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.

Title 15 (15 CFR): Commerce and Foreign Trade

Part 922	National Marine Sanctuary Program Regulations

Title 33 (33 CFR): Navigation and Navigable Waters

Part 26	Vessel Bridge-to-Bridge Radiotelephone Regulations
Part 80	COLREGS Demarcation Lines
Part 110	Anchorage Regulations
Part 117	Drawbridge Operation Regulations
Part 150	Operations, Deepwater Ports (in part)
Part 156	Oil and Hazardous Material Transfer Operations
Part 157	Rules for the Protection of the Marine Environment relating to Tank Vessels Carrying Oil in Bulk
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	Off shore Traffic Separation Schemes
Part 207	Navigation Regulations
Part 334	Danger Zones and Restricted Area Regulations

Title 40 (40 CFR): Protection of Environment

Part 140	Marine Sanitation Device Standard

Title 50 (50 CFR): Wildlife and Fisheries

Part 224	Endangered Marine and Anadromous Species
Part 226	Designated Critical Habitat
Part 622	Fisheries of the Caribbean, Gulf, and South Atlantic

Note

(3) 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:

(4) **National Oceanic and Atmospheric Administration:** (15 CFR 922).

(5) **U.S. Coast Guard:** (33 CFR 26, 80, 110, 117, 150, 160, 161, 162, 164, 165, 166, and 167);

(6) **U.S. Army Corps of Engineers:** (33 CFR 207 and 334);

(7) **Environmental Protection Agency:** (40 CFR 140):

(8) **National Marine Fisheries Service, National Oceanic and Atmospheric Administration:** (50 CFR 224, 226 and 622).

TITLE 15–COMMERCE AND FOREIGN TRADE

Part 922–National Marine Sanctuary Program Regulations

Subpart A–General

§922.1 Applicability of regulations.

(9) Unless noted otherwise, the regulations in subparts A, D and E apply to all thirteen National Marine Sanctuaries for which site-specific regulations appear in Subparts F through R, respectively. Subparts B and C

apply to the site evaluation list and to the designation of future Sanctuaries.

§922.2 Mission, goals, and special policies.

(10) (a) In accordance with the standards set forth in title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, also known as the National Marine Sanctuaries Act (Act) the mission of the National Marine Sanctuary program (Program) is to identify, designate and manage areas of the marine environment of special national, and in some cases international, significance due to their conservation, recreational, ecological, historical, research, educational, or aesthetic qualities.

(11) (b) The goals of the Program are to carry out the mission to:

(12) (1) Identify and designate as National Marine Sanctuaries areas of the marine environment which are of special national significance;

(13) (2) Provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;

(14) (3) Support, promote, and coordinate scientific research on, and monitoring of, the resources of these marine areas, especially long-term monitoring and research of these areas:

(15) (4) Enhance public awareness, understanding, appreciation, and wise use of the marine environment;

(16) (5) Facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;

(17) (6) Develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas;

(18) (7) Create models of, and incentives for, ways to conserve and manage these areas;

(19) (8) Cooperate with global programs encouraging conservation of marine resources; and

(20) (9) Maintain, restore, and enhance living resources by providing places for species that depend upon these marine areas to survive and propagate.

(21) (c) To the extent consistent with the policies set forth in the Act, in carrying out the Program's mission and goals:

(22) (1) Particular attention will be given to the establishment and management of marine areas as National Marine Sanctuaries for the protection of the area's natural resource and ecosystem values; particularly for ecologically or economically important or threatened species or species assemblages, and for offshore areas where there are no existing special area protection mechanisms;

(23) (2) The size of a National Marine Sanctuary, while highly dependent on the nature of the site's resources, will be no larger than necessary to ensure effective management;

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

(25) (e) Program regulations, policies, standards, guidelines, and procedures under 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, 16 U.S.C. 470 et seq., the Archeological and Historical Preservation Act of 1974, 16 U.S.C. 469 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. These guidelines are available from the Office of Ocean and Coastal Management at (301) 713-3125.

§922.3 Definitions.

(26) *Act* means 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.

(27) *Active Candidate* means a site selected by the Secretary from the Site Evaluation List for further consideration for possible designation as a National Marine Sanctuary.

(28) *Assistant Administrator* means the Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), or designee.

(29) *Benthic community* means the assemblage of organisms, substrate, and structural formations found at or near the bottom that is periodically or permanently covered by water.

(30) *Commercial fishing* means any activity that results in the sale or trade for intended profit of fish, shellfish, algae, or corals.

(31) *Conventional hook and line gear* means any fishing apparatus operated aboard a vessel and composed of a single line terminated by a combination of sinkers and hooks or lures and spooled upon a reel that may be hand or electrically operated, hand-held or mounted. This term does not include bottom longlines.

(32) *Cultural resources* means any historical or cultural feature, including archaeological sites, historic structures, shipwrecks, and artifacts.

(33) *Director* means, except where otherwise specified, the Director of the Office of Ocean and Coastal Resource Management, NOAA, or designee.

(34) *Exclusive economic zone* means the exclusive economic zone as defined in the Magnuson Fishery Conservation and Management Act, 16 U.S. 1801 et seq.

(35) *Fish wastes* means waste materials resulting from commercial fish processing operations.

(36) *Historical resource* means a resource possessing historical, cultural, archaeological or paleontological significance, including sites, structures, districts, and objects significantly associated with or representative of earlier people, cultures and human activities and events. Historical resources also include "historical properties", as defined in the National Historic Preservation Act, as amended 16 U.S.C. 470 et seq., and its implementing regulations, as amended.

(37) *Indian tribe* means any American Indian tribe, band, group, or community recognized as such by the Secretary of the Interior.

(38) *Injure* means to change adversely, either in the long or short term, a chemical, biological or physical attribute of, or the viability of. This includes, but is not limited to, to cause the loss of or destroy.

(39) *Lightering* means at-sea transfer of petroleum-based products, materials or other matter from vessel to vessel.

(40) *Marine* means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, including the exclusive economic zone, consistent with international law.

(41) *Mineral* means clay, stone, sand, gravel, metalliferous ore, non-metalliferous ore, or any other solid material or other matter of commercial value.

(42) *National historic landmark* means a district, site, building, structure or object designated as such by the Secretary of the Interior under the National Historic Landmarks Program (36 CFR part 65).

(43) *National Marine Sanctuary* means an area of the marine environment of special national significance due to its resource or human-use values, which is designated as such to ensure its conservation and management.

(44) *Person* means any private individual, partnership, corporation or other entity; or any officer, employee, agent, department, agency or instrumentality of the Federal Government, of any State or local unit of government, or of any foreign government.

(45) *Regional Fishery Management Council* means any fishery council established under section 302 of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq.

(46) *Sanctuary quality* means any particular and essential characteristic of a Sanctuary, including, but not limited to, water, sediment, and air quality.

(47) *Sanctuary resource* means any living or none-living resource of a National Marine Sanctuary that contributes to the conservation, recreational, ecological, historical, research, educational, or aesthetic value of the Sanctuary, including, but not limited to, the substratum of the area of the Sanctuary, other submerged features and the surrounding seabed, carbonate rock, corals and other bottom formations, coralline algae and other marine plants and algae, marine invertebrates, brine-seep biota, phytoplankton, zooplankton, fish, seabirds, sea turtles and other marine reptiles, marine mammals and historical resources.

(48) *Secretary* means the Secretary of the United States Department of Commerce, or designee.

(49) *Shunt* means to discharge expended drilling cuttings and fluids near the ocean seafloor.

(50) *Site Evaluation List (SEL)* means a list of selected natural and historical resource sites selected by the Secretary as qualifying for further evaluation for possible designation as National Marine Sanctuaries.

(51) *State* means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, the United States Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States.

(52) *Subsistence use* means the customary and traditional use by rural residents of areas near or in the marine environment for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles; and for barter, if for food or non-edible items other than money, if the exchange is of a limited and non-commercial nature.

(53) *Take or taking* means:

(54) (1) For any marine mammal, sea turtle, or seabird listed as either endangered or threatened pursuant to the Endangered Species Act, to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect or injure, or to attempt to engage in any such conduct;

(55) (2) For any other marine mammal, sea turtle, or seabird, to harass, hunt, capture, kill, collect or injure, or to attempt to engage in any such conduct.

(56) For the purpose of both (1) and (2) of this definition, this includes, but is not limited to, to collect any dead or injured marine mammal, sea turtle or seabird, or any part thereof; to restrain or detain any marine mammal, sea turtle or seabird, or any part thereof, no matter how temporarily; to tag any sea turtle, marine mammal or seabird; to operate a vessel or aircraft or to do any other act that results in the disturbance or molestation of any marine mammal, sea turtle or seabird.

(57) *Tropical fish* means fish or minimal sport and food value, usually brightly colored, often used for aquaria purposes and which lives in a direct relationship with live bottom communities.

(58) *Vessel* means a watercraft of any description capable of being used as a means of transportation in/on the waters of the Sanctuary.

§922.4 Effect of National Marine Sanctuary designation.

(59) The designation of a National Marine Sanctuary, and the regulations implementing it, are binding on any person subject to the jurisdiction of the United States. Designation does not constitute any claim to territorial jurisdiction on the part of the United States for designated sites beyond the U.S. territorial sea, and the regulations implementing the designation shall be applied in accordance with generally recognized principles of international law, and in accordance with treaties, conventions, and other agreements to which the United States is a party. No regulation shall apply to a person who is not a citizen, national, or resident alien of the United States, unless in accordance with:

(60) (a) Generally recognized principles of international law;

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

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

Subpart D–Management Plan Development and Implementation

§922.30 General.

(63) (a) The Secretary shall implement each management plan, and applicable regulations, including carrying out surveillance and enforcement activities and conducting such research, monitoring, evaluation, and education programs as are necessary and reasonable to carry out the purposes and policies of the Act.

(64) (b) Consistent with Sanctuary management plans, the Secretary shall develop and implement site-specific contingency and emergency-response plans designed to protect Sanctuary resources. The plans shall contain alert procedures and actions to be taken in the event of an emergency such as a shipwreck or an oil spill.

§922.31 Promotion and coordination of Sanctuary use.

(65) The Secretary shall take such action as is necessary and reasonable to promote and coordinate the use of National Marine Sanctuaries for research, monitoring, and education purposes. Such action may include consulting with Federal agencies, or other persons to promote use of one or more Sanctuaries for research, monitoring and education, including coordination with the National Estuarine Research Reserve System.

Subpart E–Regulations of General Applicability

§922.40 Purpose.

(66) The purpose of the regulations in this Subpart and in Subparts F through R is to implement the designations of the thirteen National Marine Sanctuaries for which site specific regulations appear in Subparts F through R, respectively, by regulating activities affecting them, consistent with their respective terms of designation in order to protect, preserve and manage and thereby ensure the health, integrity and continued availability of the conservation, ecological, recreational, research, educational, historical and aesthetic resources and qualities of these areas. Additional purposes of the regulations implementing the designation of the Florida Keys and Hawai‘ian Islands Humpback Whale National Marine Sanctuaries are found at §§922.160, and 922.180, respectively.

§922.41 Boundaries.

(67) The boundary for each of the thirteen National Marine Sanctuaries covered by this part is described in Subparts F through R, respectively.

§922.42 Allowed activities.

(68) All activities (e.g., fishing, boating, diving, research, education) may be conducted unless prohibited or otherwise regulated in Subparts F through R, subject to any emergency regulations promulgated pursuant to §§922.44, 922.111(c), 922.165, 922.186, or 922.196, subject to all prohibitions, regulations, restrictions, and conditions validly imposed by any Federal, State, or local authority of competent jurisdiction, including Federal and State fishery management

authorities, and subject to the provisions of section 312 of the National Marine Sanctuaries Act (NMSA), (16 U.S.C. 1431 *et seq*.). The Assistant Administrator may only directly regulate fishing activities pursuant to the procedure set forth in section 304(a)(5) of the NMSA.

§922.43 Prohibited or otherwise regulated activities.

(69) Subparts F through R set forth site-specific regulations applicable to the activities specified therein.

§922.44 Emergency regulations.

(70) Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize the imminent risk of such destruction, loss, or injury, any and all activities are subject to immediate temporary regulation, including prohibition. The provisions of this section do not apply to the Cordell Bank, Florida Keys and Hawai'ian Islands Humpback Whale National Marine Sanctuaries. See §§992.111(c), 922.165, and 922.186, respectively, for the authority to issue emergency regulations with respect to those sanctuaries.

§922.45 Penalties.

(71) (a) Each violation of the NMSA or FKNMSPA, any regulation in this part, or any permit issued pursuant thereto, is subject to a civil penalty of not more than $100,000. Each day of a continuing violation constitutes a separate violation.

(72) (b) Regulations setting forth the procedures governing administrative proceedings for assessment of civil penalties, permit sanctions, and denials for enforcement reasons, issuance and use of written warnings, and release or forfeiture of seized property appear at 15 CFR part 904.

§922.46 Response costs and damages.

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

§922.47 Pre-existing authorizations or rights and certifications of pre-existing authorizations or rights.

(74) (a) Leases, permits, licenses, or rights of subsistence use or access in existence on the date of designation of any National Marine Sanctuary shall not be terminated by the Director. The Director may, however, regulate the exercise of such leases, permits, licenses, or rights consistent with the purposes for which the Sanctuary was designated.

(75) (b) The prohibitions listed in Subparts F through P, and Subpart R do not apply to any activity authorized by a valid lease, permit, license, approval or other authorization in existence on the effective date of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary the effective date of the regulations in this subpart P, and issued by any Federal, State, or local authority of competent jurisdiction, or by any valid right of subsistence use or access in existence on the effective date of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary the effective date of the regulations in subpart P, provided that the holder of such authorization or right complies with certification procedures and criteria promulgated at the time of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary the effective date of the regulations in subpart P of this part, and with any terms and conditions on the exercise of such authorization or right imposed by the Director as a condition of certification as he or she deems necessary to achieve the purpose for which the Sanctuary was designated.

§922.48 National Marine Sanctuary permits-application procedures and issuance criteria.

(76) (a) A person may conduct an activity prohibited by Subparts F through O, if conducted in accordance with the scope, purpose, terms and conditions of a permit issued under this section and Subparts F through O, as appropriate. For the Florida Keys National Marine Sanctuary, a person may conduct an activity prohibited by Subpart P if conducted in accordance with the scope, purpose, terms and conditions of a permit issued under §922.166. For the Thunder Bay National Marine Sanctuary and Underwater Preserve, a person may conduct an activity prohibited by Subpart R in accordance with the scope, purpose, terms and conditions of a permit issued under §922.195

(77) (b) Applications for permits to conduct activities otherwise prohibited by Subparts F through O should be addressed to the Director and sent to the address specified in Subparts F through O, or Subpart R, as appropriate. An application must include:

(78) (1) A detailed description of the proposed activity including a timetable for completion:

(79) (2) The equipment, personnel and methodology to be employed;

(80) (3) The qualifications and experience of all personnel;

(81) (4) The potential effects of the activity, if any, on Sanctuary resources and qualities; and

(82) (5) Copies of all other required licenses, permits, approvals or other authorizations.

(83) (c) Upon receipt of an application, the Director may request such additional information from the applicant as he or she deems necessary to act on the application and may seek the views of any persons or entity, within or outside the Federal government, and may hold a public hearing, as deemed appropriate.

(84) (d) The Director, at his or her discretion, may issue a permit, subject to such terms and conditions as he or she deems appropriate, to conduct a prohibited activity, in accordance with the criteria found in Subparts F through O, or Subpart R, as appropriate. The Director shall further impose, at a minimum, the conditions set forth in the relevant subpart.

(85) (e) A permit granted pursuant to this section is nontransferable.

(86) (f) The Director may amend, suspend, or revoke a permit issued pursuant to this section for good cause. The Director may deny a permit application pursuant to this section, in whole or in part, if it is determined that the permittee or applicant has acted in violation of the terms and conditions of a permit or of the regulations set forth in the section or Subparts F through O, Subpart R or for other good cause. Any such action shall be communicated in writing to the permittee or applicant by certified mail and shall set forth the reason(s) for the action taken. Procedures governing permit sanctions and denials for enforcement reasons are set forth in subpart D of 15 CFR part 904.

§922.49 Notification and review of applications for leases, licenses, permits, approvals or other authorizations to conduct a prohibited activity.

(87) (a) A person may conduct an activity prohibited by Subparts L through P, or Subpart R, if such activity is specifically authorized by any valid Federal, State, or local lease, permit, license, approval, or other authorization issued after the effective date of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary after the effective date of the regulations in subpart P of this part, provided that:

(88) (1) The applicant notifies the Director, in writing, of the application for such authorization (and of any application for an amendment, renewal or extension of such authorization) within fifteen (15) days of the date of filing of the application or the effective date of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary the effective date of the regulations in subpart P of this part, whichever is later;

(89) (2) The applicant complies with the other provisions of this section;

(90) (3) The Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization (or amendment, renewal or extension); and

(91) (4) The applicant complies with any terms and conditions the Director deems necessary to protect Sanctuary resources and qualities.

(92) (b) Any potential applicant for an authorization described in paragraph (a) of this section may request the Director to issue a finding as to whether the activity for which an application is intended to be made is prohibited by Subparts L through P, or Subpart R, as appropriate.

(93) (c) Notification of filings of applications should be sent to the Director, Office of Ocean and Coastal Resource Management at the address specified in Subparts L and P, or Subpart R, as appropriate. A copy of the application must accompany the notification.

(94) (d) The Director may request additional information from the applicant as he or she deems reasonably necessary to determine whether to object to issuance of an authorization described in paragraph (a) of this section or what terms and conditions are necessary to protect Sanctuary resources and qualities. The information requested must be received by the Director within 45 days of the postmark date of the request. The Director may seek the views of any persons on the application.

(95) (e) The Director shall notify, in writing, the agency to which application has been made of his or her pending review of the application and possible objection to issuance. Upon completion of review of the application and information received with respect thereto, the Director shall notify both the agency and applicant, in writing, whether he or she has an objection to issuance and what terms and conditions he or she deems reasonably necessary to protect Sanctuary resources and qualities, and reason therefor.

(96) (f) The Director may amend the terms and conditions deemed necessary to protect Sanctuary resources and qualities whenever additional information becomes available justifying such an amendment.

(97) (g) Any time limit prescribed in or established under this §922.49 may be extended by the Director for good cause.

(98) (h) The applicant may appeal any objection by, or terms or conditions imposed by, the Director to the Assistant Administrator or designee in accordance with the provisions of §922.50.

§922.50 Appeals of administrative action.

(99) (a)(1) Except for permit actions taken for enforcement reasons (see subpart D of 15 CFR part 904 for applicable procedures), an applicant for, or a holder of, a National Marine Sanctuary permit; an applicant for, or a holder of, a Special Use permit pursuant to section

310 of the Act; a person requesting certification of an existing lease, permit, license or right of subsistence use or access under §922.47; or, for those Sanctuaries described in Subparts L through P and Subpart R, an applicant for a lease, permit, license or other authorization issued by any Federal, State, or local authority of competent jurisdiction (hereinafter appellant) may appeal to the Assistant Administrator:

(100) (i) The granting, denial, conditioning, amendment, suspension or revocation by the Director of a National Marine Sanctuary or Special Use permit;

(101) (ii) The conditioning, amendment, suspension or revocation of a certification under §922.47; or

(102) (iii) For those Sanctuaries described in Subparts L through P and Subpart R, the objection to issuance of or the imposition of terms and conditions on a lease, permit, license or other authorization issued by any Federal, State, or local authority of competent jurisdiction.

(103) (2) For those National Marine Sanctuaries described in subparts F through K, any interested person may also appeal the same actions described in §922.50(a)(1)(i) and (ii). For appeals arising from actions taken with respect to these National Marine Sanctuaries, the term "appellant" includes any such interested persons.

(104) (b) An appeal under paragraph (a) of this section must be in writing, state the action(s) by the Director appealed and the reason(s) for the appeal, and be received within 30 days of receipt of notice of the action by the Director. Appeals should be addressed to the Assistant Administrator for Ocean Services and Coastal Zone Management, NOAA 1305 East-West Highway, 13th Floor, Silver Spring, MD 20910.

(105) (c)(1) The Assistant Administrator may request the appellant to submit such information as the Assistant Administrator deems necessary in order for him or her to decide the appeal. The information requested must be received by the Assistant Administrator within 45 days of the postmark date of the request. The Assistant Administrator may seek the views of any other persons. For the Monitor National Marine Sanctuary, if the appellant has request a hearing, the Assistant Administrator shall grant an informal hearing. For all other National Marine Sanctuaries, the Assistant Administrator may determine whether to hold an informal hearing on the appeal. If the Assistant Administrator determines that an informal hearing should be held, the Assistant Administrator may designate an officer before whom the hearing shall be held.

(106) (2) The hearing officer shall give notice in the **Federal Register** of the time, place and subject matter of the hearing. The appellant and the Director may appear personally or by counsel at that hearing and submit such material and present such arguments as deemed appropriate by the hearing officer. Within 60 days after the record for the hearing closes, the hearing officer shall recommend a decision in writing to the Assistant Administrator.

(107) (d) The Assistant Administrator shall decide the appeal using the same regulatory criteria as for the initial decision and shall base the appeal decision on the record before the Director and any information submitted regarding the appeal, and, if a hearing has been held, on the record before the hearing officer and the hearing officer's recommended decision. The Assistant Administrator shall notify the appellant of the final decision and the reason(s) therefore in writing. The Assistant Administrator's decision shall constitute final agency action for the purpose of the Administrative Procedure Act.

(108) (e) Any time limit prescribed in or established under this section other than the 30-day limit for filing an appeal may be extended by the Assistant Administrator or hearing office for good cause.

Subpart L–Flower Garden Banks National Marine Sanctuary

§922.120 Boundary.

(109) The Flower Garden Banks National Marine Sanctuary (the Sanctuary) consists of three separate areas of ocean waters over and surrounding the East and West Flower Garden Banks and Stetson Bank, and the submerged lands thereunder including the Banks, in the northwestern Gulf of Mexico. The area designated at the East Bank is located approximately 120 nautical miles (nmi) south-southwest of Cameron, Louisiana, and encompasses 19.20 NM^2. The area designated at the West Bank is located approximately 110 nmi southeast of Galveston, Texas, and encompasses 22.50 NM^2. The area designated at Stetson Bank is located approximately 70 nmi southeast of Galveston, Texas, and encompasses 0.64 NM^2. The three areas encompass a total of 42.34 NM^2 (145.09 square kilometers). The boundary coordinates for each area are listed in appendix A to this subpart.

§922.121 Definitions.

(110) In addition to those definitions found at §922.3, the following definition applies to this subpart:

(111) *No activity zone* means the two geographic areas delineated by the Department of the Interior in stipulations for OCS lease sale 112 over and surrounding the East and West Flower Garden Banks, and the geographic area delineated by the Department of the Interior in stipulations for OCS lease sale 171 over and

surrounding Stetson Bank, as areas in which activities associated with exploration for, development of, or production of hydrocarbons are prohibited. The precise aliquot part description of these areas around the East and West Flower Garden Banks are provided in appendix B of this subpart; the no-activity zone around Stetson Bank is defined as the 52 meter isobath. These particular aliquot part descriptions for the East and West Flower Garden Banks, and the 52 meter isobath around Stetson Bank, define the geographic scope of the "no-activity zones" for purposes of the regulations in this subpart. The descriptions for the East and West Flower Garden Banks no-activity zones are based on the "¼ ¼ ¼" system formerly used by the Department of the Interior, a method that delineates a specific portion of a block rather than the actual underlying isobath.

§922.122 Prohibited or otherwise regulated activities.

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

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

(114) (2)(i) Anchoring or otherwise mooring within the Sanctuary a vessel greater than 100 feet (30.48 meters) in registered length.

(115) (ii) Anchoring a vessel of less than or equal to 100 feet (30.48 meters) in registered length within an area of the Sanctuary where a mooring buoy is available.

(116) (iii) Anchorage a vessel within the Sanctuary using more than fifteen feet (4.57 meters) of chain or wire rope attached to the anchor.

(117) (iv) Anchoring a vessel within the Sanctuary using anchor lines (exclusive of the anchor chain or wire rope permitted by paragraph (a)(4) of this section) other than those of a soft fiber or nylon, polypropylene, or similar material.

(118) (3)(i) Discharging or depositing, from within the boundaries of the Sanctuary, any material or other matter except:

(119) (A) Fish, fish parts, chumming materials or bait used in or resulting from fishing with conventional hook and line gear in the Sanctuary;

(120) (B) Biodegradable effluents incidental to vessel use and generated by marine sanitation devices approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1322;

(121) (C) Water generated by routine vessel operations (e.g., cooling water, deck wash down, and graywater as defined by section 312 of the Federal Water Pollution Control Act, as amended, 33 U.S.C 1322) excluding oily wastes from bilge pumping:

(122) (D) Engine exhaust; or

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

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

(125) (4) Drilling into, dredging or otherwise altering the seabed of the Sanctuary (except by anchoring); or constructing, placing or abandoning any structure, material or other matter on the seabed of the Sanctuary.

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

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

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

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

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

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

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

(133) (c) The prohibitions in paragraphs (a)(2)(i), (iii), and (iv), (4) and (10) of this section do not apply to necessary activities conducted in areas of the Sanctuary outside the no-activity zones and incidental to exploration for, development of, or production of oil or gas in those areas.

(134) (d) The prohibitions in paragraphs (a)(2) through (10) of this section do not apply to activities necessary to respond to emergencies threatening life, property, or the environment.

(135) (e)(1) The prohibitions in paragraphs (a)(2) through (10) of this section do not apply to activities being carried out by the Department of Defense as of the effective date of Sanctuary designation (January 18, 1994). Such activities shall be carried out in a manner that minimizes any adverse impact on Sanctuary resources and qualities. The prohibitions in paragraphs (a)(2) through (10) of this section do not apply to any new activities carried out by the Department of Defense that do not have the potential for any significant adverse impacts on Sanctuary resources or qualities. Such activities shall be carried out in a manner that minimizes any adverse impact on Sanctuary resources and qualities. New activities with the potential for significant adverse impacts on Sanctuary resources or qualities may be exempted from the prohibitions in paragraphs (a)(2) through (10) of this section by the Director after consultation between the Director and the Department of Defense. If it is determined that an activity may be carried out, such activity shall be carried out in a manner that minimizes any adverse impact on Sanctuary resources and qualities.

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

(137) (f) The prohibitions in paragraphs (a)(2) through (10) 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 §922.48 and §922.123 or a Special Use permit issued pursuant to section 310 of the Act.

(138) (g) The prohibitions in paragraphs (a)(2) through (10) of this section do not apply to any activity authorized by any lease, permit, license, approval or other authorization issued after January 18, 1994, provided that the applicant complies with §922.49, the Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization, and the applicant complies with any terms and conditions the Director deems necessary to protect Sanctuary resources and qualities.

