *The area.* The restricted area at Naval Base Ventura County Point Mugu incorporates its shorelines and connects the following points:

(3807) 34°7'9.9"N., 119°9'35.6"W. (up-coast shoreline point);

(3808) 34°7'00.0"N., 119°9'46.7"W.;

(3809) 34°6'44.9"N., 119°9'22.5"W.;

(3810) 34°6'30.2"N., 119°8'59.0"W.;

(3811) 34°6'20.5"N., 119°8'46.7"W.;

(3812) 34°6'08.4"N., 119°8'25.2"W.;

(3813) 34°5'53.7"N., 119°7'59.5"W.;

(3814) 34°5'45.9"N., 119°7'41.5"W.;

(3815) 34°5'40.1"N., 119°7'21.0"W.;

(3816) 34°5'33.6"N., 119°6'58.1"W.;

(3817) 34°5'31.2"N., 119°6'37.9"W.;

(3818) 34°5'31.0"N., 119°6'22.2"W.;

(3819) 34°5'32.9"N., 119°6'14.4"W.;

(3820) 34°5'44.7"N., 119°5'54.0"W.;

(3821) 34°5'45.2"N., 119°5'43.5"W.;

(3822) 34°5'41.0"N., 119°5'21.2"W.;

(3823) 34°5'42.2"N., 119°5'13.3"W.;

- (3824) 34°5'27.8"N., 119°4'49.5"W.;
- (3825) 34°5'17.9"N., 119°4'27.9"W.;
- (3826) 34°5'05.7"N., 119°3'59.9"W.;
- (3827) 34°5'17.9"N., 119°3'55.4"W. (down-coast shoreline point).

(3828) (b) *The regulation.* No vessels may enter the restricted area unless permission is obtained in advance from the Commanding Officer of Naval Base Ventura County, Contact Naval Base Ventura County Security at 805-989-7907.

(3829) (c) *Enforcement.* The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the Commanding Officer of Naval Base Ventura County, and such agencies or persons as he/she may designate.

(3830)

§334.1127 Naval Base Ventura County, Port Hueneme, California; Restricted Area.

(3831) (a) *The area.* The waters within Port Hueneme Harbor, beginning at the seaward ends of the two Port Hueneme Harbor entrance jetties, with the northwestern entrance jetty end occurring at 34°8'37.0"N., 119°12'58.8"W., and the southeastern entrance jetty occurring at 34°8'34.8"N., 119°12'43.2"W., and extending northeasterly to the shoreline.

(3832) (b) *The regulation.* No vessels or persons may enter the restricted area unless permission is obtained in advance from the Commanding Officer of Naval Base Ventura County. Commercial vessels that are required to make Advanced Notifications of Arrival shall continue to do so. All vessels must obtain clearance from "Control 1" over marine radio channel 06 VHF-FM prior to crossing the COLREGS (Collision Regulations) demarcation line. Vessels without marine radio capability must obtain clearance in advance by contacting "Control 1" via telephone at 805-982-3938 prior to crossing the COLREGS demarcation line. The COLREGS demarcation line is defined as a line approximately 1,500 feet in length connecting the seaward limits or ends of the two Port Hueneme Harbor entrance jetties, with the northwestern jetty end occurring at 34°8'37.0"N., 119°12'58.8"W., and the southeastern entrance jetty occurring at 34°8'34.8"N., 119°12'43.2"W. (NAD 83).

(3833) (c) *Enforcement.* The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the Commanding Officer of Naval Base Ventura County, and such agencies or persons as he/she may designate.

(3834)

§334.1130 Pacific Ocean, Western Space and Missile Center (WSMC), Vandenberg AFB, California; danger zones.

(3835) (a) *The area.* (1) The waters of the Pacific Ocean in an area extending seaward from the shoreline a distance of about three nautical miles and basically outlined as follows:

(3836) Station

(3837) Point Sal-34°54'08"N., 120°40'15"W.

(3838) 1-34°54'08"N., 120°44'00"W.

(3839) 2-34°52'48"N., 120°44'00"W.

(3840) 3-34°50'00"N., 120°40'30"W.

(3841) 4-34°44'50"N., 120°42'15"W.

(3842) 5-34°41'50"N., 120°40'12"W.

(3843) 6-34°35'12"N., 120°42'45"W.

(3844) 7-34°33'00"N., 120°41'05"W.

(3845) 8-34°30'40"N., 120°37'29"W.

(3846) 9-34°24'18"N., 129°30'00"W.

(3847) 10-34°23'34"N., 120°27'05"W.

(3848) 11-34°24'21"N., 120°24'40"W.

(3849) 12-34°27'20"N., 120°24'40"W.

(3850) Point Sal-34°54'08"N., 120°40'15"W.

(3851) (2) The danger area described in paragraph (a) (1) of this section will be divided into zones in order that certain firing tests and operations, whose characteristics as to range and reliability permit, may be conducted without requiring complete evacuation of the entire area. These zones are described as follows:

(3852) (i) *Zone 1.* An area extending seaward about three nautical miles from the shoreline beginning at Point Sal,

(3853) 34°54'08", 120°40'15"; thence due west to

(3854) 34°54'08", 120°44'00"; thence to

(3855) 34°52'48", 120°44'00"; thence to

(3856) 34°50'00", 120°40'30"; thence due east to the shoreline at

(3857) 34°50'00", 120°36'30".

(3858) (ii) *Zone 2.* An area extending seaward about three nautical miles from the shoreline beginning at

(3859) 34°50'00", 120°36'30"; thence due west to

(3860) 34°50'00", 120°40'30"; thence to

(3861) 34°45'28", 120°42'05"; thence due east to the shoreline at Purisima Point,

(3862) 34°45'28", 120°38'15".

(3863) (iii) *Zone 3.* An area extending seaward about three nautical miles from the shoreline beginning at Purisima Point

(3864) 34°45'28", 120°38'15"; thence due west to

(3865) 34°45'28", 120°42'05"; thence to

(3866) 34°44'50", 120°42'15"; thence to

(3867) 34°41'50", 120°40'12"; thence due east to the shoreline at the mouth of the Santa Ynez River,

(3868) 34°41'50", 120°36'20".

(3869) (iv) *Zone 4.* An area extending seaward about three nautical miles from the shoreline beginning at the mouth of the Santa Ynez River

(3870) 34°41'50", 120°36'20"; thence due west to

(3871) 34°41'50", 120°40'12"; thence to

(3872) 34°35'12", 120°42'45"; thence

(3873) 34°34'32", 120°42'15"; thence due east to the shoreline at Point Arguello,

(3874) 34°34'32", 120°39'03".

(3875) (v) *Zone 5.* An area extending seaward about three nautical miles from the shoreline beginning at Point Arguello,

(3876) 34°34'32", 120°39'03"; thence due west to

(3877) 34°34'32", 120°42'15"; thence to

- (3878) 34°33'00", 120°41'05"; thence to
 (3879) 34°30'40", 120°37'29"; thence due north to the shoreline at
 (3880) 34°33'15", 120°37'29".
 (3881) (vi) Zone 6. An area extending seaward about three nautical miles from the shoreline beginning at
 (3882) 34°33'15", 120°37'29"; thence due south to
 (3883) 34°30'40", 120°37'29"; thence due east to the shoreline at
 (3884) 34°30'40", 120°30'10".
 (3885) (vii) Zone 7. An area extending seaward about three nautical miles from the shoreline beginning at
 (3886) 34°30'40", 120°30'10"; thence due west to
 (3887) 34°30'40", 120°37'29"; thence to
 (3888) 34°26'56", 120°33'06"; thence due east to the shoreline at Point Conception,
 (3889) 34°26'56", 120°28'10".
 (3890) (viii) Zone 8. An area extending seaward about three nautical miles from the shoreline beginning at Point Conception,
 (3891) 34°26'56", 120°28'10"; thence due west to
 (3892) 34°26'56", 120°33'06"; thence to
 (3893) 34°24'18", 120°30'00"; thence to
 (3894) 34°23'34", 120°27'05"; thence shoreward to Point Conception,
 (3895) 34°26'56", 120°28'10".
 (3896) (ix) Zone 9. An area extending seaward about three nautical miles from the shoreline beginning at Point Conception,
 (3897) 34°26'56", 120°28'10"; thence seaward to
 (3898) 34°23'34", 120°27'05"; thence to
 (3899) 34°24'21", 120°24'40"; thence due north to the shoreline at
 (3900) 34°27'20", 120°24'40".
 (3901) (b) *The regulations.* (1) Except as prescribed in this section or in other regulations, danger zones will be open to fishing, location of fixed or movable oil drilling platforms and general navigation without restrictions.
 (3902) (2) The stopping or loitering by any person or vessel is expressly prohibited within Danger Zone 4, between the mouth of the Santa Ynez River and Point Arguello, unless prior permission is obtained from the Commander, Western Space and Missile Center (WSMC) at Vandenberg AFB, California.
 (3903) (3) The impacting or missile debris from launch operations will take place in any one or any group of zones in the danger areas at frequent and irregular intervals throughout the year. The Commander, WSMC, will announce in advance, the closure of zones hazarded by missile debris impact. Such advance announcements will appear in the weekly "Notice to Mariners." For the benefit of fishermen, small craft operators and drilling platform operators, announcements will also be made on radio frequency 2182 kc, 2638 kc, VHF channel 6 (156.30 MHz), VHF channel 12 (156.60 MHz), and VHF channel 16 (156.80 MHz) for daily announcements. Additionally, information will be posted on notice boards located outside Port Control Offices (Harbormasters)

at Morro Bay, Port San Luis, Santa Barbara, Ventura, Channel Islands, and Port Hueneme Harbors, and any established harbor of refuge between Santa Barbara and Morro Bay.

- (3904) (4) All fishing boats, other small craft, drilling platforms and shipping vessels with radios are requested to monitor radio frequency 2182 kc, 2638 kc, VHF channel 6 (156.30 MHz), channel 12 (156.60 MHz), or channel 16 (156.80 MHz) while in these zones for daily announcements of zone closures.
 (3905) (5) When a scheduled launch operation is about to begin, radio broadcast notifications will be made periodically, starting at least 24 hours in advance. Additional contact may be made by surface patrol boats or aircraft equipped with a loudspeaker system. When so notified, all persons and all vessels shall leave the specified zone or zones immediately by the shortest route.
 (3906) (6) The Commander, WSMC, will extend full cooperation relating to the public use of the danger area and will fully consider every reasonable request for its use in light of requirements for national security and safety of persons and property.
 (3907) (7) Where an established harbor of refuge exists, small craft may take shelter for the duration of zone closure.
 (3908) (8) Fixed or movable oil drilling platforms located in zones identified as hazardous and closed in accordance with this regulation shall cease operations for the duration of the zone closure. The zones shall be closed continuously no longer than 72 hours at any one time. Such notice to evacuate personnel shall be accomplished in accordance with procedures as established by the Commander, WSMC, the U.S. Department of the Interior, Minerals Management Service and the oil industry in the adjacent waters of the outer continental shelf.
 (3909) (9) No seaplanes, other than those approved by the Commander, WSMC, may enter the danger zones during launch closure periods.
 (3910) (10) The regulations in this section shall be enforced by personnel attached to WSMC and by such other agencies as may be designated by the Commander, WSMC.
 (3911) (11) The regulations in this section shall be in effect until further notice. They shall be reviewed again during August 1994.