(139) (h) Notwithstanding paragraphs (f) and (g) of this section, in no event may the Director issue a National Marine Sanctuary permit under §922.48 and §922.123 or Special Use permit under section 10 of the Act authorizing, or otherwise approve, the exploration for, development of, or production of oil, gas or minerals in a no-activity zone. Any leases, permits, approvals, or other authorizations authorizing the exploration for development of, or production of oil, gas or minerals in a no-activity zone and issued after the January 18, 1994 shall be invalid.

§922.123 Permit procedures and criteria.

(140) (a) A person may conduct an activity prohibited by §922.122(a)(2) through (10) if conducted in accordance with the scope, purpose, terms, and conditions of a permit issued under this section and §922.48.

(141) (b) Applications for such permits should be addressed to the Director, Office of Ocean and Coastal Resource Management; ATTN: Manager, Flower Garden Banks National Marine Sanctuary, 1716 Briarcrest Drive, Suite 702, Bryan, TX 77802.

(142) (c) The Director, at his or her discretion, may issue a permit, subject to such terms and conditions as he or she deems appropriate, to conduct an activity prohibited by §922.122(a)(2) through (10), if the Director finds that the activity will: further research related to Sanctuary resources; further the educational, natural or historical resource value of the Sanctuary; further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty; or assist in managing the Sanctuary. In deciding whether to issue a permit, the Director shall consider such factors as: the professional qualifications and financial ability of the applicant as related to the proposed activity; the duration of the activity and the duration of its effects; the appropriateness of the methods and procedures proposed by the applicant for the conduct of the activity; the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities; the cumulative effects of the activity; and the end value of the activity. In addition, the Director may

consider such other factors as he or she deems appropriate.

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

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

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

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

(146) This appendix contains a second set of boundary coordinates using the geographic positions of the North American Datum of 1983 (NAD 83). FGBNMS coordinates are now provided in both North American Datum of 1927 (NAD 27) and NAD 83.

Point No.	**Latitude** (N)	**Longitude** (W)
East Flower Garden Bank: (NAD 27)		
E-1	27°52'53.83"	93°37'41.30"
E-2	27°53'34.83"	93°38'23.35"
E-3	27°55'13.64"	93°38'40.34"
E-4	27°57'30.72"	93°38'33.27"
E-5	27°58'27.67"	93°37'46.12"
E-6	27°59'01.41"	93°35'31.75"
E-7	27°59'00.51"	93°35'09.69"
E-8	27°55'22.38"	93°34'14.79"
E-9	27°54'04.05"	93°34'18.89"
E-10	27°53'26.71"	93°35'05.01"
E-11	27°52'52.07"	93°36'57.23"
West Flower Garden Bank: (NAD 27)		
W-1	27°49'10.16"	93°50'45.27"
W-2	27°50'12.36"	93°52'10.47"
W-3	27°51'12.83"	93°52'51.63"
W-4	27°51'32.41"	93°52'50.67"
W-5	27°52'49.89"	93°52'24.77"
W-6	27°55'00.93"	93°49'43.68"
W-7	27°54'58.33"	93°48'37.54"
W-8	27°54'35.26"	93°47'10.36"
W-9	27°54'14.80"	93°46'49.28"
W-10	27°53'35.64"	93°46'51.25"
W-11	27°52'57.34"	93°47'15.26"
W-12	27°50'40.26"	93°47'22.14"
W-13	27°49'10.90"	93°48'42.72"
Stetson Bank: (NAD 27)		
S-1	28°09'30.07"	94°18'31.34"
S-2	28°10'09.24"	93°18'29.57"
S-3	28°10'06.89"	93°17'23.26"
S-4	28°09'27.70"	94°17'25.04"
East Flower Garden Bank: (NAD 83)		
E-1	27°52'54.84"	93°37'41.84"
E-2	27°53'35.80"	93°38'23.89"
E-3	27°55'14.61"	93°38'40.89"
E-4	27°57'31.68"	93°38'33.81"
E-5	27°58'28.63"	93°37'46.67"
E-6	27°59'02.38"	93°35'32.29"
E-7	27°59'01.47"	93°35'10.23"
E-8	27°55'23.35"	93°34'15.32"
E-9	27°54'05.02"	93°34'19.42"
E-10	27°53'27.68"	93°35'05.54"
E-11	27°52'53.04"	93°36'57.77"
West Flower Garden Bank: (NAD 83)		
W-1	27°49'11.14"	93°50'45.83"
W-2	27°50'13.34"	93°52'11.04"
W-3	27°51'13.81"	93°52'52.20"
W-4	27°51'33.39"	93°52'51.24"
W-5	27°52'50.86"	93°52'25.34"
W-6	27°55'01.91"	93°49'44.25"
W-7	27°54'59.30"	93°48'38.11"
W-8	27°54'36.23"	93°47'10.91"
W-9	27°54'15.78"	93°46'49.85"
W-10	27°53'36.61"	93°46'51.82"
W-11	27°52'58.32"	93°47'15.82"
W-12	27°50'41.24"	93°47'22.70"
W-13	27°49'11.88"	93°48'43.28"
Stetson Bank: (NAD 83)		

Point No.	Latitude (N)	Longitude (W)
S-1	28°09'31.03"	94°18'31.98"
S-2	28°10'10.20"	93°18'30.21"
S-3	28°10'07.84"	93°17'23.90"
S-4	28°09'28.66"	94°17'25.68"

Appendix B to Subpart L of Part 922–Coordinates for the Department of the Interior Topographic Lease Stipulations for OCS Lease Sale 171

(147) East Garden Bank
(148) Block A-366 Texas Leasing Map No. 7C (High Island Area East Addition South Extension)
(149) SE¼, SW¼; S½, NE¼; SE¼, SE¼, NW¼, SE¼,
(150) S½, SE¼
(151) Block A-367
(152) W¼, NW¼, SW¼; SW¼, W¼, SW¼.
(153) Block A-374
(154) W½, NW¼, NW¼; W½, SW¼, NW¼; SE¼, SW¼,
(155) NW¼; SW¼, NE¼, SW¼; W½, SW¼; W½, SE¼,
(156) SW¼; SE¼, SE¼, SW¼.
(157) Block A-375
(158) E½; E½, NW¼; E½, NW¼, NW¼, SW¼, NW¼, NW¼; E½,
(159) SW¼, NW¼; NW¼, SW¼, NW¼, SW¼.
(160) Block A–376
(161) W½, NW¼, SW¼; SW¼, SW¼, SW¼.
(162) Block A–388
(163) NE¼; E½, NW¼; E½, NW¼, NW¼; NE¼, SW¼, NW¼; E½,
(164) NE¼, SW¼; NW¼, NE¼, SW¼; NE¼, NW¼, SW¼; NE¼,
(165) SE¼, SW¼, NE¼; NE¼, NE¼, SE¼; W½, NE¼, SE¼; NW¼,
(166) Block A–389
(167) NE¼, NW¼; NW¼, NW¼; SW¼, NW¼; NE¼, SE¼, NW¼; W½,
(168) SE¼, NW¼; N½, NW¼, SW¼.
(169) West Garden Bank
(170) Block A-383 Texas Leasing Map No. 7C (High Island Area East Addition South Extension)
(171) E½, SE¼, SE¼; SW¼, SE¼, SE¼.
(172) Block A-384
(173) W½, SW¼, NE¼, SE¼, SW¼, NE¼; S ½, SE¼,
(174) NE¼; SE¼, NW¼; E ½, SW¼; E½, NW¼, SW¼;
(175) SW¼, NW¼, SW¼, SW¼, SW¼; SE¼.
(176) Block A-385
(177) SW¼, SW¼, NW¼; NW¼, SW¼; NW¼, SW¼, SW¼.
(178) Block A-397
(179) W½, W½, NW¼; W½, NW¼, SW¼; NW¼, SW¼,
(180) SW¼.
(181) Block A-398
(182) Entire Block
(183) Block A-399
(184) E½; SE¼, NE¼, NW¼; E½, SE¼, NW¼; E½,
(185) NE¼; SW¼, SW¼, NE¼, SW¼, NE¼, SE¼, SW¼.
(186) Block A-401
(187) NE¼, NE¼; N½, NW¼; NE¼, NE¼, SE¼, NE¼.
(188) Block 134 *Official Protraction Diagram NG15-02 (Garden Banks)*
(189) That portion of the block north of a line connecting a point on the east boundary of Block 134, X=1,378,080.00', Y=10,096,183.00', with a point on the west boundary of Block 134, X=1,367,079, 385', Y=10,096,183,000', defined under the Universal Transverse Mercator grid system.
(190) Block 135 *Official Protraction Diagram NG15-02 (Garden Banks)*
(191) That portion of the block northwest of a line connecting the southeast corner of Texas Leasing Map No. 7C, Block A-398, X=1,383, 293, 840', Y=10,103,281,930', with a point on the west boundary of Official Protraction Diagram NG15–02, Block 135, X=1,378,080,000', Y=10,096,183,000', defined under the Universal Transverse Mercator grid system.

Subpart P–Florida Keys National Marine Sanctuary

§922.160 Purpose.

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

(193) (b) Section 304(e) of the NMSA requires the Secretary to review management plans and regulations every five years, and make necessary revisions. Upon

completion of the five year review of the Sanctuary management plan and regulations, the Secretary will repropose the regulations in their entirety with any proposed changes thereto, including those regulations in subparts A and E of this part that apply to the Sanctuary. The Governor of the State of Florida will have the opportunity to review the reproposed regulations before they take effect and if the Governor certifies such regulations as unacceptable, they will not take effect in State waters of the Sanctuary.

§922.161 Boundary.

(194) The Sanctuary consists of all submerged lands and waters from the mean high water mark to the boundary described in Appendix I to this subpart, with the exception of areas within the Dry Tortugas National Park. Appendix I to this subpart sets forth the precise Sanctuary boundary established by the Florida Keys National Marine Sanctuary and Protection Act.

§922.162 Definitions.

(195) (a) The following definitions apply to the Florida Keys National Marine Sanctuary regulations. To the extent that a definition appears in 922.3 and this section, the definition in this section governs.

(196) *Acts* means the Florida Keys National Marine Sanctuary and Protection Act, as amended, (FKNMSPA) (Pub. L. 101-605), and the National Marine Sanctuaries Act (NMSA), also known as Title III of the Marine Protection, Research, and Sanctuaries Act, as amended, (MPRSA) (16 U.S.C. 1431 et seq.).

(197) *Adverse effect* means any factor, force, or action that independently or cumulatively damages, diminishes, degrades, impairs, destroys, or otherwise harms any Sanctuary resource, as defined in section 302(8) of the NMSA (16 U.S.C. 1432(8)) and in this section, or any of the qualities, values, or purposes for which the Sanctuary is designated.

(198) *Airboat* means a vessel operated by means of a motor driven propeller that pushes air for momentum.

(199) *Areas To Be Avoided* means the areas in which vessel operations are prohibited pursuant to section 6(a)(1) of the FKNMSPA (see §922.164(a)). Appendix VII to this subpart sets forth the geographic coordinates of these areas, including any modifications thereto made in accordance with section 6(a)(3) of the FKNMSPA.

(200) *Closed* means all entry or use is prohibited.

(201) *Coral* means the corals of the Class Hydroza (stinging and hydro corals); the Class Authozoa, Subclass Hexacorallia, Order Scleractinia (stony corals) and Antipatharia (black corals).

(202) *Coral area* means marine habitat where coral growth abounds including patch reefs, outer bank reefs, deepwater banks, and hardbottoms.

(203) *Coral reefs* means the hard bottoms, deep-water banks, patch reefs, and outer bank reefs.

(204) *Ecological Reserve* means an area of the Sanctuary consisting of contiguous, diverse habitats, within which uses are subject to conditions, restrictions and prohibitions, including access restrictions, intended to minimize human influences, to provide natural spawning, nursery, and permanent residence areas for the replenishment and genetic protection of marine life, and also to protect and preserve natural assemblages of habitats and species within areas representing a broad diversity of resources and habitats found within the Sanctuary. Appendix IV to this subpart sets forth the geographic coordinates of these areas.

(205) *Existing Management Area* means an area of the Sanctuary that is within or is a resource management area established by NOAA or by another Federal authority of competent jurisdiction as of the effective date of these regulations where protections above and beyond those provided by Sanctuary-wide prohibitions and restrictions are needed to adequately protect resources. Appendix II to this subpart sets forth the geographic coordinates of these areas.

(206) *Exotic species* means a species of plant, invertebrate, fish, amphibian, reptile or mammal whose natural zoogeographic range would not have included the waters of the Atlantic Ocean, Caribbean, or Gulf of Mexico without passive or active introduction to such area through anthropogenic means.

(207) *Fish* means finfish, mollusks, crustaceans, and all forms of marine animal and plant life other than marine mammals and birds.

(208) *Fishing* means: (1) The catching, taking, or harvesting of fish; the attempted catching, taking, or harvesting of fish; any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or any operation at sea in support of, or in preparation for, any activity described in this subparagraph (1).

(209) (2) Such term does not include any scientific research activity which is conducted by a scientific research vessel.

(210) *Hard bottom* means a submerged marine community comprised of organisms attached to exposed solid rock substrate. Hard bottom is the substrate to which corals may attach but does not include the corals themselves.

(211) *Idle speed* only/no-wake means a speed at which a boat is operated that is no greater than 4 knots or does not produce a wake.

(212) *Idle speed only/no-wake zone* means a portion of the Sanctuary where the speed at which a boat is operated may be no greater than 4 knots or may not produce a wake.

(213) *Length overall (LOA) or length* means, as used in §922.167 with a respect to a vessel, the horizontal distance, rounded to the nearest foot (with 0.5 ft and above rounded upward), between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments.

(214) *Live rock* means any living marine organism or an assemblage thereof attached to a hard substrate, including dead coral or rock but not individual mollusk shells (e.g., scallops, clams, oysters). Living marine organisms associated with hard bottoms, banks, reefs, and live rock may include, but are not limited to: sea anemones (Phylum Cnidaria: Class Anthozoa: Order Actinaria); sponges (Phylum Porifera); tube worms (Phylum Annelida), including fan worms, feather duster worms, and Christmas tree worms; bryozoans (Phylum Bryzoa); sea squirts (Phylum Chordata); and marine algae, including Mermaid's fan and cups (Udotea spp.), corraline algae, green feather, green grape algae (Caulerpa spp.) and watercress (Halimeda spp.).

(215) *Marine life species* means any species of fish, invertebrate, or plant included in sections (2), (3), or (4) of Rule 46–42.001, Florida Administrative Code, reprinted in Appendix VIII to this subpart.

(216) *Military activity* means an activity conducted by the Department of Defense with or without participation by foreign forces, other than civil engineering and other civil works projects conducted by the U.S. Army Corps of Engineers.

(217) *No-access buffer zone* means a portion of the Sanctuary where vessels are prohibited from entering regardless of the method of propulsion.

(218) *No motor zone* means an area of the Sanctuary where the use of internal combustion motors is prohibited. A vessel with an internal combustion motor may access a no motor zone only through the use of a push pole, paddle, sail, electric motor or similar means of operation but is prohibited from using it's internal combustion motor.

(219) *Not available for immediate use* means not readily accessible for immediate use, e.g., by being stowed unbaited in a cabin, locker, rod holder, or similar storage area, or by being securely covered and lashed to a deck or bulkhead.

(220) *Officially marked channel* means a channel marked by Federal, State of Florida, or Monroe County officials of competent jurisdiction with navigational aids except for channels marked idle speed only/no wake.

(221) *Personal watercraft* means any jet air-powered watercraft operated by standing, sitting, or kneeling on or behind the vessel, in contrast to a conventional boat, where the operator stands or sits inside the vessel, and that uses an inboard engine to power a water jet pump for propulsion, instead of a propeller as in a conventional boat.

(222) *Prop dredging* means the use of a vessel's propulsion wash to dredge or otherwise alter the seabed of the Sanctuary. Prop dredging includes, but is not limited to, the use of propulsion wash deflectors or similar means of dredging or otherwise altering the seabed of the Sanctuary. Prop dredging does not include the disturbance to bottom sediments resulting from normal vessel propulsion.

(223) *Prop scarring* means the injury to seagrasses or other immobile organisms attached to the seabed of the Sanctuary caused by operation of a vessel in a manner that allows its propeller or other running gear, or any part thereof, to cause such injury (e.g., cutting seagrass rhizomes). Prop scarring does not include minor disturbances to bottom sediments or seagrass blades resulting from normal vessel propulsion.

(224) *Residential shoreline* means any man-made or natural:

(225) (1) Shoreline,

(226) (2) Canal mouth,

(227) (3) Basin, or

(228) (4) Cove adjacent to any residential land use district, including improved subdivision, suburban residential or suburban residential limited, sparsely settled, urban residential, and urban residential mobile home under the Monroe County land development regulations.

(229) *Sanctuary* means the Florida Keys National Marine Sanctuary.

(230) *Sanctuary Preservation Area* means an area of the Sanctuary that encompasses a discrete, biologically important area, within which uses are subject to conditions, restrictions and prohibitions, including access restrictions, to avoid concentrations of uses that could result in significant declines in species populations or habitat, to reduce conflicts between uses, to protect areas that are critical for sustaining important marine species or habitats, or to provide opportunities for scientific research. Appendix V to this subpart sets forth the geographic coordinates of these areas.

(231) *Sanctuary wildlife* means any species of fauna, including avifauna, that occupy or utilize the submerged resources of the Sanctuary as nursery areas, feeding grounds, nesting sites, shelter, or other habitat during any portion of their life cycles.

(232) *Seagrass* means any species of marine angiosperms (flowering plants) that inhabit portions of the seabed in the Sanctuary. Those species include, but are not limited to: Thalassia testudinum (turtle grass); Syringodium filiforme (manatee grass); Halodule wrightii (shoal grass); Halophila decipiens, H. engelmannii, H. johnsonii; and Ruppia maritima.

(233) *Special-use Area* means an area of the Sanctuary set aside for scientific research and educational purposes, recovery or restoration of Sanctuary resources, monitoring, to prevent use or user conflicts, to facilitate access and use, or to promote public use and understanding of Sanctuary resources. Appendix VI to this part sets forth the geographic coordinates of these areas.

(234) *Stem* means the foremost part of a vessel, consisting of a section of timber or fiberglass, or cast, forged, or rolled metal, to which the sides of the vessel are united at the fore end, with the lower end united to the keel, and with the bowsprit, if one is present, resting on the upper end.

(235) *Stern* means the aftermost part of the vessel.

(236) *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, and that–

(237) (1) Is a United States flag vessel;

(238) (2) Operates on the navigable waters of the United States; or

(239) (3) Transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States [46 U.S.C. 2101].

(240) *Traditional fishing* means those commercial or recreational fishing activities that were customarily conducted within the Sanctuary prior to its designation as identified in the Environmental Impact Statement and Management Plan for this Sanctuary.

(241) *Tropical fish* means any species included in section (2) of Rule 46–42.001, Florida Administrative Code, reproduced in Appendix VIII to this subpart, or any part thereof.

(242) *Vessel* means a watercraft of any description, including, but not limited to, motorized and non-motorized watercraft, personal watercraft, airboats, and float planes while maneuvering on the water, capable of being used as a means of transportation in/on the waters of the Sanctuary. For purposes of this part, the terms "vessel," "watercraft," and "boat" have the same meaning.

(243) *Wildlife Management Area* means an area of the Sanctuary established for the management, protection, and preservation of Sanctuary wildlife resources, including such an area established for the protection and preservation of endangered or threatened species or their habitats, within which access is restricted to minimize disturbances to Sanctuary wildlife; to ensure protection and preservation consistent with the Sanctuary designation and other applicable law governing the protection and preservation of wildlife resources in the Sanctuary. Appendix III to this subpart lists these areas and their access restrictions.

(244) (b) Other terms appearing in the regulations in this part are defined at 15 CFR 922.3, and/or in the Marine Protection, Research, and Sanctuaries Act (MPRSA), as amended, 33 U.S.C. 1401 et seq. and 16 U.S.C., 1431 et seq.

§922.163 Prohibited activities—Sanctuary-wide.

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

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

(247) (2) *Removal of, injury to, or possession of coral or live rock*. (i) Moving, removing, taking, harvesting, damaging, disturbing, breaking, cutting, or otherwise injuring, or possessing (regardless of where taken from) any living or dead coral, or coral formation, or attempting any of these activities, except as permitted under 50 CFR part 638.

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

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

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

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

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

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

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

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

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

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

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

(259) (D) Cooling water from vessels or engine exhaust;

(260) (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 paragraph (a)(4)(i)(A) through (D) of this section and those authorized under Monroe County land use permits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(275) (10) *Take or possession of protected wildlife*. Taking any marine mammal, sea turtle, or seabird in or above the Sanctuary, except as authorized by the Marine Mammal Protection Act, as amended, (MMPA), 16 U.S.C. 1361 et seq., the Endangered Species Act, as amended, (ESA), 16 U.S.C. 1531 et seq., and the Migratory Bird Treaty Act, as amended, (MBTA) 16 U.S.C. 703 et seq.

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

(277) (12) *Harvest or possession of marine life species*. Harvesting, possessing, or landing any marine life species, or part thereof, within the Sanctuary, except in accordance with rules 46–42.001 through 46–42.003, 46–42.0035, and 46–42.004 through 46–42.007, and 46–42.009 of the Florida Administrative Code, reproduced in Appendix VIII to this subpart, and such rules shall apply mutatis mutandis (with necessary editorial changes) to all Federal and State waters within the Sanctuary.

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

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

(280) (c) Notwithstanding the prohibitions in this section and in §922.164, and any access and use restriction imposed pursuant thereto, a person may conduct an activity specifically authorized by a valid Federal, State, or local lease, permit, license, approval, or other authorization in existence on the effective date of these regulations, or by any valid right of subsistence use or access in existence on the effective date of these regulations, provided that the holder of such authorization or right complies with §922.167 and with any terms and conditions on the exercise of such authorization or right imposed by the Director as a condition of certification as he or she deems reasonably necessary to achieve the purposes for which the Sanctuary was designated.

(281) (d) Notwithstanding the prohibitions in this section and in §922.164, and any access and use restrictions imposed pursuant thereto, a person may conduct an activity specifically authorized by any valid Federal, State, or local lease, permit, license, approval, or other authorization issued after the effective date of these regulations, provided that the applicant complies with §922.168, the Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization, and the applicant complies with any terms and conditions the Director deems reasonably necessary to protect Sanctuary resources and qualities. Amendments, renewals and extensions of authorizations in existence on the effective date of these regulations constitute authorizations issued after the effective date of these regulations.

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

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

(284) (f) The prohibitions contained in paragraph (a)(5) of this section do not apply to Federal, State and local officers while performing enforcement duties and/or responding to emergencies that threaten life, property, or the environment in their official capacity.

(285) (g) Notwithstanding paragraph (b) of this section and paragraph (a) of §922.168, in no event may the Director issue a permit under §922.166 authorizing, or otherwise approve, the exploration for, leasing, development, or production of minerals or hydrocarbons within the Sanctuary, the disposal of dredged material within the Sanctuary other than in connection with beach renourishment or Sanctuary restoration projects, or the discharge of untreated or primary treated sewage (except by a certification, pursuant to §922.167, of a valid authorization in existence on the effective date of these regulations), and any purported authorizations issued by other authorities after the effective date of these regulations for any of these activities within the Sanctuary shall be invalid.

§922.164 Additional activity regulations by Sanctuary area.

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

overlapping Sanctuary areas are concurrently subject to the regulations applicable to each overlapping area.

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

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

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

(290) (ii) Taking any tropical fish.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(332) (1) 24°32.00'N., 83°00.05'W.

(333) (2) 24°37.00'N., 83°06.00'W.

(334) (3) 24°39.00'N., 83°06.00'W.

(335) (4) 24°39.00'N., 83°00.05'W.

(336) (5) 24°32.00'N., 83°00.05'W.

§922.165 Emergency regulations.

(337) Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize the imminent risk of such destruction, loss, or injury, any and all activities are subject to immediate temporary regulation, including prohibition. Emergency regulations shall not take effect in Florida territorial waters until approved by the Governor of the State of Florida. Any temporary

regulation may be in effect for up to 60 days, with one 60-day extension. Additional or extended action will require notice and comment rulemaking under the Administrative Procedure Act, notice in local newspapers, notice to Mariners, and press releases.

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

(338) (a) *National Marine Sanctuary General Permit*.

(339) (1) A person may conduct an activity prohibited by §§922.163 or 922.164, other than an activity involving the survey/inventory, research/recovery, or deaccession/transfer of Sanctuary historical resources, if such activity is specifically authorized by, and provided such activity is conducted in accordance with the scope, purpose, terms and conditions of, a National Marine Sanctuary General permit issued under this paragraph (a).

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

(341) (i) Further research or monitoring related to Sanctuary resources and qualities;

(342) (ii) Further the educational value of the Sanctuary;

(343) (iii) Further the natural or historical resource value of the Sanctuary;

(344) (iv) Further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty;

(345) (v) Assist in managing the Sanctuary; or

(346) (vi) Otherwise further Sanctuary purposes, including facilitating multiple use of the Sanctuary, to the extent compatible with the primary objective of resource protection.

(347) (3) The Director shall not issue a General permit under this paragraph (a), unless the Director also finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(369) (iv) Recovery of the resource is necessary or appropriate to protect the resource, preserve historical information, and/or further the policies and purposes of the NMSA and the FKNMSPAK, and that such permit issuance is an accordance with, and that the activity will be conducted in accordance with, all requirements of the SCR Agreement.

(370) (d) *National Marine Sanctuary Special-use Permit*.

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

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

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

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

(375) (A) Number of personnel;

(376) (B) Personnel hours;

(377) (C) Equipment;

(378) (D) Biological assessments;

(379) (E) Copying; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(413) (m) In addition to the terms and conditions listed in paragraph (k) and (1) of this section, any permit issued pursuant to this section is subject to such other terms and conditions, including conditions governing access to, or use of, Sanctuary resources, as the Director deems reasonably necessary or appropriate and in furtherance of the purposes for which the Sanctuary is designated. Such terms and conditions may include, but are not limited to:

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

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

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

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

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

§992.167 Permits for access to the Tortugas Ecological Reserve.

(419) (a) A person may enter the Tortugas North area of the Tortugas Ecological Reserve other than for passage without interruption through the reserve, for law enforcement purposes, or for purposes of monitoring pursuant to paragraph (d)(2) of §922.164, if authorized by a valid access permit issued pursuant to §922.167.

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

(421) Key West office: telephone: (305) 292-0311

(422) Marathon office: telephone: (305) 743-2437

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

(424) (i) Vessel name.

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

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

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

(428) (v) Home port.

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

(430) (vii) Number of divers.

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

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

§922.168 Certification of preexisting leases, licenses, permits, approvals, other authorizations, or rights to conduct a prohibited activity.

(433) (a) A person may conduct an activity prohibited by §§922.163 or 922.164 if such activity is specifically authorized by a valid Federal, State, or local lease, permit, license, approval, or other authorization in existence on July 1, 1997, or by any valid right of subsistence use or access in existence on July 1, 1997, provided that:

(434) (1) The holder of such authorization or right notifies the Director, in writing, within 90 days of July 1, 1997, of the existence of such authorization or right and requests certification of such authorization or right; for the area added to the Sanctuary by the boundary expansion for the Tortugas Ecological Reserve, the holder of such authorization or right notifies the Director, in writing, within 90 days of the effective date of the boundary expansion, of the existence of such authorization or right and requests certification of such authorization or right.