(3912) **§334.1140 Pacific Ocean at San Miguel Island, California; naval danger zone.**

- (3913) (a) *The area.* The waters around San Miguel Island, extending about 3 miles seaward from the shoreline within the following points:
 (3914) A—34°01'32"N., 120°23'17"W.
 (3915) B—33°58'48"N., 120°23'17"W.
 (3916) C—33°58'48"N., 120°15'00"W.
 (3917) D—34°02'50"N., 120°15'00"W.
 (3918) E—34°05'45"N., 120°17'25"W.
 (3919) F—34°07'00"N., 120°20'05"W.

- (3920) G-34°09'18"N., 120°23'17"W.
- (3921) H-34°03'09"N., 120°23'17"W.
- (3922) (b) *Markers*. Range markers, as delineated below, are installed at points A and H for navigational purposes for both surface vessels and aircraft:
- (3923) (1) At point A two triangular markers are installed facing southward, 10 feet in length on each side, with red and white diagonal stripes, each marker mounted atop 80-foot poles spaced 100 yards apart, each pole being placed on the line of longitude 120°23'17"W. and near the southerly shoreline at latitude 34°01'32"N. The southernmost marker is 20 feet below the other.
- (3924) (2) At point H two triangular markers are installed facing true north 10 feet in length on each side, with red and white diagonal stripes, each marker mounted atop 80-foot poles spaced 100 yards apart, each pole being placed on the line of longitude 120°23'17"W. and near the northwesterly shoreline at latitude 34°03'09"N. The northernmost marker is 20 feet below the other.
- (3925) (c) *The regulations*. (1) Except as prescribed in this section or in other regulations, the danger zone will be open to fishing and general navigation. Bomb drops between designated hours are expected to be intermittent, and when safe to do so, commercial fishing boats and other small craft will be granted permission to proceed through the danger zone. All vessels permitted to enter the zone during a scheduled bomb drop period, other than those owned or operated by the U.S. Government, shall proceed across the zone by the most direct route and clear the area as soon as possible. When bomb drops are not scheduled, the zone may be occupied without restriction.
- (3926) (2) The anchoring, stopping or loitering by any person, vessel, fishing boat or recreational craft within the danger zone during scheduled firing/drop hours is expressly prohibited.
- (3927) (3) The bomb drops will take place in the danger zone at frequent and irregular intervals throughout the year. Danger zone usage demands are identified in the Eleventh Coast Guard District, "Local Notice to Mariners". Announcements will also be made on marine radio channel 16, at 0800 local time, 1200 local time and/or 1 hour prior to bomb drop operations. Status of the zone and/or permission to enter, may be requested by calling "Plead Control" on marine channel 16 or by calling the Pacific Missile Test Center (PMTTC) on telephone number (805) 982-8280 or 982-8841.
- (3928) (4) The Commander, PMTTC will extend full cooperation relating to the public use of the danger zone area and will fully consider every reasonable request for its use in light of requirements for national security and safety of persons and property.
- (3929) (5) No seaplanes, other than those approved for entry by the Commander, PMTTC, may enter the danger zone during firing periods.
- (3930) (6) Landing by any vessel or going ashore by any person on San Miguel Island is specifically prohibited without prior permission of the Superintendent, Channel Islands National Park. Applications for such permission

should be made to: Superintendent, Channel Islands National Park, 1699 Anchors Way Drive, Ventura, California 93003.

- (3931) (7) The regulations in this section shall be enforced by personnel attached to the Pacific Missile Test Center, Point Mugu, California, and by such other agencies as the Commandant, 11th Naval District, San Diego, CA, may designate.

- (3932) (8) The regulations in this section shall be in effect until further notice. They shall be reviewed in 1986.

(3933)

§334.1150 Monterey Bay, CA.

- (3934) (a) *Firing range, Fort Ord, CA—*

- (3935) (1) *The danger zone*. (i) A rectangular area in Monterey Bay, the southerly limit of which is an extension seaward of the southerly line of the Fort Ord Military Reservation boundary and bears 307° true, 8,000 yards from a point on the shore at latitude 36°37'47", longitude 121°50'28", and the northerly limit of which is a line bearing 307° true, 8,000 yards, from a point on the shore at latitude 36°41'57", longitude 121°48'30", opposite Marina, Monterey County, CA. The seaward boundary is a straight line joining the outer ends of the southerly and the northerly boundaries at the 8,000 yard range and is approximately parallel to the shore.

- (3936) (ii) The danger zone is divided into a short range area, extending seaward from the shore a distance of 5,000 yards measured along the southerly and northerly boundaries, and a long range area embracing the entire danger zone.

- (3937) (2) *The regulations*. (i) The 5,000 yard shore range is prohibited to all persons, vessels and craft, except those authorized by the enforcing agency, each week, between dawn and midnight from Monday through Friday and between dawn and dusk on Saturday and Sunday.

- (3938) (ii) The area between the 5,000 yard short range and the 8,000 yard seaward boundary of the danger zone may be used at all times for navigation and fishing, except when advance notice of intention to use this area has been given by the enforcing agency by one or more of the following means.

- (3939) (a) Notice published in Monterey County and Santa Cruz County daily newspapers, at least two days in advance of the date of said use.

- (3940) (b) Display of red flags at Indian Head Beach and near the Point Pinos Lighthouse.

- (3941) (c) Radio Broadcast.

- (3942) (d) Notice to individual craft by a visit of a United States vessel.

- (3943) (e) Telephone advice to such fishermen's organizations as may request, in writing, that such advice be given.

- (3944) (iii) The regulations in this paragraph will be enforced by the Commanding General, Fort Ord, California.

- (3945) (b) *Navy mining operations area—*(1) *The danger zone*. Shoreward of a line beginning at the stack at about latitude 36°58'06", longitude 121°54'06"; thence 230°

true, 6.0 miles; thence 140° true, 7.5 miles; thence 50° true to the shore.

- (3946) (2) *The regulations.* The danger zone will be used for training in various phases of mine warfare operations. During the period from August 1 to February 15, inclusive, each year, no operations will be carried on which will involve placing any obstructions in the water nor will any operations be carried on at night. During the period from February 16 to July 31, inclusive, each year, operations may be carried on which will involve laying exercise mines and other moored or bottom obstructions. In each case when moored or bottom obstructions are laid a notice to mariners will be issued giving notice of their approximate location within the danger zone and all persons and vessels shall keep clear.

(3947) **§334.1160 San Pablo Bay, California; target practice area, Mare Island Naval Shipyard, Vallejo.**

- (3948) (a) *The danger zone.* A sector in San Pablo Bay adjacent to the westerly shore of Mare Island with a radius of 4,700 yards, centered at a point bearing 316° true, 3,605 yards, from Mare Island Strait Light 1, with limiting true bearings from that center of 266°30' and 222°.

- (3949) (b) *The regulations.* The Commander, Mare Island Naval Shipyard, Vallejo, California, will conduct target practice in the area at intervals of which the public will be duly notified. At such times all persons and vessels shall stay clear.

(3950) **§334.1170 San Pablo Bay, California: gunnery range, Naval Inshore Operations Training Center, Mare Island, Vallejo.**

- (3951) (a) *The danger zone.* A sector in San Pablo Bay delineated by lines joining the following points:

(3952) 38°02'08"N., 122°25'17"W.

(3953) 38°02'21"N., 122°22'55"W.

(3954) 38°05'48"N., 122°19'34"W.

(3955) 38°07'46"N., 122°23'23"W.

- (3956) **NOTE:** The danger zone will be used until September 30, 1982, after which it shall be subject to review to determine the further need thereof.

- (3957) (b) *The Regulations.* The Commanding Officer, Coastal River Division Eleven, Department of the Navy, Mare Island, Vallejo, California, will conduct gunnery practice in the area during the period April 1 through September 30, between the hours of 10 a.m. and 3 p.m. on the first Wednesday of each month and the third full weekend (Saturday and Sunday) of June. No persons or vessels shall enter or remain in the danger zone during the above stated periods except those persons and vessels connected with the gunnery practice operations. All firing will be from the southerly portion of the danger zone in a northerly direction, and only during good visibility. The public will be notified prior to each firing by a Notice to Mariners issued by the U.S. Coast Guard and the area will be patrolled by boat and searched by radar to insure a clear

range. A safety officer will always be aboard the firing boat to guarantee that all safety precautions are observed. The regulations in this section will be enforced by the Commandant, 12th Naval District and such agencies as he may designate.

(3958)

TITLE 40—PROTECTION OF ENVIRONMENT

(3959)

Part 140—Marine Sanitation Device Standard

(3960)

§140.1 Definitions.

- (3961) For the purpose of these standards the following definitions shall apply:

(3962) (a) *Sewage* means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(3963) (b) *Discharge* includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(3964) (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;

(3965) (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;

(3966) (e) *New vessel refers* to any vessel on which construction was initiated on or after January 30, 1975;

(3967) (f) *Existing vessel* refers to any vessel on which construction was initiated before January 30, 1975;

(3968) (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.

(3969)

§140.2 Scope of standard.

- (3970) 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.

(3971)

§140.3 Standard.

- (3972) (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.

(3973) (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, freshwater lakes and impoundments accessible through locks, and other flowing waters that are navigable interstate by vessels subject to this regulation.

(3974) (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).

(3975) (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.

(3976) (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/l.

(3977) (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.

(3978) (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.

(3979) (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.

(3980)

§140.4 Complete prohibition.

(3981) (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:

(3982) (1) A certification that the protection and enhancement of the waters described in the petition require greater environmental protection than the applicable Federal standard;

(3983) (2) A map showing the location of commercial and recreational pump-out facilities;

(3984) (3) A description of the location of pump-out facilities within waters designated for no discharge;

(3985) (4) The general schedule of operating hours of the pump-out facilities;

(3986) (5) The draught requirements on vessels that may be excluded because of insufficient water depth adjacent to the facility;

(3987) (6) Information indicating that treatment of wastes from such pump-out facilities is in conformance with Federal law; and

(3988) (7) Information on vessel population and vessel usage of the subject waters.

(3989) (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 particularity 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.

(3990) (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):

(3991) (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.

(3992) (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/>.

(3993) (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):

(3994) (A) A large passenger vessel;

(3995) (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.

(3996) (ii) For purposes of paragraph (b)(2) of this section:

(3997) (A) "Marine waters of the State of California" means the territorial sea measured from the baseline as determined 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 illustrating these waters can be obtained from EPA or viewed at <http://www.epa.gov/region9/water/no-discharge/overview.html>.

(3998) (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 International 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 has berths or overnight accommodations for passengers.

(3999) (C) A "large oceangoing vessel" means a private, commercial, government, or military vessel of 300 gross tons or more, as measured under the International 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.

(4000) (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.

(4001) (c)(1) Prohibition pursuant to CWA section 312(f)(4)(B): A State may make written application to the Administrator of the Environmental Protection 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:

(4002) (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;

(4003) (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;

(4004) (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

(4005) (iv) Include a statement of basis justifying the size of the requested drinking water intake zone, for example, identifying areas of intensive boating activities.

(4006) (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.

(4007) (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.