(435) (2) The holder complies with the other provisions of this §922.168; and

(436) (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.

(437) (b) The holder of an authorization or right described in paragraph (a) of this section authorizing an activity prohibited by Secs. 922.163 or 922.164 may conduct the activity without being an violation of applicable provisions of Secs. 922.163 or 922.164, pending final agency action on his or her certification request, provided the holder is in compliance with this §922.168.

(438) (c) Any holder of an authorization or right described in paragraph (a) of this section may request the Director to issue a finding as to whether the activity for which the authorization has been issued, or the right given, is prohibited by Secs. 922.163 or 922.164, thus requiring certification under this section.

(439) (d) Requests for findings or certifications should be addressed to the Director, Office of Ocean and Coastal Resource Management; ATTN: Sanctuary Superintendent, Florida Keys National Marine Sanctuary, P.O. Box 500368, Marathon, FL 33050. A copy of the lease, permit, license, approval, or other authorization must accompany the request.

(440) (e) 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 information requested must be received by the Director within 45 days of the postmark date of the request. The Director may seek the views of any persons on the certification request.

(441) (f) The Director may amend any certification made under this §922.168 whenever additional information becomes available justifying such an amendment.

(442) (g) 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 §922.168, in writing, to both 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.

(443) (h) Any time limit prescribed in or established under this §922.168 may be extended by the Director for good cause.

(444) (i) The holder may appeal any action conditioning, amending, suspending, or revoking any certification in accordance with the procedures set forth in §922.50.

(445) (j) Any amendment, renewal, or extension made after July 1, 1997, to a lease, permit, license, approval, other authorization or right is subject to the provisions of §922.49.

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

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

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

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

(449) (b) then runs southward and connects in succession the points at the following coordinates:

(450) (i) 25°34'N., 80°04'W.,

(451) (ii) 25°28'N., 80°05'W., and

(452) (iii) 25°21'N., 80°07'W.;

(453) (iv) 25°16'N., 80°08'W.;

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

(455) (i) 25°07'N., 80°13'W.,

(456) (ii) 24°57'N., 80°21'W.,

(457) (iii) 24°39'N., 80°52'W.,

(458) (iv) 24°30'N., 81°23'W.,

(459) (v) 24°25'N., 81°50'W.,

(460) (vi) 24°22'N., 82°48'W.,

(461) (vii) 24°37'N., 83°06'W.,

(462) (viii) 24°46'N., 83°06'W.,

(463) (ix) 24°46'N., 82°54'W.,

(464) (x) 24°44'N., 81°55'W.,

(465) (xi) 24°51'N., 81°26'W., and

(466) (xii) 24°55'N., 80°56'W.;

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

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

(469) (f) then follows the southern boundary of Biscayne National Park to the southeastern most point of Biscayne National Park; and

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

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

(472) (a) 24°34'00"N., 82°54'00"W.;

(473) (b) 24°34'00"N., 82°58'00"W.;

(474) (c) 24°39'00"N., 82°58'00"W.;

(475) (d) 24°43'00"N., 82°54'00"W.;

(476) (e) 24°43'00"N., 82°52'00"W.;

(477) (f) 24°43'00"N., 82°48'00"W.;

(478) (g) 24°42'00"N., 82°46'00"W.;

(479) (h) 24°40'00"N., 82°46'00"W.,

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

(481) (j) 24°34'00"N., 82°54'00"W.

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

(483) (a) 24°33'N., 83°09'W.;

(484) (b) 24°33'N., 83°05'W.;

(485) (c) 24°18'N., 83°05'W.;

(486) (d) 24°18'N., 83°09'W.; and

(487) (e) 24°33'N., 83°09'W.;

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

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

National Oceanic and Atmospheric Administration

KEY LARGO-MANAGEMENT AREA

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

Point	Latitude	Longitude
1	25°19.45'N.	80°12.00'W.
2	25°16.02'N.	80°08.07'W.
3	25°07.05'N.	80°12.05'W.
4	25°58.03'N.	80°19.08'W.
5	25°02.02'N.	80°25.25'W.
6	25°19.45'N.	80°12.00'W.

LOOE KEY MANAGEMENT AREA

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

Point	Latitude	Longitude
1	24°31.62'N.	80°26.00'W.
2	25°33.57'N.	80°26.00'W.
3	25°34.15'N.	80°23.00'W.
4	25°32.20'N.	80°23.00'W.
5	25°31.62'N.	80°26.00'W.

UNITED STATES FISH AND WILDLIFE SERVICE

GREAT WHITE HERON NATIONAL WILDLIFE REFUGE

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

Point	Latitude	Longitude
1	24°43.8'N.	81°48.6'W.
2	24°43.8'N.	81°37.2'W.
3	24°49.2'N.	81°37.2'W.
4	24°49.2'N.	81°19.8'W.
5	24°48.0'N.	81°19.8'W.
6	24°48.0'N.	81°14.4'W.
7	24°49.2'N.	81°14.4'W.
8	24°49.2'N.	81°08.4'W.
9	24°43.8'N.	81°08.4'W.
10	24°43.8'N.	81°14.4'W.
11	24°43.2'N.	81°14.4'W.
12	24°43.2'N.	81°16.2'W.

Point	Latitude	Longitude
13	24°42.6'N.	81°16.2'W.
14	24°42.6'N.	81°21.0'W.
15	24°41.4'N.	80°21.0'W.
16	24°41.4'N.	80°22.2'W.
17	24°43.2'N.	80°22.2'W.
18	24°43.2'N.	80°22.8'W.
19	24°43.8'N.	80°22.8'W.
20	24°43.8'N.	80°24.0'W.
21	24°43.2'N.	80°24.0W.
22	24°43.2'N.	80°26.4'W.
23	24°43.8'N.	80°26.4'W.
24	24°43.8'N.	81°27.0'W.
25	24°43.2'N.	81°27.0'W.
26	24°43.2'N.	81°29.4'W.
27	24°42.6'N.	81°29.4'W.
28	24°42.6'N.	81°30.6W.
29	24°41.4'N.	81°30.6'W.
30	24°41.4'N.	81°31.2W.
31	24°40.8'N.	81°31.2'W.
32	24°40.8'N.	81°32.4'W.
33	24°41.4'N.	81°32.4'W.
34	24°41.4'N.	81°34.2'W.
35	24°40.8'N.	81°34.2'W.
36	24°48.0'N.	81°35.4'W.
37	24°39.6'N.	81°35.4'W.
38	24°39.6'N.	81°36.0'W.
39	24°39.0'N.	81°36.0'W.
40	24°39.0'N.	81°37.2'W.
41	24°37.8'N.	81°37.2'W.
42	24°37.8'N.	81°37.8'W.
43	24°37.2'N.	81°37.8'W.
44	24°37.2'N.	81°40.2'W.
45	24°36.0'N.	81°40.2'W.
46	24°36.0'N.	81°40.8'W.
47	24°35.4'N.	81°40.8'W.
48	24°35.4'N.	81°42.0'W.
49	24°36.0'N.	81°42.0'W.
50	24°36.0'N.	81°48.6'W.
51	24°43.8'N.	81°48.6'W.

KEY WEST NATIONAL WILDLIFE REFUGE

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

Point	Latitude	Longitude
1	24°40.0'N.	81°49.0'W.
2	24°40.0'N.	82°10.0'W.
3	24°27.0'N.	82°10.0'W.
4	24°27.0'N.	81°49.0'W.
5	24°40.0'N.	81°49.0'W.

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

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

(494) Coordinates

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

WESTERN SAMBO

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

Point	Latitude	Longitude
1	24°33.70'N.	81°40.80'W.
2	24°28.85'N.	81°41.90'W.
3	24°28.50'N.	81°43.70'W.
4	24°33.50'N.	81°43.10'W.
5	24°33.70'N.	81°40.80'W.

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

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

TORTUGAS NORTH

Point	Latitude	Longitude
1	24°46.00'N.	83°06.00'W.
2	24°46.00'N.	82°54.00'W.
3	24°45.80'N.	82°49.00'W.
4	24°43.53'N.	82°48.00'W.
5	24°43.53'N.	82°52.00'W.

Point	Latitude	Longitude
6.....	24°43.00'N.	82°54.00'W.
7.....	24°39.00'N.	82°58.00'W.
8.....	24°39.00'N.	83°06.00'W.
9.....	24°46.00'N.	83°06.00'W.

(499) (4) The boundary of Tortugas South is formed by connecting in succession the points at the following coordinates

TORTUGAS SOUTH

Point	Latitude	Longitude
1.....	24°33.00'N.	83°09.00'W.
2.....	24°33.00'N.	83°05.00'W.
3.....	24°18.00'N.	83°05.00'W.
4.....	24°18.00'N.	83°09.00'W.
5.....	24°33.00'N.	83°09.00'W.

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

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

ALLIGATOR REEF

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

Point	Latitude	Longitude
1.....	24°50.98'N.	80°36.84'W.
2.....	24°50.51'N.	80°37.35'W.
3.....	24°50.81'N.	80°37.63'W.
4.....	24°51.23'N.	80°37.17'W.
5.....	24°50.98'N.	80°36.84'W.

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

CARYSFORT/SOUTH CARYSFORT REEF

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

Point	Latitude	Longitude
1.....	25°13.78'N.	80°12.00'W.
2.....	25°12.03'N.	80°12.98'W.
3.....	25°12.24'N.	80°13.77'W.
4.....	25°14.13'N.	80°12.78'W.
5.....	25°13.78'N.	80°12.00'W.

CHEECA ROCKS

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

Point	Latitude	Longitude
1.....	24°54.42'N.	80°36.91'W.
2.....	24°54.25'N.	80°36.77'W.
3.....	24°54.10'N.	80°37.00'W.
4.....	24°54.22'N.	80°37.15'W.
5.....	24°54.42'N.	80°36.91'W.

COFFINS PATCH

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

Point	Latitude	Longitude
1.....	24°41.47'N.	80°57.68'W.
2.....	24°41.12'N.	80°57.53'W.
3.....	24°40.75'N.	80°58.33'W.
4.....	24°41.06'N.	80°58.48'W.
5.....	24°41.47'N.	80°57.68'W.

CONCH REEF

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

Point	Latitude	Longitude
1.....	24°57.48'N.	80°27.47'W.
2.....	24°57.34'N.	80°27.26'W.
3.....	24°56.78'N.	80°27.52'W.
4.....	24°56.96'N.	80°27.73'W.
5.....	24°57.48'N.	80°27.47'W.

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

DAVIS REEF

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

Point	Latitude	Longitude
1.....	24°55.61'N.	80°30.27'W.
2.....	24°55.41'N.	80°30.05'W.
3.....	24°55.11'N.	80°30.35'W.
4.....	24°55.34'N.	80°30.52'W.
5.....	24°55.61'N.	80°30.27'W.

DRY DOCKS

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

Point	Latitude	Longitude
1.....	25°07.59'N.	80°17.91'W.
2.....	25°07.41'N.	80°17.70'W.
3.....	25°07.25'N.	80°17.82'W.
4.....	25°07.41'N.	80°18.09'W.
5.....	25°07.59'N.	80°17.91'W.

GRECIAN ROCKS

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

Point	Latitude	Longitude
1	25°06.91'N.	80°18.20'W.
2	25°06.67'N.	80°18.06'W.
3	25°06.39'N.	80°18.32'W.
4	25°06.42'N.	80°18.48'W.
5	25°06.81'N.	80°18.44'W.
6	25°06.91'N.	80°18.20'W.

EASTERN DRY ROCKS

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

Point	Latitude	Longitude
1.....	24°27.92'N.	81°50.55'W.
2.....	24°27.73'N.	81°50.33'W.
3.....	24°27.47'N.	81°50.80'W.
4.....	24°27.72'N.	81°50.86'W.
5.....	24°27.92'N.	81°50.55'W.

THE ELBOW

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

Point	Latitude	Longitude
1.....	25°08.97'N.	80°15.63'W.
2.....	25°08.95'N.	80°15.22'W.
3.....	25°08.18'N.	80°15.64'W.
4.....	25°08.50'N.	80°16.07'W.
5.....	25°08.97'N.	80°15.63'W.

FRENCH REEF

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

Point	Latitude	Longitude
1.....	25°02.20'N.	80°20.63'W.
2.....	25°01.81'N.	80°21.02'W.
3.....	25°02.36'N.	80°21.27'W.
4.....	25°02.20'N.	80°20.63'W.

HEN AND CHICKENS

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

Point	Latitude	Longitude
1.....	24°56.38'N.	80°32.86'W.
2.....	24°56.21'N.	80°32.63'W.
3.....	24°55.96'N.	80°32.95'W.
4.....	24°25.04'N.	80°33.19'W.
5.....	24°56.38'N.	80°32.86'W.

LOOE KEY

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

Point	Latitude	Longitude
1.....	24°33.24'N.	81°24.03'W.
2.....	24°32.70'N.	81°23.85'W.
3.....	24°32.52'N.	81°24.70'W.
4.....	24°33.12'N.	81°24.81'W.
5.....	24°33.24'N.	81°24.03'W.

MOLASSES REEF

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

Point	Latitude	Longitude
1.....	25°01.00'N.	80°22.53'W.

Point	Latitude	Longitude
2.....	25°01.06'N.	80°21.84'W.
3.....	25°00.29'N.	80°22.70'W.
4.....	25°00.72'N.	80°22.83'W.
5.....	25°01.00'N.	80°22.53'W.

NEWFOUND HARBOR KEY

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

Point	Latitude	Longitude
1.....	24°37.10'N.	81°23.34'W.
2.....	24°36.85'N.	81°23.28'W.
3.....	24°36.74'N.	81°23.80'W.
4.....	24°37.00'N.	81°23.86'W.
5.....	24°37.10'N.	81°23.34'W.

ROCK KEY

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

Point	Latitude	Longitude
1.....	24°27.48'N.	81°51.35'W.
2.....	24°27.30'N.	81°51.15'W.
3.....	24°27.21'N.	81°51.60'W.
4.....	24°27.45'N.	81°51.65'W.
5.....	24°27.48'N.	81°51.35'W.

SAND KEY

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

Point	Latitude	Longitude
1.....	24°27.58'N.	81°52.29'W.
2.....	24°27.01'N.	81°52.32'W.
3.....	24°27.02'N.	81°52.95'W.
4.....	24°27.61'N.	81°52.94'W.
5.....	24°27.58'N.	81°52.29'W.

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

SOMBRERO KEY

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

Point	Latitude	Longitude
1.....	24°37.91'N.	81°06.78'W.
2.....	24°37.50'N.	81°06.19'W.
3.....	24°37.25'N.	81°06.90'W.
4.....	24°37.91'N.	81°06.78'W.

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

Appendix VI to Subpart P of 922—Special-Use Areas Boundary

(523) Coordinates and Use Designations

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

CONCH REEF

(525) (Research Only)—[Based on differential Global Positioning Systems data]

Point	Latitude	Longitude
1.....	24°56.83'N.	80°27.26'W.
2.....	24°57.10'N.	80°26.93'W.
3.....	24°56.99'N.	80°27.26'W.
4.....	24°57.34'N.	80°27.26'W.
5.....	24°56.83'N.	80°72.26'W.

EASTERN SAMBO

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

Point	Latitude	Longitude
1.....	24°29.84'N.	81°39.59'W.
2.....	24°29.55'N.	81°39.35'W.
3.....	24°29.37'N.	81°39.96'W.
4.....	24°29.77'N.	81°40.03'W.
5.....	24°29.84'N.	81°39.59'W.

LOOE KEY

(527) (Research Only)—[Based on differential Global Positioning Systems data]

Point	Latitude	Longitude
1.....	24°34.17'N.	81°23.01'W.
2.....	24°33.98'N.	81°22.96'W.
3.....	24°33.84'N.	81°23.60'W.

Point	Latitude	Longitude
4	24°34.23'N.	81°23.68'W.
5	24°34.17'N.	81°23.01'W.

TENNESSEE REEF

(528) (Research Only)—[Based on differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°44.77'N.	80°47.12'W.
2	24°44.57'N.	80°46.98'W.
3	24°44.68'N.	80°46.59'W.
4	24°44.95'N.	80°46.74'W.
5	24°44.77'N.	80°47.12'W.

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

(529) Coordinates

IN THE VICINITY OF THE FLORIDA KEYS

(530) [Reference Charts: United States 11466, 27th Edition—September 1, 1990 and United States 11450, 4th Edition—August 11, 1990]

Point	Latitude	Longitude
1	25°45.00'N.	80°06.10'W.
2	25°38.70'N.	80°02.70'W.
3	25°22.00'N.	80°03.00'W.
4	25°06.38'N.	80°10.48'W.
5	24°56.37'N.	80°19.26'W.
6	24°37.90'N.	80°47.30'W.
7	24°29.20'N.	81°17.30'W.
8	24°22.30'N.	81°43.17'W.
9	24°28.00'N.	81°43.17'W.
10	24°28.70'N.	81°43.50'W.
11	24°29.80'N.	81°43.17'W.
12	24°33.10'N.	81°35.15'W.
13	24°33.60'N.	81°26.00'W.
14	24°38.20'N.	81°07.00'W.
15	24°43.20'N.	80°53.20'W.
16	24°46.10'N.	80°46.15'W.
17	24°51.10'N.	80°37.10'W.
18	24°57.50'N.	80°27.50'W.
19	25°09.90'N.	80°16.20'W.
20	25°24.00'N.	80°09.10'W.
21	25°31.50'N.	80°07.00'W.
22	25°39.70'N.	80°06.85'W.
23	25°45.00'N.	80°06.10'W.

IN THE VICINITY OF KEY WEST HARBOR

(531) [Reference Chart: United States 11434, 21st Edition—August 11, 1990]

Point	Latitude	Longitude
24	24°27.95'N.	81°48.65'W.
25	24°23.00'N.	81°53.50'W.
26	24°26.60'N.	81°58.50'W.
27	24°27.75'N.	81°55.70'W.
28	24°29.35'N.	81°53.40'W.
29	24°29.35'N.	81°50.00'W.
30	24°27.95'N.	81°48.65'W.

AREA SURROUNDING THE MARQUESAS KEYS

(532) [Reference Chart: United States 11434, 21st Edition—August 11, 1990]

Point	Latitude	Longitude
31	24°26.60'N.	81°59.55'W.
32	24°23.00'N.	82°03.50'W.
33	24°23.60'N.	82°27.80'W.
34	24°34.50'N.	82°37.50'W.
35	24°43.00'N.	82°26.50'W.
36	24°38.31'N.	81°54.06'W.
37	24°37.91'N.	81°53.40'W.
38	24°36.15'N.	81°51.78'W.
39	24°34.40'N.	81°50.60'W.
40	24°33.44'N.	81°49.73'W.
41	24°31.20'N.	81°52.10'W.
42	24°28.70'N.	81°56.80'W.
43	24°26.60'N.	81°59.55'W.

AREA SURROUNDING THE DRY TORTUGAS ISLANDS

(533) [Reference Chart: United States 11434, 21st Edition—August 11, 1990]

Point	Latitude	Longitude
44	24°32.00'N.	82°53.50'W.
45	24°32.00'N.	83°00.05'W.
46	24°39.70'N.	83°00.05'W.
47	24°45.60'N.	82°54.40'W.
48	24°45.60'N.	82°47.02'W.
49	24°42.80'N.	82°43.90'W.
50	24°39.50'N.	82°43.90'W.
51	24°35.60'N.	82°46.40'W.
52	24°32.00'N.	82°53.50'W.

TITLE 33–NAVIGATION AND NAVIGABLE WATERS

Part 26–Vessel Bridge-to-Bridge Radiotelephone Regulations

§26.01 Purpose.

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

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

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

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

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

§26.02 Definitions.

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

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

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

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

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

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

(545) *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.

(546) *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.

(547) **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.

§26.03 Radiotelephone required.

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

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

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

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

(552) (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.

(553) (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.

(554) (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.

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

(556) (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):

(557) (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;

(558) (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

(559) (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.

(560) (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).

(561) **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.

§26.04 Use of the designated frequency.

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

(563) (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.

(564) (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.

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

(566) (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.

§26.05 Use of radiotelephone.

(567) 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.

§26.06 Maintenance of radiotelephone; failure of radiotelephone.

(568) Section 6 of the Act states –

(569) (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.

§26.07 Communications.

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

§26.08 Exemption procedures.

(571) (a) The Commandant has redelegated to the Assistant Commandant for Marine Safety, Security and Environmental Protection, 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.

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

(573) (c) Each petition must be submitted in writing to U.S. Coast Guard, Marine Safety, Security and Environmental Protection, 2100 Second Street SW., Washington, DC 20593-0001, and must state:

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

(575) (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.

§26.09 List of exemptions.

(576) (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.

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

Part 80–COLREGS Demarcation Lines

§80.01 General basis and purpose of demarcation lines.

(578) (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.

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

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

§80.738 Puerto Rico and Virgin Islands.

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

(582) (b) A line drawn from Puerto San Juan Light to Cabras Light across the entrance of San Juan Harbor.

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

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

80.745 Cape Sable, FL to Cape Romano, FL.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(597) (b) A line drawn from La Costa Test Pile North Light to Port Boca Grande Light.

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

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

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

(601) (f) A line drawn from Big Sarasota Pass Light 14 to the southernmost extremity of Lido Key.

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

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

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

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

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

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

(607) (a) A line drawn across Blind Pass, between Treasure Island and Long Key, parallel with the general trend of the seaward, highwater shoreline.

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

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

(610) (d) A line drawn from the northernmost extremity of Honeymoon Island to Anclote Anchorage South Entrance Light 7; thence to Anclote Key 28°10.0'N., 82°50.6'W; thence a straight line through Anclote River Cut B Range Rear Light to the shoreline.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(627) (d) A line drawn from the south shore of Southwest Cape at longitude 84°22.7'W. to Dog Island Reef East Light 1; thence to Turkey Point Light 2; thence to the easternmost extremity of Dog Island.

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

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

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

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

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

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

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

(634) (c) A line drawn from the northernmost extremity of Crooked Island 000°T. to the mainland.

(635) (d) A line drawn from the easternmost extremity of Shell Island 120° true to the shoreline across the east entrance to St. Andrews Bay.

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

(637) (f) A line drawn between the seaward end of the Choctawhatchee Bay Entrance Jetties.

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

(639) (h) A line drawn between the seaward end of the Perdido Pass Jetties.

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

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

(641) (b) A line drawn from Mobile Point Light to Dauphin Island Channel Light 1 to the eastern corner of Fort Gaines at Pelican Point.

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

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

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

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

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

(647) 29°44.1'N., 88°53.0'W.; thence to

(648) 29°26.5'N., 88°55.6'W.

§80.825 Mississippi Passes, LA.

(649) (a) A line drawn from

(650) 29°26.5'N., 88°55.6'W. to

(651) 29°10.6'N., 88°59.8'W.; thence to

(652) 29°03.5'N., 89°03.7'W.; thence to

(653) 28°58.8'N., 89°04.3'W.

(654) (b) A line drawn from

(655) 28°58.8'N., 89°04.3'W.; to

(656) 28°57.3'N., 89°05.3'W.; thence to

(657) 28°56.95'N., 89°05.6'W.; thence to

(658) 29°00.4'N., 89°09.8'W.; thence following the general trend of the seaward highwater shoreline in a northwesterly direction to

(659) 29°03.4'N., 89°13.0'W.; thence west to

(660) 29°03.5'N., 89°15.5'W.; thence following the general trend of the seaward highwater shoreline in a southwesterly direction to

(661) 28°57.7'N., 89°22.3'W.

(662) (c) A line drawn from

(663) 28°57.7'N., 89°22.3'W.; to

(664) 28°51.4'N., 89°24.5'W.; thence to

(665) 28°52.65'N., 89°27.1'W.; thence to the seaward extremity of the Southwest Pass West Jetty located at

(666) 28°54.5'N., 89°26.1'W.

(667) (d) A line drawn from Mississippi River South Pass East Jetty Light 4 to Mississippi River South Pass West Jetty Light; thence following the general trend of the seaward highwater shoreline in a northwesterly direction to

(668) 29°03.4'N., 89°13.0'W.; thence west to

(669) 29°03.5'N., 89°15.5'W.; thence following the general trend of the seaward, highwater shoreline in a southwesterly direction to Mississippi River Southwest Pass Entrance Light.

(670) (e) A line drawn from Mississippi River Southwest Pass Entrance Light; thence to the seaward extremity of the Southwest Pass West Jetty located at coordinate latitude 28°54.5'N. longitude 89°26.1'W.

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

(671) (a) A line drawn from the seaward extremity of the Southwest Pass West Jetty located at coordinate latitude 28°54.5'N. longitude 89°26.1'W.; thence following the general trend of the seaward, highwater jetty and shoreline in a north, northeasterly direction to Old Tower latitude 28°58.8'N. longitude 89°23.3'W.; thence to West Bay Light; thence to coordinate latitude 29°05.2'N. longitude 89°24.3'W.; thence a curved line following the general trend of the highwater shoreline

to Point au Fer Island except as otherwise described in this section.

(672) (b) A line drawn across the seaward extremity of the Empire Waterway (Bayou Fontanelle) entrance jetties.

(673) (c) An east-west line drawn from the westernmost extremity of Grand Terre Islands in the direction of 194° true to the Grand Isle Fishing Jetty Light.

(674) (d) A line drawn between the seaward extremity of the Belle Pass Jetties.

(675) (e) A line drawn from the westernmost extremity of the Timbalier Island to the easternmost extremity of Isles Dernieres.

(676) (f) A south-north line drawn from Caillou Bay Light 13 across Caillou Boca.

(677) (g) A line drawn 107° true from Caillou Bay Boat Landing Light across the entrances to Grand Bayou du Large and Bayou Grand Caillou.

(678) (h) A line drawn on an axis of 103° true through Taylors Bayou Entrance Light 2 across the entrances to Jack Stout Bayou, Taylors Bayou, Pelican Pass, and Bayou de West.

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

(679) (a) A line drawn from Point au Fer to Atchafalaya Channel Light 34, to Point au Fer Reef Light 33; thence to Atchafalaya Bay Pipeline Light D, latitude 29°25.0'N., longitude 91°31.7'W.; thence to Atchafalaya Bay Light 1, 29°25.3'N., 91°35.8'W.; thence to South Point.

(680) (b) Lines following the general trend of the highwater shoreline drawn across the bayou and canal inlets from the Gulf of Mexico between South Point and Calcasieu Pass except as otherwise described in this section.

(681) (c) A line drawn on an axis of 140° true through Southwest Pass Vermilion Bay Light 4 across Southwest Pass.

(682) (d) A line drawn across the seaward extremity of the Freshwater Bayou Canal Entrance Jetties.

(683) (e) A line drawn from Mermentau Channel East Jetty Light 6 to Mermentau Channel West Jetty Light 7.