(4008) (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):

(4009) (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.

(4010) (ii) [Reserved]

(4011)

§140.5 Analytical procedures.

(4012) 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.

(4013)

TITLE 46—SHIPPING

(4014)

Part 15—Manning Requirements (in part)

(4015)

Subpart J—Vessels in Foreign Trade

(4016)

§15.1001 General.

(4017) Self-propelled vessels engaged in foreign commerce are required to use a pilot holding a valid MMC or license with appropriate endorsement as a first-class pilot when operating in the navigable waters of the United States specified in this subpart.

(4018)

§15.1010 California.

(4019) The following offshore marine oil terminals located within U.S. navigable waters of the State of California:

(4020) (a) *Carlsbad, CA*. The waters including the San Diego Gas and Electric, Encina Power Plant, lying within an area bounded by a line beginning at

(4021) 33°10'06"N., 117°21'42"W.; thence southwesterly to

(4022) 33°08'54"N., 117°24'36"W.; thence southwesterly to

(4023) 33°04'30"N., 117°21'42"W.; thence northeasterly to

(4024) 33°05'36"N., 117°18'54"W.; thence northwesterly along the shoreline to

(4025) 33°10'06"N., 117°21'42"W.

(4026) (b) *Huntington Beach, CA*. The waters including the Golden West Refining Company, Huntington Beach Marine Terminal, lying within an area bounded by a line beginning at

(4027) 33°39'06"N., 118°00'00"W.; thence westerly to

(4028) 33°39'18"N., 118°05'12"W.; thence southeasterly along a line drawn three nautical miles from the baseline to

(4029) 33°35'30"N., 118°00'00"W.; thence easterly to

(4030) 33°35'30"N., 117°52'30"W.; thence northwesterly along the shoreline to

(4031) 33°39'06"N., 118°00'00"W.

(4032) (c) *El Segundo, CA*. The waters including the Chevron USA, El Segundo Marine Terminal, lying within an area bounded by a line beginning at

(4033) 33°56'18"N., 118°26'18"W.; thence westerly to

(4034) 33°56'18"N., 118°30'48"W.; thence southeasterly along a line drawn three nautical miles from the baseline to

(4035) 33°51'48"N., 118°27'54"W.; thence easterly to

(4036) 33°51'48"N., 118°24'00"W.; thence northwesterly along the shoreline to

(4037) 33°56'18"N., 118°26'18"W.

(4038) (d) *Oxnard, CA*. The waters including the Southern California Edison Company, Mandalay Generating Station, lying within an area bounded by a line beginning at

(4039) 34°14'12"N., 119°16'00"W.; thence westerly to

(4040) 34°14'12"N., 119°19'36"W.; thence southeasterly along a line drawn three nautical miles from the baseline to

(4041) 34°09'24"N., 119°17'20"W.; thence easterly to

(4042) 34°09'24"N., 119°13'24"W.; thence northwesterly along the shoreline to

(4043) 34°14'24"N., 119°16'00"W.

(4044) (e) *Goleta, CA*. The waters including the ARCO, Ellwood Marine Terminal, lying within an area bounded by a line beginning at

(4045) 34°26'12"N., 119°57'00"W.; thence southerly to

(4046) 34°22'48"N., 119°57'00"W.; thence southeasterly along a line drawn three nautical miles from the baseline to

(4047) 34°21'06"N., 119°50'30.5"W.; thence northerly to

(4048) 34°24'18"N., 119°50'30"W.; thence northwesterly along the shoreline to

(4049) 34°26'12"N., 119°57'00"W.

(4050) (f) *Gaviota, CA*. The waters including the Texaco Trading and Transportation, Gaviota Marine Terminal, lying within an area bounded by a line beginning at

(4051) 34°28'06"N., 120°16'00"W.; thence southerly to

(4052) 34°25'06"N., 120°16'00"W.; thence easterly along a line drawn three nautical miles from the baseline to

(4053) 34°25'24"N., 120°08'30"W.; thence northerly to

(4054) 34°28'24"N., 120°08'30"W.; thence westerly along the shoreline to

(4055) 34°28'06"N., 120°16'00"W.

(4056) (g) *Moss Landing, CA*. The waters including the Pacific Gas and Electric Company Power Plant, lying within an area bounded by a line beginning at

(4057) 36°49'00"N., 121°47'42"W.; thence westerly to

(4058) 36°49'00"N., 121°51'00"W.; thence southerly to

(4059) 36°47'00"N., 121°51'00"W.; thence easterly to

- (4060) 36°47'00"N., 121°47'54"W.; thence northerly along the shoreline to
- (4061) 36°49'00"N., 121°47'42"W.
- (4062) (h) *Estero Bay, CA*. The waters including various moorings, including the Pacific Gas and Electric Company mooring and the two Chevron Oil Company Terminals lying within an area bounded by a line beginning at
- (4063) 36°25'00"N., 120°52'30"W.; thence westerly to
- (4064) 36°25'00"N., 120°56'00"W.; thence southerly to
- (4065) 36°22'00"N., 120°56'00"W.; thence easterly to
- (4066) 36°22'00"N., 120°52'12"W.; thence northerly along the shoreline to
- (4067) 36°25'00"N., 120°52'30"W.
- (4068) (i) *San Luis Obispo Bay, CA*. The waters including the Unocal Corporation Avila Terminal and the approaches thereto, lying in an area bounded by a line beginning at
- (4069) 35°09'42"N., 120°46'00"W.; thence southerly to
- (4070) 35°07'00"N., 120°46'00"W.; thence easterly to
- (4071) 35°07'00"N., 120°43'00"W.; thence northerly to
- (4072) 35°10'24"N., 120°43'00"W.; thence westerly along the shoreline to
- (4073) 35°09'42"N., 120°46'00"W.

(4074)

TITLE 50—Wildlife and Fisheries

(4075)

Part 224—Endangered Marine and Anadromous Species

(4076)

§224.103 Special prohibitions for endangered marine mammals.

- (4077) (a) *Approaching humpback whales in Hawaii*. Except as provided in part 222, subpart C, of the chapter (General Permit Procedures), it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or to cause to be committed, within 200 nautical miles (370.4 km) of the Islands of Hawaii, any of the following acts with respect to humpback whales (*Megaptera novaeangliae*):
- (4078) (1) Operate any aircraft within 1,000 feet (300 m) of any humpback whale;
- (4079) (2) Approach, by any means, within 100 yards (90 m) of any humpback whale;
- (4080) (3) Cause a vessel or other object to approach within 100 yd (90 m) of a humpback whale; or
- (4081) (4) Disrupt the normal behavior or prior activity of a whale by any other act or omission. A disruption of normal behavior may be manifested by, among other actions on the part of the whale, a rapid change in direction or speed; escape tactics such as prolonged diving, underwater course changes, underwater exhalation, or evasive swimming patterns; interruptions of breeding, nursing, or resting activities, attempts by a whale to shield a calf from a vessel or human observer by tail swishing or by

other protective movement; or the abandonment of a previously frequented area.

(4082)

Part 226—Designated Critical Habitat

(4083) § 226.206 Critical habitat for the Southern Resident killer whale (*Orcinus orca*).

(4084) Critical habitat is designated for the Southern Resident killer whale as described in this section. The maps, clarified by the textual descriptions in this section, are the definitive source for determining the critical habitat boundaries.

(4085) (a) *Critical habitat boundaries*. Critical habitat is designated to include all areas in paragraphs (a)(1) and (2) of this section.

(4086) (1) *Inland waters of Washington State*. Critical habitat includes three specific marine areas of Puget Sound, Washington, within the following counties: Clallam, Jefferson, King, Kitsap, Island, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom. Critical habitat includes all waters relative to a contiguous shoreline delimited by the line at a depth of 20 ft (6.1 m) relative to extreme high water in each of the following areas:

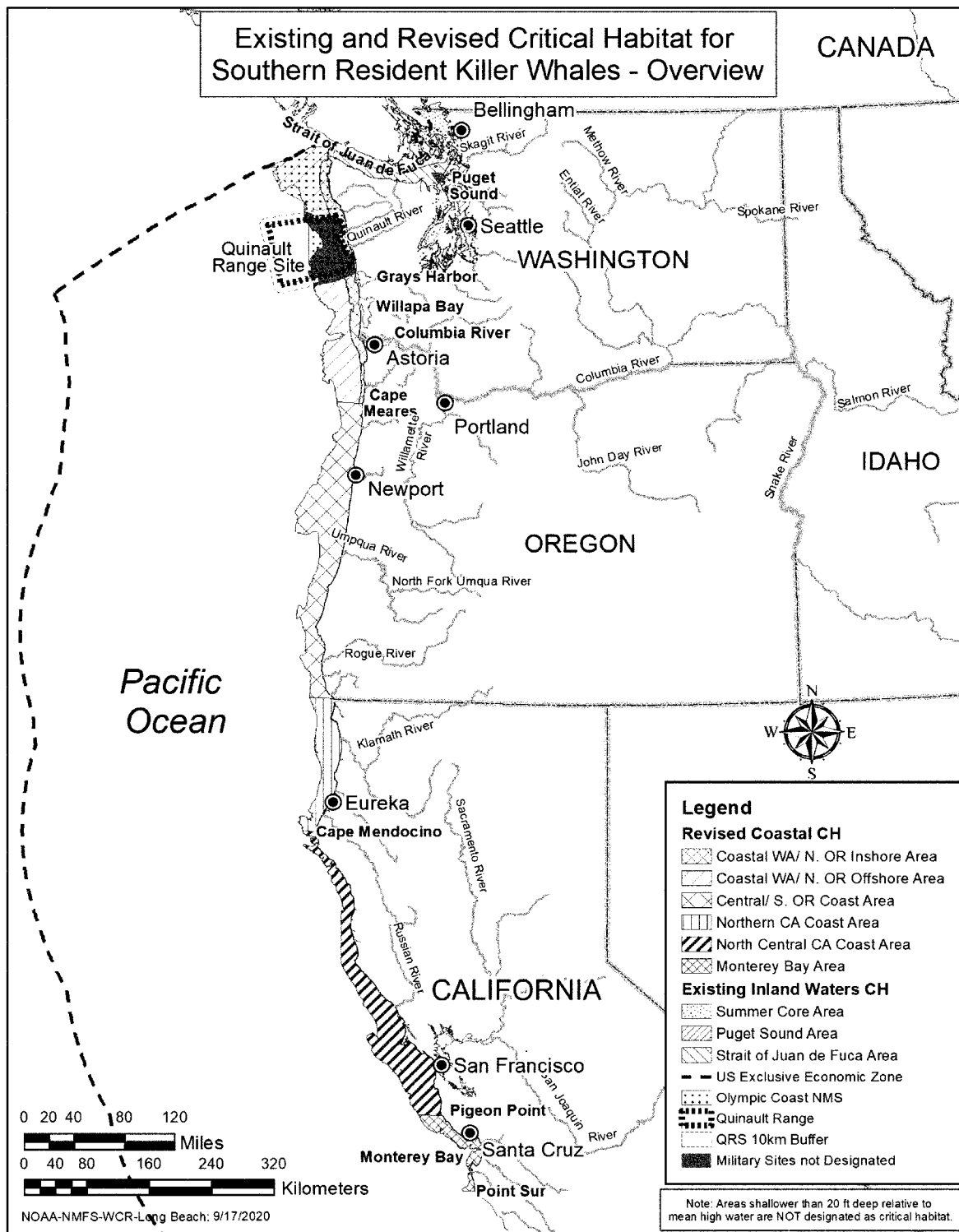
(4087) (i) *Summer Core Area*. All U.S. marine waters in Whatcom and San Juan counties; and all marine waters in Skagit County west and north of the Deception Pass Bridge (Highway 20) (48°24'25"N., 122°38'35"W.).