(684) (f) A line drawn from the radio tower charted in approximate position latitude 29°45.7'N., longitude 93°06.3'W., 115° true across Mermentau Pass.

(685) (g) A line drawn across the seaward extremity of the Calcasieu Pass Jetties.

§80.840 Sabine Pass, TX to Galveston, TX.

(686) (a) A line drawn from the Sabine Pass East Jetty Light to the seaward end of the Sabine Pass West Jetty.

(687) (b) Lines drawn across the small boat passes through the Sabine Pass East and West Jetties.

(688) (c) A line formed by the centerline of the highway bridge over Rollover Pass at Gilchrist.

§80.845 Galveston, TX to Freeport, TX.

(689) (a) A line drawn from Galveston North Jetty Light 6A to Galveston South Jetty Light 5A.

(690) (b) A line formed by the centerline of the highway bridge over San Luis Pass.

(691) (c) Lines formed by the centerlines of the highway bridges over the inlets to Christmas Bay (Cedar Cut) and Drum Bay.

(692) (d) A line drawn from the seaward extremity of the Freeport North Jetty to Freeport Entrance Light 6; thence Freeport Entrance Light 7; thence the seaward extremity of Freeport South Jetty.

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

(693) (a) Except as otherwise described in this section lines drawn continuing the general trend of the seaward, highwater shorelines across the inlets to Brazos River Diversion Channel, San Bernard River, Cedar Lakes, Brown Cedar Cut, Colorado River, Matagorda Bay, Cedar Bayou, Corpus Christi Bay, and Laguna Madre.

(694) (b) A line drawn across the seaward extremity of Matagorda Ship Channel North Jetties.

(695) (c) A line drawn from the seaward tangent of Matagorda Peninsula at Decros Point to Matagorda Light.

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

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

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

Part 110–Anchorage Regulations

§110.1 General.

(699) (a) The areas described in Subpart A of this part are designated as special anchorage areas for purposes of 33 U.S.C. §§2030(g) and 2035(j). 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 (33 U.S.C. 2035). Vessels of less than 20 meters are not required to exhibit anchor lights or shapes required by rule 30 of the Inland Navigation Rules (33 U.S.C. 2030).

(700) (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).

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

(702) (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.

Subpart A–Special Anchorage Areas

§110.74 Marco Island, Marco River, Fla.

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

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

§110.74a Manatee River, Bradenton, Fla.

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

(706) 27°31'18.6"N., 82°36'49.2"W.; thence westerly to

(707) 27°31'21.0"N., 82°37'07.2"W.; thence northwesterly to

(708) 27°31'22.2"N., 82°37'08.4"W.; thence northeasterly to

(709) 27°31'25.8"N., 82°37'00.0"W.; thence easterly to

(710) 27°31'24.0"N., 82°36'44.4"W.; thence to the point of beginning.

§110.74b Apollo Beach, Fla.

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

(712) 27°46'50.2"N., 82°25'27.8"W.; thence southeasterly to

(713) 27°46'45.6"N., 82°25'23.2"W.; thence southwesterly to

(714) 27°46'35.8"N., 82°25'34.8"W.; thence northwesterly to

(715) 27°46'39.9"N., 82°25'39.6"W.; thence to the point of beginning.

§110.74c Bahia de San Juan, P.R.

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

§110.75 Corpus Christi Bay, Tex.

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

Subpart B–Anchorage Grounds

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

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

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

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

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

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

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

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

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

§110.193 Tampa Bay, Fla.

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

(726) 27°38'30"N., 82°39'09"W.; and extending northeasterly to

(727) 27°39'48"N., 82°37'15"W.; thence southeasterly to

(728) 27°39'17"N., 82°36'46"W.; thence southwesterly to

(729) 27°37'52"N., 82°38'38"W.; thence northwesterly to the point of beginning.

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

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

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

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

(734) 27°54'34"N., 82°26'35"W.; thence northerly 1,000 feet to

(735) 27°54'43"N., 82°26'40"W.; thence westerly 500 feet to

(736) 27°54'41"N., 82°26'45"W.; thence southerly 1,000 feet to

(737) 27°54'32"N., 82°26'40"W.; thence easterly 500 feet to the point of beginning.

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

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

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

§110.193a St. Joseph Bay, Fla.

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

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

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

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

§110.194 Mobile Bay, Ala., at entrance.

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

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

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

§110.194a Mobile Bay, Ala., and Mississippi Sound, Miss.

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

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

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

(751) (2) In emergencies or whenever maritime or commercial interests of the United States so require, the

Captain of the Port is authorized to shift the position of any craft in the anchorages.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(764) (4) *Boothville Anchorage*. An area 5.5 miles in length along the right descending bank of the river extending from mile 13.0 to mile 18.5 above Head of Passes. The width of the anchorage is 750 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 250 feet from the water's edge into the river as measured from the Low Water Reference Plane (LWRP). The outer boundary of the anchorage is a line parallel to the nearest bank 1,000 feet from the water's edge into the river as measured from the LWRP.

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

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

(767) (7) *Magnolia Anchorage*. An area 2.1 miles in length along the right descending bank of the river extending from mile 45.5 to mile 47.6 above Head of Passes. The width of the anchorage is 700 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 1,100 feet from the water's edge into the river as measured from the LWRP.

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

(769) (9) *Davant Anchorage*. An area 1.1 miles in length along the left descending bank of the river extending from mile 52.8 to mile 53.9 above Head of Passes. The width of the anchorage is 800 feet.

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

(771) (11) *Wills Point Anchorage*. An area 1.1 miles in length along the left descending bank of the river

extending from mile 66.5 to mile 67.6 above Head of Passes. The width of the anchorage is 600 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 200 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(772) (12) *Cedar Grove Anchorage*. An area 1.2 miles in length along the right descending bank of the river extending from mile 69.9 to mile 71.1 above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 200 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

(773) (13) *Belle Chasse Anchorage*. An area 2.1 miles in length along the right descending bank of the river extending from mile 73.1 to mile 75.2 above Head of Passes. The width of the anchorage is 575 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 425 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 1,000 feet from the water's edge into the river as measured from the LWRP.

(774) (14) *Lower 12 Mile Point Anchorage*. An area 2.2 miles in length along the right descending bank of the river extending from mile 78.6 to mile 80.8 above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 300 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

(775) (15) *Lower 9 Mile Point Anchorage*. An area 2.3 miles in length along the right descending bank of the river extending from mile 82.7 to mile 85.0 above Head of Passes. The width of the anchorage is 500 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 300 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 800 feet from the water's edge into the river as measured from the LWRP.

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

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

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

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

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

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

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

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

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

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

(786) (21) *Ama Anchorage*. An area 1.8 miles in length along the left descending bank of the river extending from mile 115.5 to mile 117.3 above Head of Passes. The width of the anchorage is 400 feet. The inner

boundary of the anchorage is a line parallel to the nearest bank 300 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

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

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

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

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

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

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

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

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

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

(796) (29) *White Castle Anchorage*. An area 0.7 mile in length along the right descending bank of the river extending from mile 190.4 to mile 191.1 above Head of Passes. The width of the anchorage is 300 feet. The inner boundary of the anchorage is a line parallel to the nearest bank 400 feet from the water's edge into the river as measured from the LWRP. The outer boundary of the anchorage is a line parallel to the nearest bank 700 feet from the water's edge into the river as measured from the LWRP.

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

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

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

(800) (32) *Middle Baton Rouge Anchorage*. An area 0.2 mile in length near midchannel between mile 229.6 and mile 229.8 above Head of Passes with the west limit 1,100 feet off the right descending bank and having a width of 700 feet at both the upper and lower limits.

(801) (33) *Upper Baton Rouge Anchorage*. An area 0.4 mile in length near midchannel between mile 230.6 and mile 231.0 above Head of Passes with the west limit 1,100 feet off the right descending bank and having a width of 1,075 feet at the upper limit and 1,200 feet at the lower limit.

(802) (b) *Temporary Anchorages*. (1) Temporary anchorages are non-permanent anchorages established by the Commander, Eighth Coast Guard District to provide additional anchorage space. Establishment of temporary anchorage is based on recommendation by the Captain of the Port.

(803) (2) Each vessel using temporary anchorages shall anchor as prescribed by the Captain of the Port.

(804) (3) Establishment of each temporary anchorage and any requirement for the temporary anchorage will be published in the Local Notice to Mariners.

(805) (4) Each person who has notice of any requirement prescribed for a temporary anchorage shall comply with that requirement.

(806) (c) *The Regulations*. (1) Anchoring in the Mississippi River below Baton Rouge, LA., including South and Southwest Passes is prohibited outside of established anchorages except in cases of emergency. In an emergency. If it becomes necessary to anchor a vessel outside an established anchorage, the vessel shall be anchored so that it does not interfere with or endanger any facility or other vessel. The master or person in charge of the vessel shall notify the Captain of the Port of the location of the emergency anchoring by the most expeditious means and shall move the vessel as soon as the emergency is over.

(807) (2) In an emergency, if it becomes necessary to anchor a vessel in South Pass or Southwest Pass, the vessel shall be positioned as close to the left descending bank as possible.

(808) (3) No vessel may be anchored unless it maintains a bridge watch, guards and answers Channel 16 FM (or the appropriate VTS New Orleans sector frequency), maintains an accurate position plot and can take appropriate action to ensure the safety of the vessel, structure, and other vessels.

(809) (4) When anchoring individually, or in fleets, vessels shall be anchored with sufficient anchors, or secured with sufficient lines, to ensure their remaining in place and withstanding the actions of the winds, currents and the suction of passing vessels.

(810) (5) No vessel may be anchored over revetted banks of the river or within any cable or pipeline area. The locations of revetted areas and cable and pipeline areas may be obtained from the District Engineer, Corps of Engineers, New Orleans, La.

(811) (6) The intention to transfer any cargo while in an anchorage shall be reported to the Captain of the Port, giving particulars as to name of ships involved, quantity and type of cargo, and expected duration of the operation. The Captain of the Port shall be notified upon completion of operations. Cargo transfer operations are not permitted in the New Orleans General or Quarantine Anchorages. Bunkering and similar operations related to ship's stores are exempt from reporting requirements.

(812) **Note:** Activities conducted within a designated anchorage (e.g. cargo transfer, tank cleaning, stack blowing, etc.) may be restricted by other Federal, State or local regulations. Owners, or persons in charge of any vessel should consider all safety and/or environmental regulations prior to engaging in any activity within designated anchorages.

(813) (7) Nothing in this section relieves the owner or person in charge of any vessel from the penalties for obstructing or interfering with navigational aids or for failing to comply with the navigation laws for lights, day shapes, or fog signals and any other applicable laws and regulations.

§110.196 Sabine Pass Channel, Sabine Pass, Tex.

(814) (a) *The anchorage area*. The navigable waters of Sabine Pass within a trapezoidal area 1,500 feet wide and varying uniformly in length from 5,800 feet to 3,000 feet with the long side adjacent to the northeasterly edge of Sabine Pass Channel at a location opposite the town of Sabine Pass.

(815) (b) *The regulations*. (1) The anchorage area is for the temporary use of vessels of all types, but especially for naval and merchant vessels awaiting weather and tidal conditions favorable to the resumption of their voyages.

(816) (2) Except when stress of weather or adverse tides or currents make sailing impractical or hazardous, vessels shall not anchor in the anchorage area for periods exceeding 48 hours unless expressly authorized by the Captain of the Port to anchor for longer periods.

(817) (3) Vessels shall not anchor so as to obstruct the passage of other vessels proceeding to or from available anchorage spaces.

(818) (4) Anchors shall not be placed channelward from the anchorage area, and no portion of the hull or rigging of any anchored vessel shall extend channelward from the limits of the anchorage area.

(819) (5) Vessels using spuds for anchors shall anchor as close to shore as practicable having due regard for the provisions in paragraph (b)(3) of this section.

(820) (6) Fixed moorings, piles or stakes, and floats or buoys for marking anchorages or moorings in place are prohibited.

(821) (7) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vessel anchored or moored within or outside of the anchorage area including any vessel which is moored or anchored so as to obstruct navigation or interfere with range lights.

§110.197 Galveston Harbor, Bolivar Roads Channel, Tex.

(822) (a)(1) Anchorage area (A). The water bounded by a line connecting the following points:

(823) 29°20'48.5"N., 94°42'54.0"W.;

(824) 29°20'43.0"N., 94°44'46.5"W.;

(825) 29°21'15.0"N., 94°44'27.0"W.;

(826) 29°21'05.0"N., 94°42'52.0"W.; and thence to the point of beginning.

(827) (2) Anchorage area (B). The water bounded by a line connecting the following points:

(828) 29°20'43.0"N., 94°44'46.5"W.;

(829) 29°20'37.0"N., 94°46'08.0"W.;

(830) 29°21'14.0"N., 94°45'50.0"W.;

(831) 29°21'15.0"N., 94°44'27.0"W.; and thence to the point of beginning.

(832) (3) *Anchorage area* (c). The water bounded by a line connecting the following points:

Latitude	Longitude
29°20'39.0"N.	94°46'07.5"W.
29°21'06.1"N.	94°47'00.2"W.
29°21'24.0"N.....	94°46'34.0"W.
29°21'14.5"N.....	94°45'49.0"W.

(833) and thence to the point of beginning.

(834) (b) *The regulations*. (1) The anchorage area is for the temporary use of vessels of all types, but especially for vessels awaiting weather and other conditions favorable to the resumption of their voyages.

(835) (2) Except when stress of weather makes sailing impractical or hazardous, vessels shall not anchor in anchorage areas (A) or (c) for more than 48 hours unless expressly authorized by the Captain of the Port Houston-Galveston. Permission to anchor for longer periods may be obtained through Coast Guard Vessel Traffic Service Houston/Galveston on VHF-FM channels 12 (156.60 MHz) or 13 (156.65 MHz).

(836) (3) No vessel with a draft of less than 22 feet may occupy anchorage (A) without prior approval of the Captain of the Port.

(837) (4) No vessel with a draft of less than 16 feet may anchor in anchorage (c) without prior approval of the Captain of the Port Houston-Galveston.

(838) (5) Vessels shall not anchor so as to obstruct the passage of other vessels proceeding to or from other anchorage spaces.

(839) (6) Anchors shall not be placed in the channel and no portion of the hull or rigging of any anchored vessel shall extend outside the limits of the anchorage area.

(840) (7) Vessels using spuds for anchors shall anchor as close to shore as practicable having due regard for the provisions in paragraph (b)(5) of this section.

(841) (8) Fixed moorings, piles or stakes, and floats or buoys for marking anchorages or mooring in place, are prohibited.

(842) (9) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port, or his authorized representative, may direct the movement of any vessel anchored or moored within the anchorage areas.

§110.240 San Juan Harbor, P.R.

(843) (a) *The anchorage grounds*–(1) *Temporary Anchorage E (general)*. Beginning at a point which bears 262°T., 878 yards from Isla Grande Aero Beacon; thence along a line 75°47', 498 yards; thence along a line 134°49', 440 yards; thence along a line 224°49' to the northerly channel limit of Graving Dock Channel, and thence to the point of beginning.

(844) (2) *Restricted Anchorage F.* Beginning at a point which bears 212°30', 1,337.5 yards from Isla Grande Light; thence along a line 269°00', 550 yards; thence along a line 330°00' to the westerly channel limit of Anegado Channel; and thence along the westerly channel limit of Anegado Channel to the point of beginning.

(845) (b) *The regulations*. (1) Vessels awaiting customs or quarantine shall use Temporary Anchorage E. No vessel shall remain in this anchorage more than 24 hours without a permit from the U.S. Coast Guard Captain of the Port.

(846) (2) Restricted Anchorage F shall serve both as an additional general anchorage area in cases where the temporary anchorage is full, and as an explosives anchorage for vessels loading or unloading explosives in quantities no greater than forty (40) tons, Commercial Class "A" Explosives, when so authorized by the United States Coast Guard Captain of the Port. No vessel shall enter or anchor therein without first obtaining a permit from the United States Coast Guard Captain of the Port.

§110.245 Vieques Passage and Vieques Sound, near Vieques Island, P.R.

(847) (a) *The anchorage grounds*–(1) *Vieques Passage explosives anchorage and ammunition handling berth (Area 1)*. A circular area having a radius of 1,700 yards with its center at latitude 18°09'00", longitude 65°32'40".

(848) (2) *Vieques Sound explosives anchorage and ammunition handling berth (Area 2)*. A circular area having a radius of 2,000 yards with its center at latitude 18°11'48", longitude 65°26'06".

(849) (3) *Southern Vieques Passage explosives anchorage and ammunition handling berth (Area 3)*. A circular area having a radius of 2,000 yards with its center at latitude 18°05'51", longitude 65°36'14".

(850) (b) *The regulations*. (1) No vessel or craft shall enter or remain in these anchorages while occupied by vessels having on board explosives or other dangerous cargo. Explosives in quantities no greater than 1,625 short tons will be handled in any area at one time.

(851) (2) The regulations of this section shall be enforced by the Commander, Greater Antilles Section, U.S. Coast Guard Base, San Juan, Puerto Rico, and such agencies as he may designate.

§110.250 St. Thomas Harbor, Charlotte Amalie, V.I.

(852) (a) *The anchorage grounds*–(1) *Inner harbor anchorage*. Beginning at a point bearing 085°, 525 yards from the outer end of a pier at latitude 18°20'19", longitude 64°56'26" (approximate); thence 146°, 800 yards; thence 070°, 860 yards; thence 340°, 500 yards; and thence to the point of beginning.

(853) (2) *Outer harbor anchorage*. Beginning at Scorpion Rock lighted buoy No. 1 (latitude 18°19'25.6", longitude 64°55'41.8"); thence 180° 1,580 yards; thence 264°30', 2,490 yards; thence due north 1,255 yards; thence due east to the southerly tip of Sprat Point, Water Island; thence to Cowell Point, Hassel Island; and thence to the point of beginning.

(854) (3) *East Gregerie Channel anchorage (general purpose)*. Bounded on the northeast by Hassel Island; on the southeast by the northwest boundary of the outer harbor anchorage; on the southwest by Water Island; and on the northwest by a line running from Banana Point, Water Island, 55° to Hassel Island.

(855) (4) *Small-craft anchorage*. All the waters north of a line passing through the outer end of a pier at latitude 18°20'19", longitude 64°56'26" (Approximate) and ranging 85°.

(856) (5) *Deep-draft anchorage*. A circular area having a radius of 400 yards with its center at latitude 18°19'12.2", longitude 64°58'47.8".

(857) (6) *Long Bay anchorage*. The waters of Long Bay bounded on the north by the southerly limit line of Anchorage E, on the west by the easterly limit line of Anchorage A to a point at latitude 18°20'18", thence to latitude 18°20'13", longitude 64°55'21"; and thence to the shoreline at latitude 18°20'15", longitude 64°55'13".

(858) (b) *The regulations*. (1) The outer harbor anchorage shall be used by vessels undergoing examination by quarantine, customs, immigration, and Coast Guard officers. Upon completion of these examinations vessels shall move promptly to anchorage. This anchorage shall also be used by vessels having drafts too great to permit them to use the inner harbor anchorage. No vessel shall remain more than 48 hours in this anchorage without a permit from the Harbor Master.

(859) (2) The small-craft anchorage shall be used by small vessels undergoing examination and also by small vessels anchoring under permit from the Harbor Master.

(860) (3) The requirements of the Navy shall predominate in the deep-draft anchorage. When occupied by naval vessels all other vessels and craft shall remain clear of the area. When the area is not required for naval vessels, the Harbor Master may upon application made in advance assign other vessels to the area. Vessels so assigned and occupying the area shall move promptly upon notification by the Harbor Master.

(861) (4) The harbor regulations for the Port of St. Thomas, V.I. of the United States and approaches thereto, including all waters under its jurisdiction, as adopted by the Government of the Virgin Islands, will apply to the Long Bay Anchorage.

(862) (5) In addition, the Long Bay Anchorage is reserved for all types of small vessels, including sailing and motor pleasure craft, and such craft shall anchor in no other area except Anchorage E, in the northern portion of the harbor of Charlotte Amalie.

(863) (6) Floats for marking anchors in place will be allowed in the Long Bay anchorage; stakes or mooring piles are prohibited.

(864) (7) Vessels not more than 65 feet in length are not required to exhibit or carry anchor lights within the Long Bay anchorage, but must display them if emergency requires anchoring in any other part of the harbor.

(865) (8) No vessel may anchor in any of the St. Thomas Harbor Anchorages without a permit from the Harbor Master.

(866) (9) The U.S. Coast Guard Captain of the Port of St. Thomas, is hereby empowered, whenever the maritime or commercial interests of the United States so require, to shift the position of any vessel anchored within the Long Bay anchorage, and of any vessel which is so moored or anchored as to impede or obstruct vessel movement in the harbor, and to enforce all regulations of this section should the need arise.

§110.255 Ponce Harbor, P.R.

(867) (a) *Small-craft anchorage*. On the northwest of Ponce Municipal Pier and northeast of Cayitos Reef, bounded as follows: Beginning at latitude 17°58'27", longitude 66°37'29.5", bearing approximately 325° true, 2,200 feet from the most southwest corner of Ponce Municipal Pier; thence 273°30' true, 1,800 feet; thence 015° true, 900 feet; thence 093°30' true, 1,800 feet; thence 195° true, 900 feet to the point of beginning.

(868) (b) *The regulations*. (1) The Commonwealth Captain of the Port may authorize use of this anchorage whenever he finds such use required in safeguarding the maritime or commercial interests.

(869) (2) No vessel shall anchor within the area until assigned a berth by the Commonwealth Captain of the Port. Application for permission to occupy the anchorage must be submitted in advance by the master or authorized representative of the vessel.

(870) (3) Vessels occupying the anchorage will at all times keep within the limits of the area, and shall move or shift their position promptly upon notification by the Commonwealth Captain of the Port.

(871) (4) The anchorage is reserved for all types of small craft, including schooners, fishing vessels, yachts and pleasure craft.

(872) (5) Floats for marking anchors in place will be allowed; stakes or mooring piles are prohibited.

Part 117–Drawbridge Operation Regulations

Subpart A–General Requirements

§117.1 Purpose.

(873) This subpart prescribes general requirements relating to the use and operation of drawbridges across the navigable waters of the United States.

Note

(874) The primary jurisdiction to regulate drawbridges across the navigable waters of the United States is vested in the Federal Government. Laws, ordinances, regulations, and rules which purport to regulate these bridges and which are not promulgated by the Federal Government have no force and effect.

§117.3 Applicability.

(875) The provisions of this subpart not in conflict with the provisions of Subpart B apply to each drawbridge.

Note

(876) For all of the requirements applicable to a drawbridge listed in Subpart B, one must review the requirements in Subpart A and §§117.51 through 117.99 of Subpart B, as well as the requirements in Subpart B applicable to the particular drawbridge in question.

§117.4 Definitions.

(877) Certain terms used in this part are defined in this section.

(878) *Appurtenance*. The term "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.

(879) *Lowerable*. The term "lowerable" means the nonstructural vessel appurtenance can be mechanically or manually lowered and raised again. The term "lowerable" also applies to a nonstructural vessel appurtenance which can be modified to make the item flexible, hinged, collapsible, or telescopic such that it can be mechanically or manually lowered and raised again. Failure to make the modification is considered equivalent to refusing to lower a lowerable nonstructural appurtenance that is not essential to navigation. Examples of appurtenances which are considered to be lowerable include, but are not limited to, fishing outriggers, radio antennae, television antennae, false stacks, and masts purely for ornamental purposes. Examples of appurtenances which are not considered to be lowerable include, but are not limited to, radar antennae, flying bridges, sailboat masts, piledriver leads, spud frames on hydraulic dredges, drilling derricks' substructures and buildings, cranes on drilling or construction vessels, or other items of permanent and fixed equipment.

(880) *Nonstructural*. The term "nonstructural" means that the item is not rigidly fixed to the vessel and is thus susceptible to relocation or alteration.

(881) *Not essential to navigation*. The term "not essential to navigation" means the nonstructural vessel appurtenance does not adversely affect the vessel's piloting, propulsion, control or collision avoidance capabilities when in the lowered position.

§117.5 When the draw shall open.

(882) Except as otherwise required by this subpart, drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with this subpart.

§117.7 General duties of drawbridge owners and tenders.

(883) (a) Drawbridge owners and tenders shall operate the draw in accordance with the requirement in this part.

(884) (b) Except for drawbridges not required to open for the passage of vessels, owners of drawbridges shall ensure that:

(885) (1) The necessary drawtenders are provided for the safe and prompt opening of the draw;

(886) (2) The operating machinery of the draw is maintained in a serviceable condition; and

(887) (3) The draws are operated at sufficient intervals to assure their satisfactory operation.

§117.9 Delaying opening of a draw.

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

Note

(889) 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.

§117.11 Unnecessary opening of the draw.

(890) No vessel owner or operator shall–

(891) (a) Signal a drawbridge to open if the vertical clearance is sufficient to allow the vessel, after all lowerable nonstructural vessel appurtenances that are not essential to navigation have been lowered, to safety pass under the drawbridge in the closed position; or

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

§117.15 Signals.

(893) (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.

(894) (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.

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

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

(897) (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.

(898) (3) The sound signal to request the opening of a draw is one prolonged blast followed by one short blast sounded not more than three seconds after the prolonged blast. For vessels required to be passed through a draw during a scheduled closure period, the sound signal to request the opening of the draw during that period is five short blasts sounded in rapid succession.

(899) (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.

(900) (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.

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

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

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

(904) (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 –

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

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

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

(908) (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 –

(909) (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

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

(911) (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.

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

(913) **NOTE:** Call signs and radio channels for drawbridges equipped with radiotelephones are included with the bridge descriptions in chapters 4 through 14.

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

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

§117.17 Signalling for contiguous drawbridges.

(916) 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.

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

(917) 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.

§117.21 Signalling for an opened drawbridge.

(918) 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.

§117.23 Installation of radiotelephones.

(919) (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.

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

(921) (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.

(922) (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.

§117.24 Radiotelephone installation identification.

(923) (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.

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

(925) (1) In plain language; or

(926) (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.

(927) **Note:** It is recommended that the radiotelephone sign be similar in design to the Service Signs established by the Federal Highway Administration (FHWA) in U.S. Road Symbol Signs using Reflective Blue and Reflective White colors. Color and design information is available from the District Commander of the Coast Guard District in which the bridge is located.

§117.31 Operation of draw for emergency situations.

(928) (a) When a drawtender is informed by a reliable source that an emergency vehicle is due to cross the draw, the drawtender shall take all reasonable measures to have the draw closed at the time the emergency vehicle arrives at the bridge.

(929) (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:

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

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

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

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

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

(934) 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.

§117.35 Operations during repair or maintenance.

(935) (a) When operation of the draw must deviate from the regulations in this part for scheduled repair or

maintenance work, the drawbridge owner shall request approval from the District Commander at least 30 days before the date of the intended change. The request shall include a brief description of the nature of the work to be performed and the times and dates of requested changes. The District Commander's decision is forwarded to the applicant within five working days of the receipt of the request. If the request is denied, the reasons for the denial are forwarded with the decision.