(4088) (ii) *Puget Sound Area*. All marine waters in Island County east and south of the Deception Pass Bridge (Highway 20) (48°24'25"N., 122°38'35"W.), and east of a line connecting the Point Wilson Lighthouse (48°8'39"N., 122°45'12"W.) and a point on Whidbey Island located at 48°12'30"N., 122°44'26"W.; all marine waters in Skagit County east of the Deception Pass Bridge (Highway 20) (48°24'25"N., 122°38'35"W.); all marine waters of Jefferson County east of a line connecting the Point Wilson Lighthouse (48°8'39"N., 122°45'12"W.) and a point on Whidbey Island located at latitude 48°12'30"N., 122°44'26"W., and north of the Hood Canal Bridge (Highway 104) (47°51'36"N., 122°37'23"W.); all marine waters in eastern Kitsap County east of the Hood Canal Bridge (Highway 104) (47°51'36"N., 122°37'23"W.); all marine waters (excluding Hood Canal) in Mason County; and all marine waters in King, Pierce, Snohomish, and Thurston counties.

(4089) (iii) *Strait of Juan de Fuca Area*. All U.S. marine waters in Clallam County east of a line connecting Cape Flattery, Washington (48°23'10"N., 124°43'32"W.), Tatoosh Island, Washington (48°23'30"N., 124°44'12"W.), and Bonilla Point, British Columbia (48°35'30"N., 124°43'00"W.); all marine waters in Jefferson and Island counties west of the Deception Pass Bridge (Highway 20) (48°24'25"N., 122°38'35"W.), and west of a line connecting the Point Wilson Lighthouse (48°8'39"N., 122°45'12"W.) and a point on Whidbey Island located at 48°12'30"N., 122°44'26"W.

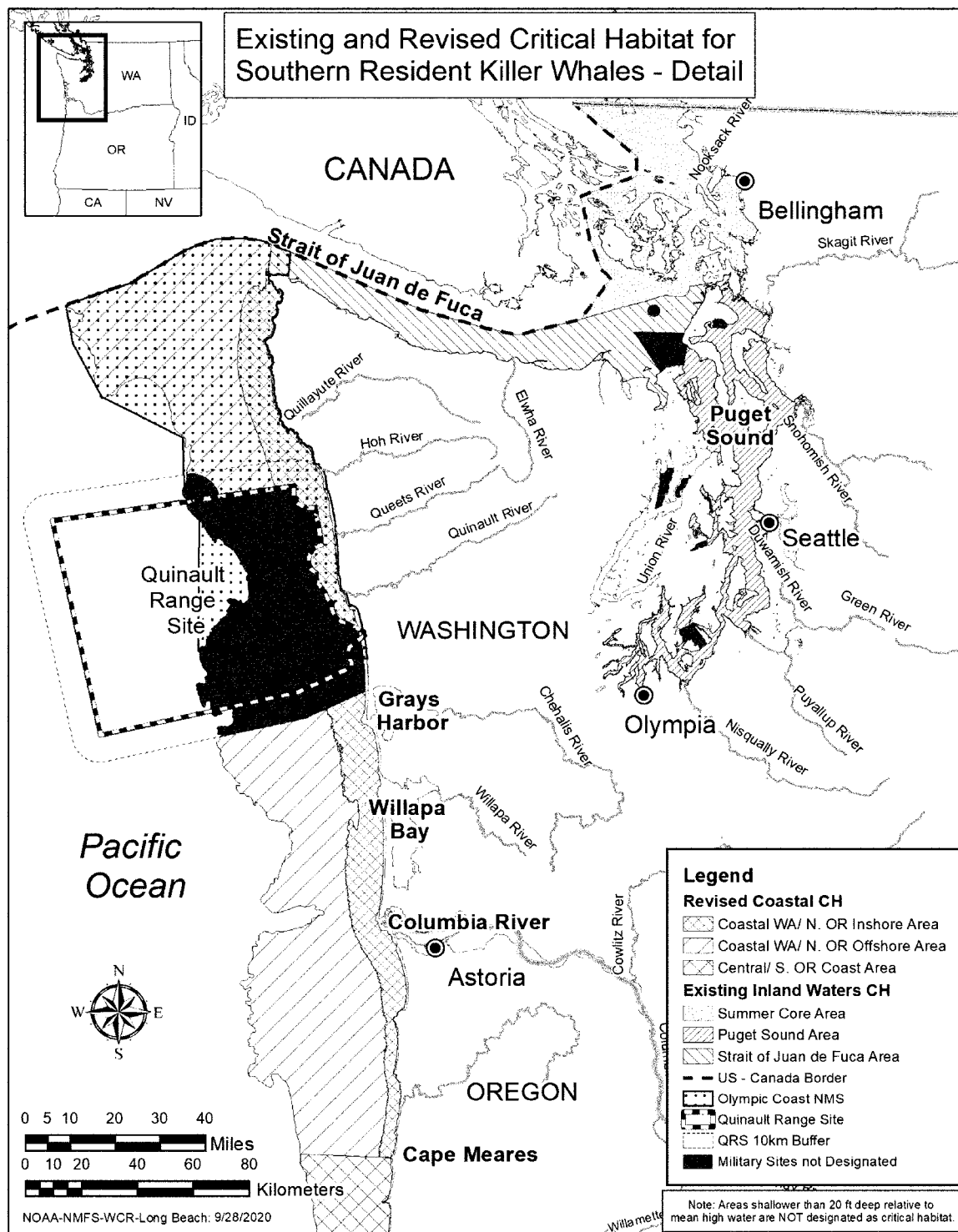
(4122)

Figure 1 to Paragraph (d) – Existing and Revised Critical Habitat for Southern Resident Killer Whales - Overview



(4123)

Figure 2 to paragraph (d) – Existing and Revised Critical Habitat for Southern Resident Killer Whales - Detail



- (4090) (2) *Coastal marine waters along the U.S. West Coast.* Critical habitat includes six specific marine areas along the coasts of Washington, Oregon, and California. Critical habitat includes all waters relative to a contiguous shoreline delimited by the line at a depth of 20 ft (6.1 m) relative to mean high water in each of the following areas:
- (4091) (i) *Coastal Washington/Northern Oregon Inshore Area.* U.S. marine waters west of a line connecting Cape Flattery, Washington (48°23'10"N., 124°43'32"W.), Tatoosh Island, Washington (48°23'N., 124°44'12"W.), and Bonilla Point, British Columbia (48°35'30"N., 124°43'00"W.), from the U.S. international border with Canada south to Cape Meares, Oregon (45°29'12"N.), between the 6.1-m and 50-m isobath contours. This includes waters off Clallam, Jefferson, Grays Harbor, and Pacific counties in Washington and Clatsop and Tillamook counties in Oregon.
- (4092) (ii) *Coastal Washington/Northern Oregon Offshore Area.* U.S. marine waters west of a line connecting Cape Flattery, Washington (48°23'10"N., 124°43'32"W.), Tatoosh Island, Washington (48°23'30"N., 124°44'12"W.), and Bonilla Point, British Columbia (48°35'30"N., 124°43'00"W.) south to Cape Meares, Oregon (45°29'12"N.), between the 50-m and 200-m isobath contours. This includes waters off Clallam, Jefferson, Grays Harbor, and Pacific counties in Washington and Clatsop and Tillamook counties in Oregon.
- (4093) (iii) *Central/Southern Oregon Coast Area.* U.S. marine waters from Cape Meares, Oregon (45°29'12"N.) south to the border between Oregon and California (42°00'00" N), between the 6.1-m and 200-m isobath contours. This includes waters off Tillamook, Lincoln, Lane, Douglas, Coos, and Curry counties in Oregon.
- (4094) (iv) *Northern California Coast Area.* U.S. marine waters from the border between Oregon and California (42°00'00"N.) south to Cape Mendocino, California (40°26'19"N.), between the 6.1-m and 200-m isobath contours. This includes waters off Del Norte and Humboldt counties in California.
- (4095) (v) *North Central California Coast Area.* U.S. marine waters from Cape Mendocino, California (40°26'19"N.) south to Pigeon Point, California (37°11'00"N.), between the 6.1-m and 200-m isobath contours. This includes waters off Humboldt, Mendocino, Sonoma, Marin, San Francisco, and San Mateo counties in California.
- (4096) (vi) *Monterey Bay Area.* U.S. marine waters from Pigeon Point, California (37°11'00"N.) south to Point Sur, California (36°18'00" N), between the 6.1-m and 200-m isobath contours. This includes waters off San Mateo, Santa Cruz, and Monterey counties in California.
- (4097) (b) *Essential features.* The essential features for the conservation of Southern Resident killer whales are the following:
- (4098) (1) Water quality to support growth and development;
- (4099) (2) Prey species of sufficient quantity, quality, and availability to support individual growth, reproduction, and development, as well as overall population growth; and
- (4100) (3) Passage conditions to allow for migration, resting, and foraging.
- (4101) (c) *Sites owned or controlled by the Department of Defense.* Critical habitat does not include the following particular areas owned or controlled by the Department of Defense, or designated for its use, in the State of Washington, including shoreline, nearshore areas around structures such as docks and piers, and marine areas where they overlap with the areas described in paragraph (a) of this section:
- (4102) (1) Naval Undersea Warfare Center, Keyport;
- (4103) (2) Naval Ordnance Center, Port Hadlock (Indian Island);
- (4104) (3) Naval Fuel Depot, Manchester;
- (4105) (4) Naval Air Station, Whidbey Island;
- (4106) (5) Naval Station, Everett;
- (4107) (6) Naval Hospital Bremerton;
- (4108) (7) Fort Lewis (Army);
- (4109) (8) Pier 23 (Army);
- (4110) (9) Puget Sound Naval Ship Yard;
- (4111) (10) Strait of Juan de Fuca naval air to-surface weapon range, restricted area;
- (4112) (11) Strait of Juan de Fuca and Whidbey Island naval restricted areas;
- (4113) (12) Admiralty Inlet naval restricted area;
- (4114) (13) Port Gardner Naval Base restricted area;
- (4115) (14) Port Orchard Passage naval restricted area;
- (4116) (15) Sinclair Inlet naval restricted area;
- (4117) (16) Carr Inlet naval restricted area;
- (4118) (17) Port Townsend/Indian Island/ Walan Point naval restricted area;
- (4119) (18) Crescent Harbor Explosive Ordnance Units Training Area; and
- (4120) (19) Quinault Range (including the surf zone at Pacific Beach) and a 10-km buffer around most of the Quinault Range, not including the portion of this buffer that extends beyond 10 km into the Olympic Coast National Marine Sanctuary (OCNMS).
- (4121) (d) Maps of Southern Resident killer whale critical habitat.