(936) (b) When the draw is rendered inoperative because of damage to the structure or when vital, unscheduled repair or maintenance work shall be performed without delay, the drawbridge owner shall immediately notify the District Commander and give the reasons why the draw is or should be rendered inoperative and the expected date of completion of the repair or maintenance work.

(937) (c) All repair or maintenance work under this section shall be performed with all due speed in order to return the draw to operation as soon as possible.

(938) (d) If the operation of the draw will be affected for periods of less than 60 days, the regulations in this part will not be amended. Where practicable, the District Commander publishes notice of temporary deviations from the regulations in this part in the Federal Register and Local Notices to Mariners. if operation of the draw is expected to be affected for more than 60 days, the District Commander publishes temporary regulations covering the repair period.

§117.37 Opening or closure of draw for public interest concerns.

(939) (a) For reasons of public health or safety or for public functions, such as street parades and marine regattas, the District Commander may authorize the opening or closure of a drawbridge for a specified period of time.

(940) (b) Requests for opening or closure of a draw shall be submitted to the District Commander at least 30 days before the proposed opening or closure and include a brief description of the proposed event or other reason for the request, the reason why the opening or closure is required, and the times and dates of the period the draw is to remain open or closed.

(941) (c) Approval by the District Commander depends on the necessity for the opening or closure, the reasonableness of the times and dates, and the overall effect on navigation and users of the bridge.

§117.39 Closure of draw due to infrequent use.

(942) Upon written request by the owner or operator of a drawbridge, the District Commander may, after notice in the Federal Register and opportunity for public comment, permit the draw to be closed and untended due to infrequency of use of the draw by vessels. The District Commander may condition approval on the continued maintenance of the operating machinery.

§117.41 Maintenance of draw in fully open position.

(943) The draw may be maintained in the fully open position to permit the passage of vessels and drawtender service discontinued if the District Commander is notified in advance. The draw shall remain in the fully open position until drawtender service is restored or authorization under §117.39 is given for the draw to remain closed and untended.

§117.43 Changes in draw operation requirements for regulatory purposes.

(944) In order to evaluate suggested changes to the drawbridge operation requirements, the District Commander may authorize temporary deviations from the regulations in this part for periods not to exceed 90 days. Notice of these deviations is disseminated in the Local Notices to Mariners and published in the Federal Register.

§117.45 Operation during winter in the Great Lakes area.

(945) (a) The Commander, Ninth Coast Guard District, may determine that drawbridges located in the Ninth Coast Guard District need not open during the winter season when general navigation is curtailed, unless a request to open the draw is given at least 12 hours before the time of the intended passage.

(946) (b) Notice of these determinations is disseminated in Local Notices to Mariners and other appropriate media. Notices indicate –

(947) (1) The name and location of the bridge affected;

(948) (2) The period of time covered; and

(949) (3) The telephone number and address of the party to whom requests for openings are given.

§117.47 Clearance gauges.

(950) (a) Clearance gages are required for drawbridges across navigable waters of the United States discharging into the Atlantic Ocean south of Delaware Bay (including the Lewes and Rehoboth Canal, DE) or into the Gulf of Mexico (including coastal waterways contiguous thereto and tributaries to such waterways and the Lower Atchafalaya River, LA), except the Mississippi River and its tributaries and outlets.

(951) (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).

Note

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

§117.49 Process of violations.

(953) (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.

(954) (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).

Subpart B–Specific Requirements

§117.51 Purpose.

(955) This subpart prescribes specific requirements relating to the operation of certain drawbridges.

Note

(956) The drawbridges under this subpart are listed by the waterway they cross and by the state in which they are located. 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.

§117.53 Applicability.

(957) (a) The requirements in this subpart apply to the bridges listed and are in addition to, or vary from, the general requirements in Subpart A.

(958) (b) A requirement in this subpart which varies from a general requirement in Subpart A supersedes the general requirement.

(959) (c) All other general requirements in Subpart A not at variance apply to the bridges listed in this subpart.

(960) (d) The draws of a number of the bridges listed in this subpart need not open for the passage of vessels during certain periods, however, this does not preclude the bridge owner from directing the drawtender to open the draw during these periods.

§117.55 Posting of requirements.

(961) (a) The owner of each drawbridge under this subpart, other than removable span bridges, shall ensure that a sign summarizing the requirements in this subpart applicable to the bridge is posted both upstream and downstream of the bridge. The requirements to be posted need not include those in Subpart A or §§117.51 through 117.99.

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

(963) (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.

§117.57 Advance notice.

(964) Owners and tenders of drawbridges requiring advance notice to open shall use all reasonable means to open the draw at the requested time and give due regard to the possibility that a brief delay may be experienced by the vessel giving the advance notice.

§117.59 Special requirements due to hazards.

(965) 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.

ALABAMA

§117.101 Alabama River.

(966) (a) The draw of the Burlington Northern railroad bridge, mile 105.3 at Coy, shall open on signal if at least 48 hours notice is given.

(967) (b) The draw of the Canadian National/Illinois Central Gulf railroad bridge, mile 277 near Montgomery, shall open on signal if at least 24 hours notice is given.

(968) (c) The draw of the CSX Transportation Railroad bridge, mile 293.3 near Montgomery, shall open on signal if at least 24 hours notice is given.

§117.103 Bayou LaBatre.

(969) The draw of the S188 bridge, mile 2.3 at Bayou LaBatre, shall open on signal; except that, the draw need not be opened from 8 p.m. to 4 a.m. daily, and from 6:30 to 8:30 a.m. and from 2 to 5 p.m. Monday through Saturday except holidays.

§117.105 Bayou Sara.

(970) The draw of the CSX Transportation Railroad bridge, mile 0.1 near Saraland, shall open on signal; except that, from 6 p.m. to 10 a.m. the draw shall open on signal if at least eight hours notice is given. During periods of severe storms or hurricanes, from the time the National Weather Service sounds an “alert” for the area until the “all clear” is sounded, the draw shall open on signal.

§117.107 Chattahoochee River.

(971) The draw of the CSX Transportation Railroad bridge, mile 117.1 near Omaha, GA, shall open on signal if at least six hours notice is given.

§117.113 Tensaw River.

(972) The draw of the CSX Transportation Railroad bridge, mile 15.0 at Hurricane, shall open on signal; except that, from 5 p.m. to 9 a.m., the draw shall open on signal if at least eight hours notice is given. During periods of severe storms or hurricanes, from the time the National Weather Service sounds an "alert" for the area until the "all clear" is sounded, the draw shall open on signal.

§117.115 Three Mile Creek.

(973) (a) The draw of the US 43 bridge, mile 1.0 at Mobile, need not be opened from 7 a.m. to 9 a.m. and from 4:30 p.m. to 6:30 p.m. daily. At all other times, the draw shall open on signal if at least 12 hours notice is given.

(974) (b) The draw of the Norfolk Southern railroad bridge, mile 1.1 at Mobile, shall open on signal if at least five days notice is given.

ARKANSAS

§117.135 Red River.

(975) The draws of the bridges above mile 276.0 at the Arkansas Louisiana border, need not be opened for the passage of vessels.

FLORIDA

§117.267 Big Carlos Pass.

(976) The draw of the SR865 bridge, mile 0.0 between Estero Island and Black Island, shall open on signal; except that, the draw need not be opened from 7 p.m. to 8 a.m.

§117.271 Blackwater River.

(977) (a) The draw of the CSX Transportation Railroad bridge, mile 2.8 at Milton, shall open on signal; except that, from 8 p.m. to 4 a.m., the draw shall open on signal if at least eight hours notice is given.

(978) (b) [Reserved]

§117.277 Clearwater Pass.

(979) (a) The draw of the SR699 bridge shall open on signal except as provided below.

(980) (b) From 11 a.m. to 6 p.m. on Saturdays, Sundays, and federal holidays the draw need open only on the hour, quarter hour, half hour, and three quarter hour. Public vessels of the United States, tugs with tows, and vessels in distress shall be passed at any time.

(981) (c) Notwithstanding the provisions of paragraph (b), the draw shall open on signal whenever a National Weather Service small-craft advisory or warning for winds of greater force is in effect.

(982) (d) From 11 p.m. to 7 a.m. a delay of up to 10 minutes may be expected unless the drawtender has been contacted by telephone or radiotelephone.

§117.279 Coffeepot Bayou.

(983) The draw of the Snell Isle Boulevard bridge, mile 0.4 at St. Petersburg, need not be opened for the passage of vessels.

§117.287 Gulf Intracoastal Waterway.

(984) (a) Public vessels of the United States, tugs with tows, and vessels in distress shall be passed through the draw of each bridge listed in this section at any time.

(985) (a-1) The draw of the Boca Grande Swingbridge, mile 34.3, shall open on signal; except that, from 7 a.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need open only on the hour and half hour. On Saturday, Sunday and Federal holidays, from 7 a.m. to 6 p.m., the draw need open only on the hour, quarter hour, half hour and three quarter hour.

(986) (a-2) The draw of the Venice Avenue bridge, mile 56.6 at Venice, shall open on signal, except that from 7 a.m. to 4:30 p.m., Monday through Friday except Federal holidays, the draw need open only at 10 minutes after the hour, 30 minutes after the hour and 50 minutes after the hour and except between 4:35 p.m. and 5:35 p.m. when the draw need not open.

(987) (b) The draw of the Hatchett Creek (US-41) bridge, mile 56.9 at Venice, shall open on signal, except that, from 7 a.m. to 4:20 p.m., Monday through Friday except Federal holidays, the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour and except between 4:25 p.m. and 5:25 p.m. when the draw need not open. On Saturdays, Sundays, and Federal holidays from 7:30 a.m. to 6 p.m. the draw need open only on the hour, quarter-hour, half-hour, and three quarter-hour.

(988) (b-1) The draw of the Siesta Drive bridge, mile 71.6 at Sarasota, Florida shall open on signal, except that from 7 a.m. to 6 p.m. Monday through Friday, except Federal holidays, the draw need open only on the hour, 20 minutes past the hour and 40 minutes past the hour. On weekends and Federal holidays, from 11 a.m. to 6 p.m., the draw need open only on the hour, 20 minutes past the hour, and 40 minutes past the hour.

(989) (c) The draw of the Ringling Causeway (SR780) bridge, mile 73.6, shall open on signal; except that, from 7 a.m. to 6 p.m., the draw need open only on the hour and half hour.

(990) (d)(1) The draw of the Cortez (SR 684) bridge, mile 87.4, shall open on signal; except that from 7 a.m. to 6 p.m., the draw need open only on the hour, twenty minutes past the hour and forty minutes past the hour.

(991) (2) The draw of the Anna Maria (SR 64) bridge, mile 89.2, shall open on signal; except that from 7 a.m. to 6 p.m., the draw need open only on the hour, twenty minutes past the hour and forty minutes past the hour.

(992) (3) [Reserved]

(993) (4) The draw of the Pinellas Bayway Structure "E" (SR 679) bridge, mile 113, at St. Petersburg Beach, shall open on signal; except that from 9 a.m. to 7 p.m. the draw need open only on the hour, 20 minutes past the hour and 40 minutes past the hour.

(994) (e) The draw of the Pinellas Bayway, Structure "C" bridge, mile 114, at St. Petersburg Beach shall open on signal; except that from 7 a.m. to 7 p.m., the draw need open only on the hour, twenty minutes past the hour, and forty minutes past the hour.

(995) (f) The draw of the Corey Causeway (SR693) bridge, mile 117.7 at South Pasadena, shall open on signal; except that, from 8 a.m. to 7 p.m. Monday through Friday, and 10 a.m. to 7 p.m. Saturdays, Sundays, and Federal holidays, the draw need be opened only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(996) (g) The draw of the Treasure Island Causeway bridge, mile 119.0, shall open on signal, except that from 7 a.m. to 7 p.m. the draw need open only on the hour, quarter hour, half hour and three quarter hour. From 11 p.m. to 7 a.m. the draw shall open on signal if at least 10 minutes advance notice is given.

(997) (h) The draw of the Welch Causeway (SR699) bridge, mile 122.8 at Madiera Beach, shall open on signal; except that, from 9:30 a.m. to 6 p.m. on Saturdays, Sundays, and Federal holidays, the draw need be opened only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(998) (i) The draw of the Belleair Causeway bridge, mile 131.8 at Clearwater, shall open on signal; except that, from 12 noon to 6 p.m., on Saturdays, Sundays, and holidays, the draw need be opened only on the hour, quarter hour, half hour, and three-quarter hour.

(999) (j) The draw of the Memorial Clearwater Causeway (SR60) bridge, mile 136.0 at Clearwater, shall open on signal; except that, from 9 a.m. to 6 p.m., the draw need be opened only on the hour, 20 minutes past the hour, and 40 minutes past the hour. From 2 p.m. to 6 p.m. Saturdays, Sundays, and Federal holidays, the draw need be opened only on the hour and half hour.

§117.291 Hillsborough River.

(1000) (a) The draws of the bridges at Platt Street, mile 0.0; Brorein Street, mile 0.16; Kennedy Boulevard, mile 0.4; Cass Street, mile 0.7; Laurel Street, mile 1.0; West Columbus Drive, mile 2.3; and West Hillsborough Avenue, mile 4.8; shall open on signal if at least two hours notice is given; except that, the draws shall open on signal as soon as possible after a request by a public vessel of the United States, a vessel owned or operated by the State, county or local government and used for public safety purposes, or a vessel in distress.

(1001) (b) The draw of the Seaboard System Railroad bridge, mile 0.7, shall open on signal from 4 p.m. to 12 midnight Monday through Friday. At all other times, the draw shall be maintained in the fully open position.

§117.297 Little Manatee River.

(1002) The draw of the Seaboard System Railroad bridge, mile 2.4 at Ruskin, shall open on signal if at least three hours notice is given.

§117.300 Manatee River.

(1003) The draw of the CSX Railroad Bridge across the Manatee River, mile 4.5 Bradenton, operates as follows:

(1004) (a) The bridge is not tended.

(1005) (b) The draw is normally in the fully open position, displaying green lights to indicate that vessels may pass.

(1006) (c) As a train approaches, provided the scanners do not detect a vessel under the draw, the lights change to flashing red and a horn continuously sounds while the draw closed. The draw remains closed until the train passes.

(1007) (d) After the train clears the bridge, the lights continue to flash red and the horn again continuously sounds while the draw opens, until the draw is fully open and the lights return to green.

§117.303 Matlacha Pass.

(1008) The draw of the SR78 bridge, mile 6.0 at Fort Myers, shall open on signal from 8 a.m. to 10 a.m. and from 3 p.m. to 7 p.m. Monday through Saturday. On Sundays the draw shall open on signal from 7 a.m. to 10 a.m. and from 3 p.m. to 7 p.m. At all other times, the draw need not be opened for the passage of vessels.

§117.311 New Pass.

(1009) The draw of the State Road 789 bridge, mile 0.05, at Sarasota, need only open on the hour, twenty minutes past the hour, and forty minutes past the hour from 7 a.m. to 6 p.m. From 6 p.m. to 7 a.m., the draw shall open on signal if at least 3 hours notice is given to the bridge tender. Public vessels of the United States, tugs with tows, and vessels in a situation where a delay would endanger life or property shall, upon proper signal, be passed at any time.

§117.317 Okeechobee Waterway.

(1010) (a) through (i) not in this Coast Pilot.

(1011) (j) Sanibel Causeway bridge, mile 151 at Punta Rassa. The draw shall open on signal; except that, from 11 a.m. to 6 p.m., the draw need open only on the hour, quarter hour, half hour, and three quarter hour. From 10 p.m. to 6 a.m. the draw will open on signal if at least a five minute advance notice is given. Exempt vessels shall be passed at any time.

(1012) (k) *Caloosahatchee River Bridge (SR 29), Mile 103, Labelle, Florida.*

(1013) The Caloosahatchee River bridge (SR 29), mile 103, shall open on signal, except that from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the bridge need not open. Exempt vessels shall be passed at any time.

§117.323 Outer Clam Bay.

(1014) The draw of the Clam Bay Boardwalk shall open on signal between 9 a.m. and 5 p.m., if at least one-hour advance notice is given. Between 5 p.m. and 9 a.m., the draw will be left in the open position.

§117.327 St. Marks River.

(1015) The draw of the U.S. 98 - SR30 bridge, mile 9.0 at Newport, need not be opened for the passage of vessels.

§117.333 Suwannee River.

(1016) The draw of Suwannee River bridge, mile 35 at Old Town need not be opened for the passage of vessels, however, the draw shall be restored to operable condition within 6 months after notification by the District Commander to do so.

§117.341 Whitcomb Bayou.

(1017) The draw of the Beckett Bridge, mile 0.5, at Tarpon Springs, Florida shall open on signal if at least two hours notice is given.

GEORGIA

§117.359 Chattahoochee River.

(1018) See §117.107, Chattahoochee River, listed under Alabama.

§117.361 Flint River.

(1019) The draws of the CSX Transportation Railroad bridges, miles 28.0 and 28.7, both at Bainbridge, shall open on signal if at least 15 days notice is given.

LOUISIANA

§117.422 Amite River.

(1020) (a) The draw of the S22 bridge, mile 6.0 at Clio, shall open on signal if at least four hours notice is given.

(1021) (b) The draws of the S16 bridge, mile 21.4 near French Settlement, and the S42 bridge, mile 32.0 at Port Vincent, shall open on signal if at least 48 hours notice is given.

§117.423 Atchafalaya River.

(1022) The draw of the Kansas City Southern Railway Bridge, mile 133.1 (mile 5.0 on N.O.S. Chart) above the mouth of the waterway, at Simmesport, shall open on signal if at least three hours advance notice is given.

§117.424 Belle River.

(1023) [Suspended]

§117.T426 Belle River.

(1024) The draw of the 570 bridge, mile 23.8 (Landside Route) shall open on signal from 8 a.m. to 5 p.m., Monday through Friday. At all other times, the bridge will open on signal if at least four hours advance notice is given.

§117.425 Black Bayou.

(1025) The draws of the Terrebonne Parish Police Jury bridges, miles 7.5, 15.0, 18.7 and 22.5, between Gibson and Houma, shall open on signal if at least 24 hours notice is given. The draw of the US90 bridge, mile 7.0 near Gibson, need not be opened for the passage of vessels.

§117.429 Boeuf Bayou.

(1026) The draw of the S307 bridge, mile 1.3 at Kraemer, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§117.433 Bonfouca Bayou.

(1027) The draw of the S433 bridge, mile 7.0, at Slidell, shall operate as follows:

(1028) (a) The draw need not open for passage of vessels from 7 a.m. to 8 a.m. and from 1:45 p.m. to 2:45 p.m., Monday through Friday except Federal Holidays.

(1029) (b) The draw need open only on the hour and half-hour from 6 a.m. to 7 a.m. and from 3 p.m. to 6 p.m., Monday through Friday except Federal holidays.

(1030) (c) The draw shall open on signal from 9 p.m. to 5 a.m., if at least 4 hours notice is given to the Louisiana Department of Transportation and Development Security Service at (504) 375-0100.

(1031) (d) At all other times the draw shall open on signal.

§§117.435 Carlin Bayou.

(1032) The draw of the S14 bridge, mile 6.4 at Delcambre, shall open on signal; except that, from 9 p.m. to 5 a.m. the draw shall open on signal if at least four hours notice is given. The draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

§117.436 Chef Menteur Pass.

(1033) The draw of the U.S. Highway 90 bridge, mile 2.8, at Lake Catherine, shall open on signal; except that, from 5:30 a.m. to 7:30 a.m., Monday through Friday except Federal holidays, the draw need open only on the hour and on the half-hour for the passage of vessels. The draw shall open at any time for a vessel in distress.

§117.437 Colyell Bayou.

(1034) The removable span of the Louisiana highway bridge, mile 1.0 near Port Vincent, shall be removed for the passage of vessels if at least 48 hours notice is given.

§117.438 Company Canal.

(1035) (a) The draw of the S1 bridge, mile 0.4 at Lockport, shall open on signal; except that, from 6 p.m. to 10 a.m. the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

(1036) (b) The draw of the S24 bridge, mile 8.1 at Bourg, shall open on signal; except that, from 10 p.m. to 6 a.m. the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

§117.439 Des Allemands Bayou.

(1037) (a) The draw of the S631 bridge, mile 13.9 at Des Allemands, shall open on signal if at least four hours notice is given.

(1038) (b) The draw of the Burlington Northern Santa Fe Railroad bridge, mile 14.0, shall open on signal Monday through Friday from 7 a.m. to 3 p.m. At all other times the draw shall open on signal if at least 4 hours notice is given.

§117.441 D'Inde Bayou.

(1039) The draw of the Union Pacific railroad bridge, mile 4.3, shall open on signal if at least 72 hours notice is given to the Defense Plant Corporation, Cities Service Refining Corporation Agent.

§117.443 Du Large Bayou.

(1040) The draw of the Terrebonne Parish bridge, mile 23.2, near Theriot, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§117.445 Franklin Canal.

(1041) The draw of the Chatsworth bridge, mile 4.8 at Franklin, shall open on signal from 5 a.m. to 9 p.m. From October 1 through January 31 from 9 p.m to 5 a.m., the draw shall be opened on signal if at least three hours notice is given. From February 1 through September 30 from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§117.447 Grand Cabahanosse Bayou.

(1042) The draw of the S70 bridge, mile 7.6 near Paincourtville, shall open on signal if at least 24 hours notice is given.

§117.449 Grosse Tete Bayou.

(1043) (a) The draw of the Texas and Pacific railroad bridge, mile 14.7 at Grosse Tete, need not be opened for the passage of vessels.

(1044) (b) The removable span of the S377 bridge, mile 15.3 near Rosedale, shall be removed for the passage of vessels if at least 48 hours notice is given.

§117.451 Gulf Intracoastal Waterway.

(1045) (a) The draw of the Lapalco Boulevard Bridge, Harvey Canal Route, mile 2.8 at Harvey, shall open on signal; except that, from 6:30 a.m. to 8:30 a.m. and from 3:45 p.m. to 5:45 p.m. Monday through Friday except holidays, the draw need not be opened for the passage of vessels.

(1046) (b) The draw of the SR 23 bridge, Algiers Alternate Route, mile 3.8 at Belle Chasse, operates as follows:

(1047) (1) The draw shall open on signal; except that, from 6 a.m. until 8:30 a.m. and from 3:30 p.m. until 5:30 p.m. Monday through Friday, except Federal holidays, the draw need not be opened for the passage of vessels.

(1048) (2) On Saturday and Sunday of the last weekend in October, the draw need not open for the passage of vessels from 4 p.m. until 7 p.m.

(1049) (c) The draw of the Bayou Dularge bridge, mile 59.9, at Houma, shall open on signal; except that, the draw need not be opened for the passage of vessels Monday through Friday except Federal holidays from 6:30 a.m. to 8:30 a.m. and from 4:30 p.m. to 6 p.m.

(1050) (d) The draw of the SR 319 (Louisiana) bridge across the Gulf Intracoastal Waterway, mile 134.0 west

of Harvey Lock, near Cypremort, shall open on signal if at least 24 hours notice is given.

(1051) (e) The draw of the Louisiana highway bridge, mile 243.8 west of Harvey Canal Locks, shall open on signal when more than 50 feet vertical clearance is required, if at least four hours notice is given to the Louisiana Department of Highways, District Maintenance Engineer, at Lake Charles.

§117.453 Houma Canal.

(1052) The draw of the US90 bridge, mile 1.7 at Houma, shall open on signal if at least four hours notice is given.

§117.455 Houma Navigation Canal.

(1053) The draw of the SR661, bridge across the Houma Navigation Canal, mile 36.0 at Houma, shall open on signal, except that the draw need not open for the passage of vessels Monday through Friday except Federal holidays from 6:30 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m.

§117.457 Houston River.

(1054) The draw of the Kansas City Southern Railroad bridge, mile 5.2 near Lake Charles, shall open on signal if at least 24 hours notice is given.

§117.458 Inner Harbor Navigation Canal, New Orleans.

(1055) (a) The draws of the SR 46 (St. Claude Avenue) bridge, mile 0.5 (GIWW mile 6.2 East of Harvey Lock), the SR 39 (Judge Seeber/Claiborne Avenue) bridge, mile 0.9 (GIWW mile 6.7 East of Harvey Lock), and the Florida Avenue bridge, mile 1.7 (GIWW mile 7.5 East of Harvey Lock), shall open on signal; except that, from 6:30 a.m. to 8:30 a.m. and from 3:30 p.m. to 5:45 p.m., Monday through Friday, except federal holidays, the draws need not open for the passage of vessels. The draws shall open at any time for a vessel in distress.

(1056) (b) The draw of the US90 (Danziger) bridge, mile 3.1, shall open on signal; except that, from 8 p.m. to 7 a.m. the draw shall open on signal if at least four hours notice is given, and the draw need not be opened from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m. Monday through Friday.

(1057) (c) The draw of the Leon C. Simon Blvd. (Seabrook) bridge, mile 4.6, shall open on signal; except that, from 7 a.m. to 8:30 a.m. and 5 p.m. to 6:30 p.m. Monday through Friday, the draw need not be opened.

§117.459 Kelso Bayou

(1058) The draw of the S27 bridge mile 0.7 at Hackberry, shall operate as follows:

(1059) (a) From May 20, through October 31, the draw shall open on signal from 7 a.m. to 7 p.m. From 7 p.m. to 7 a.m., the draw shall open on signal if at least four hours notice is given.

(1060) (b) From November 1 through December 22, the draw shall open on signal from 7 a.m. to 3 p.m. From 3 p.m. to 7 a.m., the draw shall open on signal if at least four hours notice is given.

(1061) (c) From December 23 through May 19, the draw shall open on signal if at least 24 hours notice is given.

§117.460 La Carpe Bayou.

(1062) The draw of the S661 bridge, mile 7.5, shall open on signal if at least four hours advance notice is given; except that, the draw need not be opened for the passage of vessels Monday through Friday except holidays from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m.

§117.461 Lacassine Bayou.

(1063) The draws of the S14 bridge, mile 17.0, and the Southern Pacific railroad bridge, mile 20.4, both near Hayes, shall open on signal if at least 24 hours notice is given.

§117.463 Lacombe Bayou.

(1064) The draw of the US190 bridge, mile 6.8 at Lacombe, shall open on signal if at least 48 hours notice is given.

§117.465 Lafourche Bayou.

(1065) (a) The draws of the SR1 bridge, mile 30.6 and the SR1 bridge, mile 33.9, both near Cutoff, shall open on signal; except that, from 2:30 p.m. to 3:30 p.m. and from 4:30 p.m. to 5:30 p.m. Monday through Friday except Federal holidays, the draws need not be opened for the passage of vessels.

(1066) (b) The draws of the S3220 bridge, mile 49.2 near Lockport, and the S655 bridge, mile 50.8 at Lockport, shall open on signal; except that, from 6 p.m. to 10 a.m. the draws shall open on signal if at least four hours notice is given. During the advance notice period, the draws shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

(1067) (c) The draw of the State Route LA 654 bridge, mile 53.2 at Clotilda, shall open if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

(1068) (d) The draws of the S3199 bridge, mile 58.2, and the Lafourche Parish bridge, mile 58.7, both at Raceland, shall open on signal if at least six hours notice is given.

(1069) (e) The draws of the S649 bridge, mile 66.6 shall open on signal if at least forty-eight hours notice is given.

(1070) (f) The draws of the Burlington Northern Santa Fe railroad bridge, mile 69.0 at Lafourche, and all bridges upstream of the Burlington Northern Santa Fe railroad bridge need not be opened for the passage of vessels.

§117.467 Lake Pontchartrain.

(1071) (a) The south draw of the S11 bridge near New Orleans shall open on signal if at least 48 hours notice is given. In case of emergency, the draw shall open within 12 hours and shall be kept in condition for immediate operation until the emergency is over.

(1072) (b) The draw of the Greater New Orleans Expressway Commission Causeway shall open on signal if at least three hours notice is given; except that, the draw need not be opened for the passage of vessels Monday through Friday except Federal holidays from 5:30 a.m. to 9:30 a.m. and from 3 p.m. until 7 p.m. The draw will open on signal for any vessel in distress or vessel waiting immediately following the closures listed above.

§117.469 Liberty Bayou.

(1073) The draw of the S433 bridge, mile 2.0 at Slidell, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§117.471 Little Black Bayou.

(1074) The draw of the Southern Pacific railroad bridge, mile 1.3 at Southdown, need not be opened for the passage of vessels.

§117.475 Little (Petit) Caillou Bayou.

(1075) (a) The draws of the S58 bridge, mile 25.7 at Sarah, the Terrebonne Parish (Smith Ridge) bridge, mile 26.6 near Montegut, shall open on signal; except that, from 9 p.m. to 5 a.m., the draws shall open on signal if at least 12 hours notice is given.

(1076) (b) The draws of the Terrebonne Parish (DuPlantis) bridge, mile 29.9 near Bourg, and the S24 bridge, mile 33.7 at Presquille, shall open on signal if at least four hours notice is given. The draws shall open on less than four hours notice for an emergency, and shall open on signal should a temporary surge in waterway traffic occur.

§117.477 Lower Atchafalaya River.

(1077) The draw of the St. Mary Parish bridge, mile 26.8 at Patterson, shall open on signal from 5 a.m. to 9 p.m. From October 1 through January 31 from 9 p.m. to 5 a.m., the draw shall open on signal if at least three hours notice is given. From February 1 through September 30 from 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§117.478 Lower Grand River.

(1078) (a) The draw of the LA 75 bridge, mile 38.4 (Alternate Route) at Bayou Sorrel, shall open on signal; except that, from about August 15 to about June 5 (the school year), the draw need not be opened from 6 a.m. to 7:30 a.m. and from 3 p.m. to 4:30 p.m., Monday through Friday except holidays. The draw shall open on signal at any time for an emergency aboard a vessel.

(1079) (b) The draw of the LA 77 bridge, mile 47.0 (Alternate Route) at Grosse Tete, shall open on signal; except that, from about August 15 to about June 5 (the school year), the draw need not be opened from 6 a.m. to 8 a.m. and from 2:30 p.m. to 4:30 p.m., Monday through Friday except Federal holidays. The draw shall open on signal at any time for an emergency aboard a vessel.

(1080) (c) The draw of the S997 bridge, mile 41.5 (Landside Route) at Pigeon, shall open on signal; except that, from 10 p.m. to 6 a.m., the draw shall open on signal if at least four hours notice is given. During the advanced notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

§117.480 Mermentau River.

(1081) The draw of the S82 bridge, mile 7.1 at Grand Chenier, shall open on signal; except that, from 6 p.m. to 6 a.m. the draw shall open on signal if at least 4 hours notice is given. During the advance notice period, the draw will open on less than 4 hours notice for an emergency and will open on demand should a temporary surge in waterway traffic occur.

§117.482 Nezpique Bayou.

(1082) The draw of the S97 bridge, mile 7.0 near Jennings, shall open on signal if at least 48 hours notice is given.

§117.484 Pass Manchac.

(1083) The draw of the Canadian National/Illinois Central Railroad automated bridge, mile 6.7, at Manchac, operates as follows:

(1084) (a) The draw is not constantly manned and the bridge will normally be maintained in the open position, providing 56 feet vertical clearance above mean high tide to the raised tip of the bascule span for one-half the channel, and unlimited vertical clearance for the other half.

(1085) (b) Railroad track circuits will detect an approaching train and initiate bridge closing warning broadcasts over marine radio and over the Public Address (PA) system six (6) minutes in advance of the train's

arrival. Navigation channel warning lights will be lit, and photoelectric (infrared) boat detectors will monitor the waterway beneath the bridge for the presence of vessels. The waterway approaches to the bridge will be monitor by closed circuit TV (CCTV) cameras.

(1086) (c) Activation of the warning broadcasts also activates a marine radio monitor in the Mays Yard (New Orleans switch yard). The yardmaster will continuously monitor marine radio broadcasts on the normal and emergency marine radio channels throughout the warning period and at all times the bridge is closed. The yardmaster will communicate with waterway users via the marine radio, if necessary.

(1087) (d) At the end of warning period, if no vessels have been detected by the boat detectors, and no interruptions have been performed by the yardmaster based on his monitoring of the marine radio and the CCTV, the bridge lowering sequence will automatically proceed.

(1088) (e) Upon passage of the train, the bridge will automatically open. Railroad track circuits will initiate the automatic bridge opening and closing sequences. (Estimated duration that the bridge will remain closed for passage of rail traffic is 10 to 12 minutes.) The bridge will also be manually operable from two locked trackside control locations (key releases) on the approach spans, one on each side of the movable span.

(1089) (f) The yardmaster will be provided with a remote EMERGENCY STOP button which, if pressed, will stop the bridge operation, interrupt the lowering sequence, and immediately return the bridge to the open position. The yardmaster will utilize this control feature in the event a vessel operator issues an urgent radio call to keep the waterway open for immediate passage of the vessel.

§117.485 Patout Bayou.

(1090) The draw of the S83 bridge, mile 0.4 near Weeks, shall open on signal if at least four hours notice is given.

§117.486 Pierre Pass.

(1091) The draw of the S70 bridge, mile 1.0 at Pierre Part, shall open on signal; except that, from 10 p.m. to 6 a.m., the draw shall open on signal if at least four hours notice is given. During the advance notice period, the draw shall open on less than four hours notice for an emergency and shall open on demand should a temporary surge in waterway traffic occur.

§117.487 Plaquemine Bayou.

(1092) (a) The draw of the S3066 (Spur) bridge, mile 6.5 at Indian Village, shall open on signal if at least four hours notice is given.

(1093) (b) The draws of the Union Pacific railroad bridge, mile 10.5 at Plaquemine, and the S1 bridge, mile 10.5 at Plaquemine, need not be opened for the passage of vessels.

§117.488 Pearl River.

(1094) (a) The draw of the CSX Transportation railroad bridge, mile 1.0 near English Lookout, shall open on signal; except that, from 9 p.m. to 5 a.m. the draw shall open on signal if at least four hours notice is given.

(1095) (b) The draw of the US 90 highway bridge, mile 8.8 near Pearlington, shall open on signal; except that, from 7 p.m. to 7 a.m. the draw shall open on signal if at least four hours notice is given.

§117.489 Plaquemine Brule Bayou.

(1096) (a) The draw of the Union Pacific railroad bridge, mile 5.1 near Midland, shall open on signal if at least 24 hours notice is given.

(1097) (b) The draw of the S91 bridge, mile 8.0 at Estherwood, shall open on signal from 5 a.m. to 9 p.m. if at least four hours notice is given. From 9 p.m. to 5 a.m., the draw shall open on signal if at least 12 hours notice is given.

§117.491 Red River.

(1098) (a) The draw of the Union Pacific Railroad bridge, mile 90.1, at Alexandria, shall open on signal if at least eight hours notice is given.

(1099) (1) S107 bridge, mile 59.5, at Moncla

(1100) (2) Union Pacific Railroad bridge, mile 90.1, at Alexandria

(1101) (b) The draw of the US 165 (Jackson St.) bridge, mile 88.6, at Alexandria, shall open on signal if at least eight hours notice is given; except that, from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. the draw need not opened Monday through Friday except holidays.

(1102) (c) The draws of the bridges above mile 105.8 through mile 234.4 shall open on signal if at least 48 hours notice is given.

(1103) (d) The draws of the bridges above mile 234.4 to mile 276 need not be opened for passage of vessels.

(1104) (e) When a vessel which has given notice fails to arrive at the time specified in the notice, the drawtender shall remain on duty for up to two additional hours to open the draw if that vessel appears. After that time, a new notice of the appropriate length of time is required.

§117.493 Sabine River.

(1105) (a) The draw of the Union Pacific railroad bridge, mile 19.3 near Echo and the Kansas City Southern railroad bridge, mile 36.2 near Ruliff, shall open on signal if at least 24 hours notice is given.

(1106) (b) The Kansas City Southern railroad bridge, mile 36.2 near Ruliff and the draw of the S12 bridge, mile 40.8 at Starks, need not be opened for passage of vessels.

§117.494 Schooner Bayou Canal.

(1107) The draw of the S82 bridge, mile 4.0 from White Lake at Little Prairie Ridge, shall open on signal; except that, from 10 p.m. to 6 a.m. the draw shall open on signal if at least four hours notice is given. The draw shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

§117.495 Superior Oil Canal.

(1108) The draw of the S82 bridge, mile 6.3, in Cameron Paris shall open on signal if at least 8 hours notice is given. Public vessels of the United States and vessels in distress shall be passed as soon as possible.

§117.497 Stumpy Bayou.

(1109) The removable span of the Louisiana highway bridge, mile 1.0 near Weeks Island, shall be removed for the passage of vessels if at least six days notice is given.

§117.499 Tante Phine Pass.

(1110) The draw of the Tidewater Associated Oil Company bridge, mile 7.6 near Venice, shall open on signal if at least 24 hours notice is given.

§117.500 Tchefuncta River.

(1111) The draw of the SR 22 bridge, mile 2.5 at Madisonville, shall open on signal; except that, from 5 a.m. to 8 p.m., the draw need open only on the hour and half-hour. The draw shall open on signal at any time for a vessel in distress or for an emergency aboard a vessel.

§117.501 Teche Bayou.

(1112) (a) The draws of the following bridges shall open on signal if at least four hours notice is given:

(1113) (1) St. Mary Parish bridge, mile 3.9 at Calumet.

(1114) (2) St. Mary Parish bridge, mile 11.8 at Centerville.

(1115) (3) S3069 bridge, mile 16.3 at Franklin.

(1116) (4) S322 bridge, mile 17.2 at Franklin.

(1117) (5) S323 bridge, mile 22.3 at Oaklawn.

(1118) (6) St Mary Parish bridge, mile 27.0 at Baldwin.

(1119) (7) S324 bridge, mile 32.5 at Charenton.

(1120) (8) S670 bridge, mile 37.0 at Adeline.

(1121) (9) St. Mary Parish bridge, mile 38.9 at Sorrel.

(1122) (10) S671 bridge, mile 41.8 at Jeanerette.

(1123) (11) S3182 bridge, mile 43.5 at Jeanerette.

(1124) (12) LSU Agri bridge, mile 46.5 near Jeanerette (notice required for opening from 7 a.m. to 5 p.m., Monday through Friday except holidays).

(1125) (13) S320 bridge, mile 48.7 at Oliver.

(1126) (14) S3195 bridge, mile 50.4 at New Iberia.

(1127) (15) S87 Spur Bridge, mile 52.5 at New Iberia.

(1128) (16) S86 bridge, mile 53.0 at New Iberia.

(1129) (17) S3156 bridge, mile 53.3 at New Iberia.

(1130) (18) S44 bridge, mile 56.7 at Morbihan.

(1131) (19) Iberia Parish bridge, mile 58.0 at New Iberia.

(1132) (20) Iberia Parish bridge, mile 60.7 at Vida.

(1133) (21) S344 bridge, mile 62.5 at Loreauville.

(1134) (22) S86 Bridge, mile 69.0 at Daspit.

(1135) (23) S92 bridge, mile 73.3 at St. Martinville.

(1136) (b) The draws of the S96 bridge, mile 75.2 at St. Martinville, the S350 bridge, mile 82.0 at Parks, shall open on signal if at least 24 hours notice is given.

(1137) (c) The draws of the S31 bridge, mile 90.5, at Breaux Bridge, and the Union Pacific railroad bridge, mile 91.0, at Breaux Bridge, shall open on signal if at least 48 hours notice is given.

(1138) (d) The draws of the bridges listed in paragraph (a) of this section shall open on less than four hours notice for an emergency during the advance notice period, and shall open on signal should a temporary surge in waterway traffic occur.

§117.505 Terrebonne Bayou.

(1139) (a) The draw of the S58 Bridge, mile 22.2 at Montegut, and the draw of the S55 bridge, mile 27.3 at Klondyke, shall open on signal; except that from 9 p.m. to 5 a.m. the draws shall open on signal if at least four hours notice is given.

(1140) (b) The draw of the S3087 bridge, mile 31.3 at Houma, shall open on signal; except that, from 5 p.m. to 9 a.m. the draw shall open on signal if at least four hours notice is given.

(1141) (c) The draws of the Howard Avenue bridge, mile 35.0, and the Daigleville bridge, mile 35.5, at Houma, shall open on signal; except that, the draws need not open for the passage of vessels Monday through Friday, except holidays from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m. From 10 p.m. to 6 a.m., the draws shall open on signal if at least four hours notice is given.

(1142) (d) During advance notice periods, the draws of the bridges listed in this section shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

§117.507 Tigre Bayou.

(1143) The draw of the S330 bridge, mile 2.3 near Delcambre, shall open on signal if at least four hours notice is given. The draw shall open on less than four

hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

§117.509 Vermilion River.

(1144) (a) The draw of the S82 bridge, mile 22.4 at Perry, shall open on signal; except that, from 9 p.m. to 5 a.m. the draw shall open on signal if at least four hours notice is given.

(1145) (b) The draws of the following bridges shall open on signal; except that, from 6 p.m. to 10 a.m. the draws shall open on signal if at least four hours notice is given:

(1146) (1) S14 bridge, mile 25.4 at Abbeville.

(1147) (2) S14 Bypass bridge, mile 26.0 at Abbeville.

(1148) (3) Vermilion Parish bridges, mile 34.2 near Milton.

(1149) (4) S92 bridge, mile 37.6 at Milton.

(1150) (c) The draws of the following bridge shall open on signal if at least four hours notice is given:

(1151) (1) S733, mile 41.0 at Eloi Broussard.

(1152) (2) S3073 bridge, mile 44.9 at New Flanders.

(1153) (3) S182 bridge, mile 49.0 at Lafayette.

(1154) (d) During the advance notice periods, the draws of the bridges listed in this section shall open on less than four hours notice for an emergency and shall open on signal should a temporary surge in waterway traffic occur.

§117.511 West Pearl River.

(1155) (a) The draw of the Southern Railway bridge, mile 22.1 at Pearl River Station, shall open on signal if at least six hours notice is given.

(1156) (b) The draw of the US90 bridge, mile 7.9 near Pearlington, shall open on signal if at least four hours notice is given.

MISSISSIPPI

§117.675 Back Bay of Biloxi.

(1157) (a) The draw of the US 90 bridge, mile 0.4, between Biloxi and Ocean Springs shall open on signal; except that, from 6:30 a.m. to 7:05 a.m., 7:20 a.m. to 8:05 a.m., 4:00 p.m. to 4:45 p.m., and 4:55 p.m. to 5:30 p.m., Monday through Friday except holidays, the draw need not open for the passage of vessels.

(1158) (b) The draw of the I-110 bridge, mile 3.0 at Biloxi, shall open on signal if at least six hours notice is given.

(1159) (c) The draw of the Popps Ferry Road bridge, mile 8.0 at Biloxi, shall open on signal; except that, from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m. Monday through Friday, except Federal holidays, the draw need not be opened for passage of vessels. The draw shall open at any time for a vessel in distress.

§117.681 Old Fort Bayou.

(1160) The draw of the bridge, mile 1.6 at Ocean Springs, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least eight hours notice is given to the Old Fort Bayou drawtender. During periods of storm or hurricane warnings issued by the National Weather Service, the draw shall open on signal at any time.

§117.683 Pearl River.

(1161) See §117.488, Pearl River, listed under Louisiana.

§117.684 Bayou Portage.

(1162) The draw of the Henderson Avenue Bridge, mile 2.0 at Pass Christian, MS shall open on signal if at least two hours notice is given to the Harrison County Board of Supervisors.

§117.685 Tchoutacabouffa River.

(1163) The draw of the Cedar Lake Road Bridge over the Tchoutacabouffa River, mile 8.0, shall open on signal if at least twenty-four hours notice is given.

TEXAS

§117.951 Arroyo Colorado River.

(1164) The draw of the S106 highway bridge, mile 22.5 at Rio Hondo, shall open on signal if at least 12 hours notice is given.

§117.953 Brazos River (Diversion Channel).

(1165) (a) The draw of the S36 highway bridge, mile 4.4 at Freeport, shall open on signal if at least 12 hours notice is given.

(1166) (b) The draw of the Union Pacific railroad bridge, mile 22.6 at Brazoria, need not be opened for the passage of vessels.

§117.955 Buffalo Bayou.

(1167) (a) The draw of the Houston Belt and Terminal railroad bridge, mile 1.2 at Houston, and all drawbridges downstream of it, shall open on signal if at least 24 hours notice is given.

(1168) (b) The draws of the Union Pacific railroad bridge, mile 3.1, and the Houston Belt and Terminal railroad bridge, mile 4.3, need not be opened for the passage of vessels.

§117.957 Cedar Bayou.

(1169) The draw of the Union Pacific railroad automated bridge, mile 7.0 at Baytown, operates as follows:

(1170) (a) The draw shall be maintained at a vertical clearance of 81.4 feet above mean high water. Fixed green

navigation lights shall be displayed in the center of the draw.

(1171) (b) When a train approaches the bridge, the navigation lights shall be changed from green to red, alternating flashing red lights turned on, and a horn sounded for six minutes. At the end of six minutes, the draw may be lowered and locked if the scanning equipment does not detect any object under the span. If the scanning equipment detects an obstruction, the draw shall be raised until the obstruction is cleared.

(1172) (c) After a train has cleared the bridge, the draw shall be raised to 81.4 feet above mean high water, the flashing red lights stopped, and the navigation lights changed from red to green.

§117.959 Chocolate Bayou.

(1173) The draw of the Union Pacific railroad bridge, mile 11.4 at Liverpool, need not be opened for the passage of vessels.

§117.963 Colorado River.

(1174) The draw of the highway bridge, mile 10.7 at Wadsworth need open on signal Monday through Friday only, and then only from 8 a.m. to 5 p.m. At least 48 hours notice is required.

§117.965 Cow Bayou.

(1175) The draws of the Orange County highway bridge, mile 2.9 at West Orange, and the S87 bridge, mile 4.5 at Bay City, shall open on signal if at least six hours notice is given.

§117.967 Greens Bayou.

(1176) The draw of the Port Terminal Railroad Association railroad bridge, mile 2.8 at Houston, shall open on signal if at least four hours notice is given. The draw shall open on signal for three hours thereafter for returning downbound vessels.

§117.968 Gulf Intracoastal Waterway.

(1177) The draw of the Port Isabel bridge, mile 666.0, shall open on signal; except that, from 5 a.m. to 8 p.m. on weekdays only, excluding holidays, the draw need open only on the hour for pleasure craft. The draw shall open on signal at any time for commercial vessels, for a vessel in distress, or for an emergency aboard a vessel. When the draw is open for a commercial vessel, waiting pleasure craft shall be passed.

§117.969 Lavaca River.

(1178) The draws of the Missouri Pacific railroad bridge, mile 11.2, and the highway bridge, mile 11.2, both at Vanderbilt, shall open on signal if at least 48 hours notice is given. In emergencies, the draws shall open as soon as possible.

§117.971 Neches River.

(1179) (a) The draw of the Kansas City Southern automated bridge, mile 19.5, at Beaumont, is not constantly manned and is operated from a remote site in Shreveport, Louisiana. The bridge is normally maintained in the closed to navigation position, providing 13 feet of vertical clearance above mean high tide. This bridge will open on signal.

(1180) (1) Mariners may request a bridge opening at anytime via one of the following methods:

(1181) (i) Telephone at 1-877-829-6295;

(1182) (ii) Marine radio on VHF-FM Channel 16; or

(1183) (iii) Proper sound signal as prescribed in §117.15.

(1184) (2) When signaling by sound, if return sound signal is not sent from the remote bridge operator, in compliance with §117.15, contact the remote operator via telephone or marine radio.

(1185) (3) An audible warning siren will sound when the bridge is in motion. Video cameras will constantly monitor the waterway near and under the draw. Once a vessel has passed through the bridge, the draw will lower, provided the infrared "under bridge" presence detector and video cameras reveal nothing under the draw.

§117.975 Old Brazos River.

(1186) The draw of the Union Pacific railroad bridge, mile 4.4 at Freeport, shall be maintained in the fully open position, except for the crossing of trains or for maintenance.

§117.977 Pelican Island Causeway, Galveston Channel.

(1187) The draw of the Pelican Island Causeway bridge across Galveston Channel, mile 4.5 of the Galveston Channel, (GIWW mile 356.1) at Galveston, Texas, shall open on signal; except that, from 6:40 a.m. to 8:10 a.m., 12 noon to 1 p.m., and 4:15 p.m. to 5:15 p.m. Monday through Friday except Federal holidays, the draw need not be opened for passage of vessels. Public vessels of the United States and vessels in distress shall be passed at any time.

§117.979 Sabine Lake.

(1188) The draw of the S82 bridge, mile 10.0 at Port Arthur, shall open on signal; except that, from 9 p.m. to 5 a.m., the draw shall open on signal if at least six hours notice is given to the Maintenance Construction Supervisor or the Maintenance Foreman at Port Arthur.

§117.981 Sabine River.

(1189) See §117.493, Sabine River, listed under Louisiana.

§117.983 Sabine River (Old Channel) behind Orange Harbor Island.

(1190) The draw of the highway bridge, mile 9.5 at Orange, need not be opened for the passage of vessels.

§117.984 San Bernard River.

(1191) The draw of the Union Pacific railroad bridge, mile 41.4 at Liberty and, mile 20.7 near Brazoria, shall open on signal; except that, from 10 a.m. to 2 p.m. and 10 p.m. to 2 a.m., the draw shall open on signal if at least three hours notice is given.

§117.987 Taylor Bayou.

(1192) The draws of the Union Pacific railroad bridge, mile 2.0, and the S73 bridge, mile 10.2, both at West Port Arthur, need not be opened for the passage of vessels.

§117.989 Trinity River.

(1193) The draws of the Union Pacific Railroad bridges, mile 54.8 at Kenefick, mile 117.3 at Goodrich, mile 181.8 at Riverside, and the Burlington Northern Santa Fe railroad bridge, mile 96.2 at Romayor, need not be opened for the passage of vessels.

Part 150–Operations, Deepwater Ports (in part). For a complete description of this Part, see 33 CFR 150.

Subpart D–Vessel Navigation

§150.300 What does this subpart do?

(1194) This subpart supplements the international navigation rules in subchapter D of this chapter, and prescribes requirements that:

(1195) (a) Apply to the navigation of all vessels at or near a deepwater port; and

(1196) (b) Apply to all vessels while in a safety zone, area to be avoided, or no anchoring area.

§150.305 How does this subpart apply to unmanned deepwater ports?

(1197) The master of any tanker calling at an unmanned deepwater port is responsible for the safe navigation of the vessel to and from the port and for the required notifications in §150.325. Once the tanker is connected to the unmanned deepwater port, the master must maintain radar surveillance in compliance with the requirements of §150.310.

§150.310 When is radar surveillance required?

(1198) A manned deepwater port's person in charge of vessel operations must maintain radar surveillance of the safety zone or area to be avoided when:

(1199) (a) A tanker is proceeding to the safety zone after submitting the report required in §150.325;

(1200) (b) A tanker or support vessel is underway in the safety zone or area to be avoided;

(1201) (c) A vessel other than a tanker or support vessel is about to enter or is underway in the safety zone or area to be avoided; or

(1202) (d) As described in the port security plan.

§150.320 What advisories are given to tankers?

(1203) A manned deepwater port's person in charge of vessel operations must advise the master of each tanker underway in the safety zone or area to be avoided of the following:

(1204) (a) At intervals not exceeding 10 minutes, the vessel's position by range and bearing from the pumping platform complex; and

(1205) (b) The position and the estimated course and speed, if moving, of all other vessels that may interfere with the movement of the tanker within the safety zone or area to be avoided.

§150.325 What is the first notice required before a tanker enters the safety zone or area to be avoided?

(1206) (a) The owner, master, agent, or person in charge of a tanker bound for a manned deepwater port must comply with the notice of arrival (NOA) requirements in subpart C of part 160 of this chapter. The NOA will be submitted to the National Vessel Movement Center (NVMC) that was established in October 2001 to track arrival information from vessels entering U.S. waters.

(1207) (b) The owner, master, agent, or person in charge of a tanker bound for a manned deepwater port must report the pertinent information required in §150.15(i)(4)(vi) for the vessel including:

(1208) (1) The name, gross tonnage, and draft of the tanker;

(1209) (2) The type and amount of cargo in the tanker;

(1210) (3) The location of the tanker at the time of the report;

(1211) (4) Any conditions on the tanker that may impair its navigation, such as fire or malfunctioning propulsion, steering, navigational, or radiotelephone equipment. The testing requirements in §164.25 of this chapter are applicable to vessels arriving at a deepwater port;

(1212) (5) Any leaks, structural damage, or machinery malfunctions that may impair cargo transfer operations or cause a product discharge; and

(1213) (6) The operational condition of the equipment listed under §164.35 of this chapter on the tanker.

(1214) (c) If the estimated time of arrival changes by more than 6 hours from the last reported time, the NVMC and the port's person in charge of vessel operations must be notified of the correction as soon as the change is known.

(1215) (d) If the information reported in paragraphs (b)(4) or (b)(5) of this section changes at any time before the tanker enters the safety zone or area to be avoided at the deepwater port, or while the tanker is in the safety zone or area to be avoided, the master of the tanker must report the changes to the NVMC and port's person in charge of vessel operations as soon as possible.

§150.330 What is the second notice required before a tanker enters the safety zone or area to be avoided?

(1216) When a tanker bound for a manned deepwater port is 20 miles from entering the port's safety zone or area to be avoided, the master of the tanker must notify the port's person in charge of vessel operations of the tanker's name and location.

§150.340 What are the rules of navigation for tankers in the safety zone or area to be avoided?

(1217) (a) A tanker must enter or depart the port's safety zone or area to be avoided in accordance with the navigation procedures in the port's approved operations manual as described in §150.15(i).

(1218) (b) A tanker must not anchor in the safety zone or area to be avoided, except in a designated anchorage area.

(1219) (c) A tanker may not enter a safety zone or area to be avoided in which another tanker is present, unless it has been cleared by the person in charge of the port and no other tankers are underway.

(1220) (d) A tanker must not operate, anchor, or moor in any area of the safety zone or area to be avoided in which the net under-keel clearance would be less than 5 feet.

§150.345 How are support vessels cleared to move within the safety zone or area to be avoided?

(1221) All movements of support vessels within a manned deepwater port's safety zone or area to be avoided must be cleared in advance by the port's person in charge of vessel operations.

§150.350 What are the rules of navigation for support vessels in the safety zone or area to be avoided?

(1222) A support vessel must not anchor in the safety zone or area to be avoided, except:

(1223) (a) In an anchorage area; or

(1224) (b) For vessel maintenance, which, in the case of a manned deepwater port, must be cleared by the port's person in charge of vessel operations.

§150.355 How are other vessels cleared to move within the safety zone?

(1225) (a) Clearance by a manned deepwater port's person in charge of vessel operations is required before a vessel, other than a tanker or support vessel, enters the safety zone.

(1226) (b) The port's person in charge of vessel operations may clear a vessel under paragraph (a) of this section only if its entry into the safety zone would not:

(1227) (1) Interfere with the purpose of the deepwater port;

(1228) (2) Endanger the safety of life or property or the environment; or

(1229) (3) Be prohibited by regulation.

(1230) (c) At an unmanned deepwater port, such as a submerged turret landing (STL) system, paragraphs (a) and (b) of this section would apply once a tanker connects to the STL buoy.

§150.380 Under what circumstances may vessels operate within the safety zone or area to be avoided?

(1231) (a) Table 150.380(a) of this section lists the areas within a safety zone and area to be avoided where a vessel may operate and the clearance needed for that location.

(1232) (b) If the activity is not listed in table 150.380(a) of this section, or is not otherwise provided for in this subpart, the COTP's permission is required first.

§150.385 What is required in an emergency?

(1233) In an emergency, for the protection of life or property, a vessel may deviate from a vessel movement requirement in this subpart without clearance from a manned deepwater port's person in charge of vessel operations if the master advises the port PIC of the reasons for the deviation at the earliest possible moment.

TABLE 150.380(a)—Regulated Activities of Vessels at Deepwater Ports

	Area to be avoided		
Regulated Activities	Safety Zone around each platform pumping complex and SPM[1]	Anchorage areas	No anchorage areas within safety zone and area to be avoided
Tankers calling at port	C	C	C
Support vessel movements	C	C	C
Transit by vessels other than tankers or support vessels	N	P	P
Mooring to SPM by vessels other than tankers or support vessels	F	.....	
Anchoring by vessels other than tankers or support vessels	N	F	N
Fishing, including bottom trawl (shrimping)	N	P	N
Mobile drilling operations or erection of structures[2]	N	N	N
Lightering/transshipment[3]	N	N	N

Notes–

1Areas to be avoided are in subpart J of this part.

2Not part of Port Installation.

3Exception, 33 CFR 150.440(e).

Key to regulated activities:

F–Only in an emergency.

N–Not permitted.

C–Movement of the vessel is permitted when cleared by the port's person in charge, vessel operations.

P–Transit is permitted when the vessel is not in the immediate area of a tnker and when cleared by the person in charge, vessel operations. Communications with the port's person in charge, vessel operation is requirement. For transiting foreign-flag vessels, the requirement for clearance to navigate in the area to be avoided is mandatory.

Part 156–Oil and Hazardous Material Transfer Operations

Subpart C–Lightering Zones and Operational Requirements for the Gulf of Mexico

§156.300 Designated lightering zones.

(1234) The following lightering zones are designated in the Gulf of Mexico and are more than 60 miles from the baseline from which the territorial sea is measured:

(1235) (a) *Southtex-lightering zone*. This lightering zone and the geographic area for this zone are coterminous and consist of the waters bounded by a line connecting the following points beginning at:

(1236) 27°40'00"N., 93°00'00"W., thence to

(1237) 27°40'00"N., 94°35'00"W., thence to

(1238) 28°06'30"N., 94°35'00"W., thence to

(1239) 27°21'00"N., 96°00'00"W., thence to

(1240) 26°30'00"N., 96°00'00"W., thence to

(1241) 26°30'00"N., 93°00'00"W., and thence to the point of beginning.

(1242) (NAD 83)

(1243) (b) *Gulfmex No. 2-lightering zone*. This lightering zone and the geographic area for this zone are coterminous and consist of the waters bounded by a line connecting the following points beginning at:

(1244) 27°53'00"N., 89°00'00"W., thence to

(1245) 27°53'00"N., 91°30'00"W., thence to

(1246) 26°30'00"N., 91°30'00"W., thence to

(1247) 26°30'00"N., 89°00'00"W., and thence to the point of beginning.

(1248) (NAD 83)

(1249) (c) *Offshore Pascagoula No. 2-lightering zone*. This lightering zone and the geographic area for this zone are coterminous and consist of the waters bounded by a line connecting the following points beginning at:

(1250) 29°20'00"N., 87°00'00"W., thence to

(1251) 29°12'00"N., 87°45'00"W., thence to

(1252) 28°39'00"N., 88°00'00"W., thence to

(1253) 28°00'00"N., 88°00'00"W., thence to

(1254) 28°00'00"N., 87°00'00"W., and thence to the point of beginning.

(1255) (NAD 83)

(1256) (d) *South Sabine Point-lightering zone*. This lightering zone and the geographic area for this zone are coterminous and consist of the waters bounded by a line connecting the following points beginning at:

(1257) 28°30'00"N., 92°38'00"W., thence to

(1258) 28°44'00"N., 93°24'00"W., thence to

(1259) 28°33'00"N., 94°00'00"W., thence to

(1260) 28°18'00"N., 94°00'00"W., thence to

(1261) 28°18'00"N., 92°38'00"W., and thence to the point of beginning.

(1262) (NAD 83)

§156.310 Prohibited areas.

(1263) Lightering operations are prohibited within the following areas in the Gulf of Mexico:

(1264) (a) *Claypile-prohibited area*. This prohibited area consists of the waters bounded by a line connecting the following points beginning at:

(1265) 28°15'00"N., 94°35'00"W., thence to

(1266) 27°40'00"N., 94°35'00"W., thence to

(1267) 27°40'00"N., 94°00'00"W., thence to

(1268) 28°33'00"N., 94°00'00"W., and thence to the point of beginning.

(1269) (NAD 83)

(1270) (b) *Flower Garden-prohibited area*. This prohibited area consists of the waters bounded by a line connecting the following points beginning at:

(1271) 27°40'00"N., 94°00'00"W., thence to

(1272) 28°18'00"N., 94°00'00"W., thence to

(1273) 28°18'00"N., 92°38'00"W., thence to

(1274) 28°30'00"N., 92°38'00"W., thence to

(1275) 28°15'00"N., 91°30'00"W., thence to

(1276) 27°40'00"N., 91°30'00"W., and thence to the point of beginning.

(1277) (NAD 83)

(1278) (c) *Ewing-prohibited area*. This prohibited area consists of the waters bounded by a line connecting the following points beginning at:

(1279) 27°53'00"N., 91°30'00"W., thence to

(1280) 28°15'00"N., 91°30'00"W., thence to

(1281) 28°15'00"N., 90°10'00"W., thence to

(1282) 27°53'00"N., 90°10'00"W., and thence to the point of beginning.

(1283) (NAD 83)

§156.320 Maximum operating conditions.

(1284) Unless otherwise specified, the maximum operating conditions in this section apply to tank vessels operating within the lightering zones designated in this subpart.

(1285) (a) A tank vessel shall not attempt to moor alongside another vessel when either of the following conditions exist:

(1286) (1) The wind velocity is 56 km/hr (30 knots) or more; or

(1287) (2) The wave height is 3 meters (10 feet) or more.

(1288) (b) Cargo transfer operations shall cease and transfer hoses shall be drained when –

(1289) (1) The wind velocity exceeds 82 km/hr (44 Knots); or

(1290) (2) Wave heights exceed 5 meters (16 feet).

§156.330 Operations.

(1291) (a) Unless otherwise specified in this subpart, or when otherwise authorized by the cognizant Captain of the Port (COTP) or District Commander, the master of a vessel lightering in zone designated in this subpart shall ensure that all officers and appropriate members of the crew are familiar with the guidelines in paragraphs (b) and (c) of this section and that the requirements of paragraphs (d) through (1) of this section are complied with.

(1292) (b) Lightering operations should be conducted in accordance with the Oil Companies International Marine Forum Ship to Ship Transfer Guide (Petroleum), Second Edition, 1988, to the maximum extent practicable.

(1293) (c) Helicopter operations should be conducted in accordance with the International Chamber of Shipping Guide to Helicopter/Ship Operations, Third Edition, 1989, to the maximum extent practicable.

(1294) (d) The vessel to be lightered shall make a voice warning prior to the commencement of lightering activities via channel 13 VHF and 2182 kHz. The voice warning shall include:

(1295) (1) The names of the vessels involved;

(1296) (2) The vessels' geographical positions and general headings;

(1297) (3) A description of the operations;

(1298) (4) The expected time of commencement and duration of the operation; and

(1299) (5) Request for wide berth.

(1300) (e) In the event of a communications failure between the lightering vessels or the respective persons-in-charge of the transfer, or an equipment failure affecting the vessel's cargo handling capability or ship's maneuverability, the affected vessel shall suspend lightering activities and shall sound at least five short, rapid blasts on the vessel's whistle. Lightering activities shall remain suspended until corrective action has been completed.

(1301) (f) No vessel involved in a lightering operation may open its cargo system until the servicing vessel is securely moored alongside the vessel to be lightered.

(1302) (g) If any vessel not involved in the lightering operation or support activities approaches within 100 meters of vessels engaged in lightering, the vessel engaged in lightering shall warn the approaching vessel by sounding a loud Hailar, ship's whistle, or any other appropriate means.

(1303) (h) Only a lightering tender, a supply boat, or a crew boat, equipped with a spark arrestor or its exhaust, or a tank vessel providing bunkers, may moor alongside a vessel engaged in lightering operations.

(1304) (i) Lightering operations shall not be conducted within 1 nautical mile of offshore structures or mobile offshore drilling units.

(1305) (j) No vessel engaged in lightering activities may anchor over charted pipelines, artificial reefs, or historical resources.

(1306) (k) All vessels engaged in lightering activities shall be able to immediately maneuver at all times while inside a designated lightering zone. The main propulsion system must not be disabled at any time.

(1307) (1) In preparing to moor alongside the vessel to be lightered, a service vessel shall not approach the vessel to be lightered closer than 1000 meters unless the service vessel is positioned broad on the quarter of the vessel to be lightered. The service vessel must transition to a nearly parallel heading prior to closing to within 50 meters of the vessel to be lightered.

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

Subpart A-General

§157.01 Applicability.

(1308) (a) Unless otherwise indicated, this part applies to each vessel that carries oil in bulk as cargo and that is:

(1309) (1) Documented under the laws of the United States (a U.S. vessel); or

(1310) (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).

(1311) (b) This part does not apply to a vessel exempted under 46 U.S.C. 2109 or 46 U.S.C. 3702.

§157.02 Incorporation by reference.

(1312) (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 Paragraph (b) of 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 U.S. Coast Guard, Office of Operating and Environmental Standards (G-MSO), 2100 Second Street SW., Washington, DC 20593-0001, and 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. All approved material is available from the sources indicated in paragraph (b) of this section.

(1313) (b) The material approved for incorporation by reference in this part and the sections affected are as follows:

(1314) *International Maritime Organization (IMO)*, 4 Albert Embankment, London SE1 7SR, England. IMO Assembly Resolution A.601(15), Provision and Display of Manoeuvering Information on Board Ships, Annex Sections 1.1, 2.3, 3.1 and 3.2 with appendices, adopted on 19 November 1987 . . . . . **157.450**

(1315) 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 . . **157.430**

(1316) 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 . . . . . **157.445**

(1317) *Oil Compaines International Marine Forum (OCIMF)*, 15th floor, 96 Victoria Street, London SW1E 5JW, England. International Safety Guide for Oil Tankers and Terminals, Fourth Edition, Chapters 6, 7 and 10, 1996 . . . . . **157.435**

§157.03 Definitions.

(1318) Except as otherwise stated in a subpart:

(1319) *Amidships* means the middle of the length.

(1320) *Animal fat* means a non-petroleum oil, fat, or grease derived from animals and not specifically identified elsewhere in this part.

(1321) *Ballast voyage* means the voyage that a tank vessel engages in after it leaves the port of final cargo discharge.

(1322) *Breadth or B* means the maximum molded breadth of a vessel in meters.

(1323) *Cargo tank length* means the length from the forward bulkhead of the forwardmost cargo tanks, to the after bulkhead of the aftermost cargo tanks.

(1324) *Center tank* means any tank inboard of a longitudinal bulkhead.

(1325) *Clean ballast* means ballast which:

(1326) (1) If discharged from a vessel that is stationary into clean, calm water on a clear day, would not—

(1327) (i) Produce visible traces of oil on the surface of the water or on adjoining shore lines; or

(1328) (ii) Cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines; or

(1329) (2) If verified by an approved cargo monitor and control system, has an oil content that does not exceed 15 p.m.

(1330) *Combination carrier* means a vessel designed to carry oil or solid cargoes in bulk.

(1331) *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.

(1332) *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.

(1333) *Dedicated clean ballast tank* means a cargo tank that is allocated solely for the carriage of clean ballast.

(1334) *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.

(1335) *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.

(1336) *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.

(1337) *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.

(1338) *Existing vessel* means any vessel that is not a new vessel.

(1339) *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.

(1340) *Foreign trade* means any trade that is not domestic trade.

(1341) From the nearest land means from the baseline from which the territorial sea of the United States is established in accordance with international law.

(1342) *Fuel oil* means any oil used as fuel for machinery in the vessel in which it is carried.

(1343) *Inland vessel* means a vessel that is not oceangoing and that does not operate on the Great Lakes.

(1344) 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.

(1345) *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.

(1346) Large primary structural member includes any of the following:

(1347) (1) Web frames.

(1348) (2) Girders.

(1349) (3) Webs.

(1350) (4) Main brackets.

(1351) (5) Transverses.

(1352) (6) Stringers.

(1353) (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.

(1354) *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.

(1355) *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.

(1356) *Major conversion* means a conversion of an existing vessel that:

(1357) (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;

(1358) (2) Changes the type of vessel;

(1359) (3) Substantially prolongs the vessel's service life; or

(1360) (4) Otherwise so changes the vessel that it is essentially a new vessel, as determined by the Commandant (G-MOC).

(1361) *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.

(1362) *New vessel* means:

(1363) (1) A U.S. vessel in domestic trade that:

(1364) (i) Is constructed under a contract awarded after December 31, 1974;

(1365) (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1975;

(1366) (iii) Is delivered after December 31, 1977; or

(1367) (iv) Has undergone a major conversion for which:

(1368) (A) The contract is awarded after December 31, 1974;

(1369) (B) In the absence of a contract, conversion is begun after June 30, 1975; or

(1370) (C) Conversion is completed after December 31, 1977; and

(1371) (2) A foreign vessel or a U.S. vessel in foreign trade that;

(1372) (i) Is constructed under a contract awarded after December 31, 1975;

(1373) (ii) In the absence of a building contract, has the keel laid or is at a similar stage of construction after June 30, 1976;

(1374) (iii) Is delivered after December 31, 1979; or

(1375) (iv) Has undergone a major conversion for which:

(1376) (A) The contract is awarded after December 31, 1975;

(1377) (B) In the absence of a contract, conversion is begun after June 30, 1976; or

(1378) (C) Conversion is completed after December 31, 1979.

(1379) *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.

(1380) *Oceangoing* has the same meaning as defined in §151.05 of this chapter.

(1381) *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.

(1382) *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.

(1383) *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."

(1384) *Oily mixture* means a mixture, in any form, with any oil content. "Oily mixture" includes, but is not limited to–

(1385) (1) Slops from bilges;

(1386) (2) Slops from oil cargoes (such as cargo tank washings, oily waste, and oily refuse);

(1387) (3) Oil residue; and

(1388) (4) Oily ballast water from cargo or fuel oil tanks, including any oil cargo residue.

(1389) *Oil residue* means–

(1390) (1) Oil cargo residue; and

(1391) (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.

(1392) *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.

(1393) *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.

(1394) *Other non-petroleum oil* means an oil of any kind that is not petroleum oil, an animal fat, or a vegetable oil.

(1395) *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.

(1396) *Petroleum oil* means petroleum in any form, including but not limited to, crude oil, fuel oil, sludge, oil residue, and refined products.

(1397) *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.

(1398) *Product* means any liquid hydrocarbon mixture in any form, except crude oil, petrochemicals, and liquefied gases.

(1399) *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.

(1400) *Slop tank* means a tank specifically designated for the collection of cargo drainings, washings, and other oily mixtures.

(1401) *Tank* means an enclosed space that is formed by the permanent structure of a vessel, and designed for the carriage of liquid in bulk.

(1402) *Tank barge* means a tank vessel not equipped with a means of self-propulsion.

(1403) *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—

(1404) (1) Is a vessel of the United States;

(1405) (2) Operates on the navigable waters of the United States; or

(1406) (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.

(1407) *Tankship* means a tank vessel propelled by mechanical power or sail.

(1408) *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.

(1409) *Wing tank* means a tank that is located adjacent to the side shell plating.

§157.04 Authorization of classification societies.

(1410) (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.

(1411) (b) If a CS desires authorization to perform the plan reviews, certifications, and inspections required under this part, it must submit to the Commandant (G-MOC), U.S. Coast Guard, Washington, DC 20593-0001, 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.

(1412) (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.

(1413) (d) Acceptance as an authorized CS terminates unless the following are met:

(1414) (1) The authorized CS must have each Coast Guard regulation that is applicable to foreign vessels on the navigable waters of the United States.

(1415) (2) Each issue concerning equivalents to the regulations in this part must be referred to the Coast Guard for determination.

(1416) (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.

(1417) (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.

(1418) (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 (G-MOC), U.S. Coast Guard, Washington, D.C. 20593-0001.

Subpart B–Design, Equipment, and Installation

§157.08 Applicability of Subpart B.

(1419) NOTE: An "oil tanker" as defined in §157.03 includes barges as well as self-propelled vessels.

(1420) (a) Sections 157.10d and 157.11(g) apply to each vessel to which this part applies.

(1421) (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.

(1422) (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.

(1423) (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.

(1424) (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.

(1425) (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.

(1426) (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.

(1427) (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.

(1428) (i) Section 157.09(d) does not apply to any:

(1429) (1) U.S. vessel in domestic trade that is constructed under a contract awarded before January 8, 1976;

(1430) (2) U.S. vessel in foreign trade that is constructed under a contract awarded before April 1, 1977; or

(1431) (3) Foreign vessel that is constructed under a contract awarded before April 1, 1977.

(1432) (j) Sections 157.09 and 157.10a do not apply to a new vessel that:

(1433) (1) Is constructed under a building contract awarded after June 1, 1979;

(1434) (2) In the absence of a building contract, has the keel laid or is at a similar stage of construction after January 1, 1980;

(1435) (3) Is delivered after June 1, 1982; or

(1436) (4) Has undergone a major conversion for which:

(1437) (i) The contract is awarded after June 1, 1979;

(1438) (ii) In the absence of a contract, conversion is begun after January 1, 1980; or

(1439) (iii) Conversion is completed after June 1, 1982.

(1440) (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.

(1441) (1) Section 157.10b does not apply to tank barges if they do not carry ballast while they are engaged in trade involving the transfer of crude oil from an offshore oil exploitation or production facility on the Outer Continental Shelf of the United States.

(1442) (m) Section 157.12 does not apply to a U.S. vessel that:

(1443) (1) Is granted an exemption under Subpart F of this part; or

(1444) (2) Is engaged solely in voyages that are:

(1445) (i) Between ports or places within the United States, its territories or possessions;

(1446) (ii) Of less than 72 hours in length; and

(1447) (iii) At all times within 50 nautical miles of the nearest land.

(1448) (n) Section 157.10d does not apply to:

(1449) (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);

(1450) (2) An oil spill response vessel;

(1451) (3) Before January 1, 2015–

(1452) (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

(1453) (ii) A delivering vessel that is offloading oil in bulk as cargo in lightering activities–

(1454) (A) Within a lightering zone established under 46 U.S.C. 3715(b)(5); and

(1455) (B) More than 60 miles from the territorial sea base line, as defined in 33 CFR 2.05-10.

(1456) (4) A vessel documented under 46 U.S.C., Chapter 121, that was equipped with a double hull before August 12, 1992;

(1457) (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

(1458) (6) A vessel in the National Defense Reserve Fleet pursuant to 50 App. U.S.C. 1744.

§157.10d Double hulls on tank vessels.

(1459) (a) With the exceptions stated in §157.08(n), this section applies to a tank vessel—

(1460) (1) For which the building contract is awarded after June 30, 1990; or

(1461) (2) That is delivered after December 31, 1993;

(1462) (3) That undergoes a major conversion for which;

(1463) (i) The contract is awarded after June 30, 1990; or

(1464) (ii) Conversion is completed after December 31, 1993; or

(1465) (4) That is otherwise required to have a double hull by 46 U.S.C. 3703a(c).

(1466) NOTE: 46 U.S.C. 3703a(c) is shown in appendix G to this part.

(1467) (b) Each vessel to which this section applies must be fitted with:

(1468) (1) A double hull in accordance with this section; and

(1469) (2) If §157.10 applies, segregated ballast tanks and a crude oil washing system in accordance with that section.

(1470) (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:

(1471) (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:

(1472) (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.).

(1473) (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.).

(1474) (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.

(1475) (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:

(1476) (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.).

(1477) (ii) For a vessel of less than 5,000 DWT: h=B/15, but in no case less than 0.76 meter (30 in.).

(1478) (iii) For a vessel to which Paragraph (a)(4) of this section applies: h=B/15; or, h=2.0 meters (79 in.), whichever is the lesser, but in no case less than 0.76 meter (30 in.), provided that the double bottom was fitted under a construction or conversion contract awarded prior to June 30, 1990.

(1479) (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—

(1480) (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.

(1481) (ii) For a vessel of less than 5,000 DWT: Not less the distance h above the line of the mid-ship flat bottom, as shown in Figure 157.10d(c)(3)(ii) and specified in Paragraph (c)(2) of this section. At levels greater than h above the line of the mid-ship flat bottom, not less than the distance w, as shown in Figure 157.10d(c)(3)(ii) and specified in Paragraph (c)(1) of this section.

(1482) (4) For a vessel to which §157.10(b) applies that is built under a contract awarded after September 11, 1992.

(1483) (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.

(1484) (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.

(1485) (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:

(1486) (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

(1487) (2) A minimum of 61 cm. (2 ft.) from the top of the bottom shell plating, along the full breadth of the

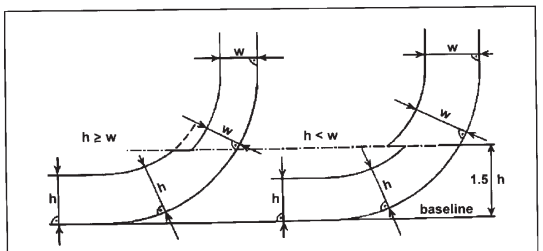
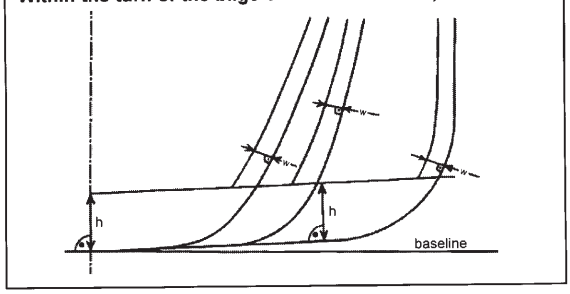


Figure 157.10d(c) Minimum Double Hull Dimensions

Figure 157.10d(c)(3)(ii) - Minimum Double Hull Dimensions Within the turn of the bilge of Vessels under 5,000 DWT



vessel's bottom, measured at right angles to the bottom shell.

(1488) (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.

(1489) (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.

(1490) (e) Except as provided in Paragraph (e)(3) of this section, a vessel must not carry any oil in any tank extending forward of:

(1491) (1) The collision bulkhead; or

(1492) (2) In the absence of a collision bulk-head, the transverse plane perpendicular to the centerline through a point located:

(1493) (i) The lesser of 10 meters (32.8 ft.) or 5 percent of the vessel length, but in no case less than 1 meter (39 in.), aft of the forwarded perpendicular;

(1494) (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

(1495) (iii) On each vessel which operates exclusively as a box or trail barge, 61 cm. (2 ft.) aft of the headlog.

(1496) (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.

(1497) (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).

Subpart G–Interim Measures for Certain Tank Vessels Without Double Hulls Carrying Petroleum Oils

§157.400 Purpose and applicability.

(1498) (a) The purpose of this subpart is to establish mandatory safety and operational requirements to reduce environmental damage resulting from petroleum oil spills.

(1499) (b) This subpart applies to each tank vessels specified in §157.01 of this part that—

(1500) (1) Is 5,000 gross tons or more;

(1501) (2) Carries petroleum oil in bulk as cargo or oil cargo residue; and

(1502) (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).

§157.445 Maneuvering performance capability.

(1503) (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—

(1504) (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

(1505) (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.

(1506) (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.

(1507) (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.

(1508) (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.

(1509) (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.

Part 160–Ports and Waterways Safety-General

Subpart A–General

§160.1 Purpose.

(1510) Part 160 contains regulations implementing the Ports and Waterways Safety Act (33 U.S.C. 1221) and related statutes.

§160.3 Definitions.

(1511) For the purposes of this subchapter:

(1512) *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.

(1513) *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.

(1514) *Commandant* means the Commandant of the United States Coast Guard.

(1515) *Commanding Officer, 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.

(1516) *Deviation* means any departure from any rule in this subchapter.

(1517) *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.

(1518) *ETA* means estimated time of arrival.

(1519) *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.

(1520) *Person* means an individual, firm, corporation, association, partnership, or governmental entity.

(1521) *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.

(1522) *Tanker* means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous materials in bulk in the cargo spaces.

(1523) *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.

(1524) *Vehicle* means every type of conveyance capable of being used as a means of transportation on land.

(1525) *Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(1526) *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.

(1527) *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.

(1528) **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.

(1529) *VTS Special Area* means a waterway within a VTS area in which special operating requirements apply.

§160.5 Delegations.

(1530) (a) District Commanders and Captains of the Ports are delegated the authority to establish safety zones.

(1531) (b) Under the provisions of 33 CFR 6.04-1 and 6.04-6, District Commanders and Captains of the Ports have been delegated authority to establish security zones.

(1532) (c) Under the provisions 33 CFR §1.05-1, District Commanders have been delegated authority to establish regulated navigation areas.

(1533) (d) Subject to the supervision of the cognizant Captain of the Port and District Commander, Commanding Officers, 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.

§160.7 Appeals.

(1534) (a) Any person directly affected by a safety zone or an order or direction issued under this subchapter (33 CFR Subchapter P) 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.

(1535) (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 (d) 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.

(1536) (c) Any person directly affected by the establishment of a safety zone or by an order or direction issued by a District Commander, or who receives an unfavorable ruling on an appeal taken under paragraph (b) of this section, may appeal through the District Commander to the Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Washington, D.C. 20593. The appeal must be in writing, except as allowed under paragraph (d) of this section. The District 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 (b) of this section was made, and any comments which might be relevant, to the Assistant Commandant for Office of Marine Safety, Security and Environmental Protection. 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 to the Assistant Commandant for Marine Safety and Environmental Protection. The decision of the Assistant Commandant for Marine Safety and Environmental Protection is based upon the materials submitted, without oral argument or presentation. The decision of the Assistant Commandant for Marine Safety and Environmental Protection is issued in writing and constitutes final agency action.

(1537) (d) 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.

Subpart B–Control of Vessel and Facility Operations

§160.101 Purpose.

(1538) 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.

§160.103 Applicability.

(1539) (a) This subpart applies to any-

(1540) (1) Vessel on the navigable waters of the United States, except as provided in paragraphs (b) and (c) of this section;

(1541) (2) Bridge or other structure on or in the navigable waters of the United States; and

(1542) (3) Land structure or shore area immediately adjacent to the navigable waters of the United States.

(1543) (b) This subpart does not apply to any vessel on the Saint Lawrence Seaway.

(1544) (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-

(1545) (1) Innocent passage through the territorial sea of the United States;

(1546) (2) Transit through the navigable waters of the United States which form a part of an international strait.

§160.105 Compliance with orders.

(1547) Each person who has notice of the terms of an order issued under this subpart must comply with that order.

§160.107 Denial of entry.

(1548) 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 (33 U.S.C. 1221-1232) or the regulations issued thereunder.

§160.109 Waterfront facility safety.

(1549) (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-

(1550) (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

(1551) (2) Conduct examinations to assure compliance with the safety equipment requirements for structures.

§160.111 Special orders applying to vessel operations.

(1552) Each District Commander or Captain of the Port may order a vessel to operate or anchor in the manner directed when -

(1553) (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;

(1554) (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

(1555) (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.

§160.113 Prohibition of vessel operation and cargo transfers.

(1556) (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.

(1557) (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:

(1558) (1) Fails to comply with any applicable regulation;

(1559) (2) Discharges oil or hazardous material in violation of any law or treaty of the United States;

(1560) (3) Does not comply with applicable vessel traffic service requirements;

(1561) (4) While underway, does not have at least one licensed deck officer on the navigation bridge who is capable of communicating in the English language.

(1562) (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.

(1563) (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.

§160.115 Withholding of clearance.

(1564) (a) Each District Commander or Captain of the Port may request the Secretary of the Treasury, or the authorized representative thereof, to withhold or revoke

the clearance required by 46 U.S.C. 91 of any vessel, the owner or operator of which is subject to any penalties under 33 U.S.C. 1232.

Subpart C–Notification of Arrival, Hazardous Conditions, and Certain Dangerous Cargos

§160.201 General.

(1565) This subpart contains requirements and procedures for submitting Notices of Arrival (NOA) and Notice of Hazardous Condition. The sections in this subpart describe:

(1566) (a) Applicability and exemptions from requirements in this subpart;

(1567) (b) Required information in an NOA;

(1568) (c) Required changes to an NOA;

(1569) (d) Methods and times for submission of an NOA and changes to an NOA;

(1570) (e) How to obtain a waiver; and

(1571) (f) Requirements for submission of the Notice of Hazardous Conditions.

§160.202 Applicability.

(1572) (a) This subpart applies to U.S. and foreign vessels bound for or departing from ports or places in the United States.

(1573) (b) This subpart does not apply to recreational vessels under 46 U.S.C. *4301 et seq*.

(1574) (c) 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.

(1575) (d) 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.

§160.203 Exemptions.

(1576) (a) Except for reporting notice of hazardous conditions, the following vessels are exempt from requirements in this subpart:

(1577) (1) Passenger and supply vessels when they are employed in the exploration for or in the removal of oil, gas, or mineral resources on the continental shelf.

(1578) (2) Oil Spill Recovery Vessels (OSRVs) when engaged in actual spill response operations or during spill response exercises.

(1579) (3) Vessels operating upon the following waters:

(1580) (i) Mississippi River between its sources and mile 235, Above Head of Passes;

(1581) (ii) Tributaries emptying into the Mississippi River above mile 235;

(1582) (iii) Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway and the Red River; and

(1583) (iv) The Tennessee River from its confluence with the Ohio River to mile zero on the Mobile River and all other tributaries between those two points.

(1584) (b) If not carrying certain dangerous cargo or controlling another vessel carrying certain dangerous cargo, the following vessels are exempt from NOA requirements in this subpart:

(1585) (1) Vessels 300 gross tons or less, except for foreign vessels entering any port or place in the Seventh Coast Guard District as described in 33 CFR 3.35–1(b).

(1586) (2) Vessels operating exclusively within a Captain of the Port Zone.

(1587) (3) Vessels arriving at a port or place under force majeure.

(1588) (4) Towing vessels and barges operating solely between ports or places in the continental United States.

(1589) (5) Public vessels.

(1590) (6) Except for tank vessels, U.S. vessels operating solely between ports or places in the United States on the Great Lakes.

(1591) (c) Vessels less than 500 gross tons need not submit the International Safety Management (ISM) Code Notice (Entry (7) to Table 160.206).

(1592) (d) [Suspended]

(1593) (e) [Suspended]

(1594) (f) U.S. vessels need not submit the International Ship and Port Facility Code (ISPS) Notice information (Entry (9) to Table 160.206).

§160.204 Definitions.

(1595) As used in this subpart:

(1596) *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.

(1597) *Barge* means a non-self propelled vessel engaged in commerce.

(1598) *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.

(1599) *Certain dangerous cargo* (CDC) includes any of the following:

(1600) (1) Division 1.1 or 1.2 explosives as defined in 49 CFR 173.50.

(1601) (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.

(1602) (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.

(1603) (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.

(1604) (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.

(1605) (6) Class 7, "highway route controlled quantity" radioactive material or "fissile material, controlled shipment," as defined in 49 CFR 173.403.

(1606) (7) Bulk liquefied chlorine gas and Bulk liquefied gas cargo that is flammable and/or toxic and carried under 46 CFR 154.7.

(1607) (8) The following bulk liquids:

(1608) (i) Acetone cyanohydrin,

(1609) (ii) Allyl alcohol,

(1610) (iii) Chlorosulfonic acid,

(1611) (iv) Crotonaldehyde,

(1612) (v) Ethylene chlorohydrin,

(1613) (vi) Ethylene dibromide,

(1614) (vii) Methacrylonitrile, and

(1615) (viii) Oleum (fuming sulfuric acid).

(1616) (9) Ammonium nitrate and ammonium nitrate base fertilizers, in bulk, listed as a Division 5.1 material in 49 CFR 172.101.

(1617) (10) Propylene oxide, alone or mixed with ethylene oxide, in bulk.

(1618) *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."

(1619) *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.

(1620) *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.

(1621) *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.

(1622) *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.

(1623) *Nationality* means the state (nation) in which a person is a citizen or to which a person owes permanent allegiance.

(1624) *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.

(1625) *Persons in addition to crewmembers* mean any person onboard the vessel, including passengers, who are not included on the list of crewmembers.

(1626) *Port or place of departure* means any port or place in which a vessel is anchored or moored.

(1627) *Port or place of destination* means any port or place in which a vessel is bound to anchor or moor.

(1628) *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.

(1629) *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.

(1630) *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.

§160.206 Information required in an NOA.

(1631) (a) Each NOA must contain all of the information items specified in Table 160.206.

(1632) (b) Vessels operating solely between ports or places in the continental United States need submit only the name of and date of arrival and departure for the last port or places visited to meet the requirements in entries (2)(i) and (ii) to Table 160.206 of this section.

(1633) (c) You may submit a copy of INS Form I–418 to meet the requirements of entries (4) and (5) in Table 160.206.

(1634) (d) Any vessel planning to enter two or more consecutive ports or places in the United States during a single voyage may submit one consolidated Notification of Arrival at least 96 hours before entering the first port or place of destination. The consolidated notice

TABLE 160.206—NOA INFORMATION ITEMS

Required information	Vessels not carrying CDC	Vessels carrying CDC	
		Vessels	Towing vessels controlling vessels carrying CDC
(1) *Vessel Information:*			
(i) Name;	x	x	x
(ii) Name of the registered owner;	x	x	x
(iii) Country of registry;	x	x	x
(iv) Call sign;	x	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	x
(vi) Name of the operator;	x	x	x
(vii) Name of the charterer; and	x	x	x
(viii) Name of classification society	x	x	x
(2) *Voyage Information:*	x	x	x
(i) Names of last five ports or places visited;	x	x	x
(ii) Dates of arrival and departure for last five ports or places visited;	x	x	x
(iii) For each port or place in the United States to be visited, list the names of the receiving facility, the port or place, the city, and the state;	x	x	x
(iv) For each port or place in the United States to be visited, the estimated date and time of arrival;	x	x	x
(v) For each port or place in the United States to be visited, the estimated date and time of departure;	x	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; and	x	x	x
(vii) The name and telephone number of a 24-hour point of contact	x	x	x
(3) *Cargo Information:*			
(i) A general description of cargo, other than CDC, onboard the vessel (e.g.: grain, container, oil, etc);	x	x	x
(ii) Name of each certain dangerous cargo carried, including cargo UN number, if applicable; and	.....	x	x
(iii) Amount of each certain dangerous cargo carried	.....	x	x
(4) *Information for each Crewmember Onboard:*			
(i) Full name;	x	x	x
(ii) Date of birth;	x	x	x
(iii) Nationality;	x	x	x
(iv) Passport or mariners document number (type of identification and number);	x	x	x
(v) Position or duties on the vessel; and	x	x	x
(vi) Where the crewmember embarked (list port or place and country	x	x	x
(5) *Information for each Person Onboard in Addition to Crew:*			
(i) Full name;	x	x	x
(ii) Date of birth;	x	x	x
(iii) Nationality;	x	x	x
(iv) Passport number; and	x	x	x

TABLE 160.206—NOA INFORMATION ITEMS

Required information	Vessels not carrying CDC	Vessels carrying CDC	
		Vessels	Towing vessels controlling vessels carrying CDC
(v) Where the person embarked (list port or place and country)	x	x	x
(6) *Operational condition of equipment required by §164.35 of this chapter* . . .	x	x	x
(7) *International Safety Management (ISM) Code Notice:*			
(i) The date of issuance for the company's Document of Compliance certificate that covers the vessel;	x	x	x
(ii) The date of issuance for the vessel's Safety Management Certificate; and . .	x	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	x
(8) [Suspended]			
(9) International Ship and Port Facility Code (ISPS) Notice*:	x	x	x
(i) The date of issuance for the vessel's International Ship Security Certificate (ISSC), if any;	x	x	x
(ii) Whether the ISSC, if any, is an initial Interim ISSC, subsequent and consecutive Interim ISSC, or final ISSC;	x	x	x
(iii) Declaration that the approved ship security plan, if any, is being implemented;	x	x	x
(iv) If a subsequent and consecutive Interim ISSC, the reasons therfor;	x	x	x
(v) The name and 24-hour contact information for the Company Security Officer; and	x	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	x

*The information required by items 9(i)-(iii) need not be submitted before January 1, 2004. All other information required by item 9 need not be submitted before July 1, 2004.

must include the name of the port or place and estimated arrival and departure date for each destination of the voyage. Any vessel submitting a consolidated notice under this section must still meet the requirements of §160.208 of this part concerning requirements for charges to an NOA.

§160.208 Changes to a submitted NOA.

(1635) (a) Unless otherwise specified in this section, when submitted NOA information changes, vessels must submit a notice of change within the times required in §160.212.

(1636) (b) Changes in the following information need not be reported:

(1637) (1) Changes in arrival or departure times that are less than six (6) hours;

(1638) (2) Changes in vessel location or position of the vessel at the time of reporting (entry (2)(vi) to Table 160.206); and

(1639) (3) Changes to crewmembers' position or duties on the vessel (entry (5)(v) to Table 160.206).

(1640) (c) When reporting changes, submit only the name of the vessel, original NOA submission date, the port of arrival, the specific items to be corrected, and the new location or position of the vessel at the time of reporting. Only changes to NOA information need to be submitted.

§160.210 Methods for submitting an NOA.

(1641) (a) [Suspended]

(1642) (b) *Saint Lawrence Seaway transits*. 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 by fax at 315-764-3235 or at 315-764-3200.

(1643) (c) *Seventh Coast Guard District*. Those foreign vessels 300 or less gross tons operating in the Seventh Coast Guard District must submit an NOA to the cognizant Captain of the Port (COTP).

(1644) (d) [Suspended]

(1645) (e) *Submission to the National Vessel Movement Center (NVMC)*. Except as provided in paragraphs (b) and (c) of this section, vessels must submit NOA information required by §160.206 (entries 1-9 to Table 160.206) to the NVMC, United States Coast Guard, 408 Coast Guard Drive, Kearneysville, WV 25430, By:

(1646) (1) Electronic submission via the electronic NOA (e-NOA) available on the NVMC web site at http://www.nvmc.uscg.gov.

(1647) (2) Electronic submission via web service of formatted XML (eXtensible Markup Language) documents. E-mail sans@nvmc.uscg.gov to ask for the XML schema details;

(1648) (3) E-mail at sans@nvmc.uscg.gov. Workbook available at http://www.nvmc.uscg.gov;

(1649) (4) Fax at 1-800-547-8724 or 304-264-2684. Workbook available at http://www.nvmc.uscg.gov; or,

(1650) (5) Telephone at 1-800-708-9823 or 304-264-2502.

§160.212 When to submit an NOA.

(1651) (a) *Submission of NOA*. (1) Except as set out in paragraph (a)(2) of this section, all vessels must submit NOAs within the times required in paragraph (a)(3) of this section.

(1652) (2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places in the continental United States, must submit an NOA before departure but at least 12 hours before entering the port or place of destination.

(1653) (3) Times for submitting NOAs areas follows:

If your voyage time is–	You must submit an NOA–
(i) 96 hours or more; or	At least 96 hours before entering the port or place of destination; or
(ii) Less than 96 hours	Before departure but at least 24 hours before entering the port or place of destination.

(1654) (b) *Submission of changes to NOA*. (1) Except as set out in paragraph (b)(2) of this section, vessels must submit changes in NOA information within the times required in paragraph (b)(3) of this section.

(1655) (2) Towing vessels, when in control of a vessel carrying CDC and operating solely between ports or places in the continental United States, must submit changes to an NOA as soon as practicable but at least 6 hours before entering the port or place of destination.

(1656) (3) Times for submitting changes to NOAs are as follows:

If your remaining voyage time is–	Then you must submit changes to an NOA–
(i) 96 hours or more;	As soon as practicable but at least 24 hours before entering 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 entering the port or place of destination; or
(iii) Less than 24 hours	As soon as practicable but at least 12 hours before entering the port or place of destination.

(1657) (c) [Suspended]

§160.214 Waivers.

(1658) 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.

§160.215 Notice of hazardous conditions.

(1659) Whenever there is a hazardous condition either aboard a vessel or caused by a vessel or its operation, the owner, agent, master, operator, or person in charge shall immediately notify the nearest Coast Guard Marine Safety Office or Group Office. (Compliance with this section does not relieve responsibility for the written report required by 46 CFR 4.05–10.)

Part 161–Vessel Traffic Management

Subpart A–Vessel Traffic Services

General Rules

§161.1 Purpose and Intent.

(1660) (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.

(1661) (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.

(1662) (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.

(1663) (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.

§161.2 Definitions.

(1664) For the purposes of this part:

(1665) *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.

(1666) *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:

(1667) (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.

(1668) (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.

(1669) (3) Vessel characteristics that affect or restrict maneuverability, such as cargo arrangement, trim, loaded condition, underkeel clearance, speed, or similar characteristics.

(1670) *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.

(1671) *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.

(1672) *Towing Vessel* means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(1673) *Vessel Movement Center (VMC)* means the shore-based facility that operates the vessel tracking system for a Vessel Movement Reporting System (VMRS) area or sector 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).

(1674) *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).

(1675) *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.

(1676) *Vessel Traffic Center (VTC)* means the shore-based facility that operates the vessel traffic service for the Vessel Traffic Service area or sector within such an area.

(1677) *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.

(1678) *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 sectors for the purpose of allocating responsibility to individual Vessel Traffic Centers or to identify different operating requirements.

(1679) **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.

(1680) *VTS Special Area* means a waterway within a VTS area in which special operating requirements apply.

(1681) *VTS User* means a vessel, or an owner, operator, charterer, master, or person directing the movement of a vessel, that is:

(1682) (a) Subject to the Vessel Bridge-to-Bridge Radiotelephone Act; or

(1683) (b) Required to participate in a VMRS within a VTS area (VMRS User).

(1684) *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 sector 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.

§161.3 Applicability.

(1685) 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.

§161.4 Requirement to carry the rules.

(1686) Each VTS User shall carry on board and maintain for ready reference a copy of these rules.

(1687) **Note:** 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, and periodically published in the Local Notice to Mariners. The VTS User's Manual and the World VTS Guide, an International Maritime Organization (IMO) recognized publication, contain additional information which may assist the prudent mariner while in the appropriate VTS area.

§161.5 Deviations from the rules.

(1688) (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 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.

(1689) (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 verbally to the appropriate VTS Commanding Officer. Requests to deviate shall be made as far in advance as practicable. Upon receipt of the request, the VTS Commanding Officer 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.

Services, VTS Measures, and Operating Requirements

§161.10 Services.

(1690) 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:

(1691) (a) Hazardous conditions or circumstances;

(1692) (b) Vessel congestion;

(1693) (c) Traffic density;

(1694) (d) Environmental conditions;

(1695) (e) Aids to navigation status;

(1696) (f) Anticipated vessel encounters;

(1697) (g) Another vessel's name, type, position, hazardous vessel operating conditions, if applicable, and intended navigation movements, as reported;

(1698) (h) Temporary measures in effect;

(1699) (i) A description of local harbor operations and conditions, such as ferry routes, dredging, and so forth;

(1700) (j) Anchorage availability; or

(1701) (k) Other information or special circumstances.

§161.11 VTS measures.

(1702) (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:

(1703) (1) Designating temporary reporting points and procedures;

(1704) (2) Imposing vessel operating requirements; or

(1705) (3) Establishing vessel traffic routing schemes.

(1706) (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.

§161.12 Vessel operating requirements.

(1707) (a) Subject to the exigencies of safe navigation, a VTS User shall comply with all measures established or directions issued by a VTS.

(1708) (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.

(1709) (c) When not exchanging voice communications, a VTS User must maintain a listening watch as required by §26.04(e) of this chapter on the VTS frequency designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas). In addition, the VTS User must respond promptly when hailed and communicated in the English language.

(1710) **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.

(1711) (d) As soon as practicably a VTS User shall notify the VTS of any of the following:

(1712) (1) A marine casualty as defined in 46 CFR 4.05-1;

(1713) (2) Involvement in the ramming of a fixed or floating object;

(1714) (3) A pollution incident as defined in §151.15 of this chapter:

(1715) (4) A defect or discrepancy in an aid to navigation;

(1716) (5) A hazardous condition as defined in §160.203 of this chapter;

(1717) (6) Improper operation of vessel equipment required by Part 164 of this chapter;

(1718) (7) A situation involving hazardous materials for which a report is required by 49 CFR 176.48; and

(1719) (8) A hazardous vessel operating condition as defined in §161.2.

§161.13 VTS Special Area Operating Requirements.

(1720) The following operating requirements apply within a VTS Special Area:

(1721) (a) A VTS User shall, if towing astern, do so with as short a hawser as safety and good seamanship permits.

(1722) (b) A VMRS User shall:

(1723) (1) Not enter or get underway in the area without prior approval of the VTS;

(1724) (2) Not enter a VTS Special Area if a hazardous vessel operating condition or circumstance exists;

(1725) (3) Not meet, cross, or overtake any other VMRS User in the area without prior approval of the VTS; and

(1726) (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.

Subpart B–Vessel Movement Reporting System

§161.15 Purpose and Intent.

(1727) (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.

(1728) (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).

§161.16 Applicability.

(1729) Unless otherwise stated, the provisions of this subpart apply to the following vessels and VMRS Users:

(1730) (a) Every power-driven vessel of 40 meters (approximately 131 feet) or more in length, while navigating;

(1731) (b) Every towing vessel of 8 meters (approximately 26 feet) or more in length, while navigating; or

(1732) (c) Every vessel certificated to carry 50 or more passengers for hire, when engaged in trade.

§161.17 Definitions.

(1733) As used in the subpart:

(1734) *Center* means a Vessel Traffic Center or Vessel Movement Center.

(1735) *Published* means available in a widely-distributed and publicly available medium (e.g., VTS User's Manual, ferry schedule, Notice to Mariners).

§161.18 Reporting requirements.

(1736) (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);

(1737) (2) Establish other means of reporting for those vessels unable to report on the designated frequency; or

TABLE 161.12(C).—VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas

Center MMSI[1] Call Sign	Designated frequency (Channel designation)—purpose[2]	Monitoring area[3] [4]
Berwick Bay—003669950 Berwick Traffic	156.550 MHz (Ch. 11)	The waters south of 29º45'N., west of 91º10'W., north of 29º37'N., and east of 91º18'W.
Houston-Galveston— 003669954	----------	The navigable waters north of 29ºN., west of 94º20'W., south of 29º49'N., and east of 95º20'W.
Houston Traffic	156.550 MHz (Ch. 11) 156.250 MHz (Ch. 5A) —For Sailing Plans only	The navigable waters north of a line extending due west from the southern most end of Exxon Dock #1 (20º43.37'N., 95º01.27'W.
Houston Traffic	156.600 MHz (Ch. 12) 156.250 MHz (Ch. 5A) —For Sailing Plans only	The navigable waters south of a line extending due west from the southern most end of Exxon Dock #1 (20º43.37'N., 95º01.27'W.)
Los Angeles/Long Beach: MMSI/To be determined *San Pedro Traffic*	156.700 MHz (Ch. 14)	*Vessel Movement Reporting System Area*: The navigable waters within a 25 nautical mile radius of Point Fermin Light (33º42.3'N., 118º17.6'W.)
Louisville: Not applicable Louisville Traffic	156.650 MHz (Ch. 13)	The waters of the Ohio River between McAlpine Locks (Mile 606) and Twelve Mile Island (Mile 593), only when the McAlpine upper pool gauge is at approximately 13.0 feet or above.
Lower Mississippi River[5]— 0036699952 *New Orleans Traffic*	156.700 MHz (Ch. 14)	The navigable waters of the Lower Mississippi River below 30º38.7'N., 91º17.5'W. (Port Hudson Light at 255 miles Above Head of Passes (AHP)), the Southwest Pass, and, within a 12 nautical miles radius around 28º54.3'N., 89º25.7'W. (Southwest Pass Entrance Light at 19.9 miles Below Head of Passes)
New Orleans Traffic	156.600 MHz (Ch. 12)	*New Orleans Sector*. The navigable waters of the Lower Mississippi River bounded on the north by a line drawn perpendicular at 29º56.4'N., 90º08.36'W. and on the south by a line drawn perpendicularly at 29º56.24'N., 89º59.86'W. (88 and 106 miles AHP).
New York —003669951 *New York Traffic*	156.550 MHz (Ch.11) —For Sailing Plans Only 156.600 MHz (Ch. 12) —For vessels at anchor	The area consists of the navigable waters of the Lower New York Bay bounded on the east by a line drawn from Norton Point to Breezy Point; on the south by a line connecting the entrance buoys at the Ambrose Channel, Swash Channel, and Sandy Hook Channel to Sandy Hook Point; and on the southeast including the waters of Sandy Hook Bay south to a line drawn at latitude 40º25'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 40º41.9'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 40º43.7'N., longitude 74º01.6'W., in the Hudson River; and then continuing east including the waters of the East River to the Throgs Neck Bridge, excluding the Harlem River.
New York Traffic	156.700 MHz (Ch. 14)	The navigable waters of the Lower New York Bay west of a line drawn from Norton Point to Breezy Point; and north of a line connecting the entrance buoys of Ambrose Channel, Swash Channel, and Sandy Hook Channel, to Sandy Hook Point; on the southeast including the waters of the Sandy Hook Bay south to a line drawn at latitude 40º25'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 40º42.40'N. (Brooklyn Bridge) and 40º43.70'N. (Holand Tunnel Ventilator Shaft); west through the KVK into the Arthur Kill north of 40º38.25'N. (Arthur Kill Railroad Bridge); then north into the waters of the Newark Bay, south of 40º41.95'N. (Lehigh Valley Draw Bridge).
New York Traffic	156.600 MHz (Ch. 12)	The navigable waters of the Raritan Bay south to a line drawn at latitude 40º26'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 40º28.25'N. (Arthur Kill Railroad Bridge); including the waters of the East River north of 40º42.40'N. (Brooklyn Bridge) to the Throgs Neck Bridge, excluding the Harlem River.

TABLE 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[5]—003669955 *Sabine Traffic*	To be determined	The navigable waters south of 30°10'N., east of 94°20'W., west of 93°22'W. and, north of 29°10'N.
Prince William Sound—003669958 *Valdez Traffic*	156.650 MHz (Ch. 13)	The navigable waters south of 61°05'N., east of 147°20'W., north of 60°N., and west of 146°30'W.; and, all navigable waters in Port Valdez.
Puget Sound[6] *Seattle Traffic*—003669957	156.700 MHz (Ch. 14)	The waters of Puget Sound, Hood Canal and adjacent waters south of a line connecting Marrowstone Point and Lagoon Point in Admiralty Inlet and south of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline.
Seattle Traffic—003669957	156.250 MHz (Ch. 5A)	The waters of the Strait of Juan de Fuca east of 124°40'W. excluding the waters in the central portion of the Strait of Juan de Fuca north and east of Race Rocks; the navigable waters of the Strait of Georgia east of 122°52'W.; the San Juan Island Archipelago, Rosario Strait, Bellingham Bay; Admiralty Inlet north of a line connecting Marrowstone Point and Lagoon Point and all waters east of Whidbey Island North of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline
Tofino Traffic—003160012	156.725 MHz (Ch. 74)	The waters west of 124°40'W. within 50 nautical miles of the coast of Vancouver Island including the waters north of 48°N., and east of 127°W.
Victoria Traffic—003160010	156.550 MHz (Ch. 11)	The waters of the Strait of Georgia west of 122°52'W., the navigable waters of the central Strait of Juan de Fuca north and east of Race Rocks, including the Gulf Island Archipelago, Boundary Pass and Haro Strait.
San Francisco—003669956 *San Francisco Traffic*	156.700 MHz (Ch. 14)	The navigable waters of the San Francisco Offshore Precautionary Area, the navigable waters shoreward of the San Francisco Offshore Precautionary Area east of 122°42.0'W. and north of 37°40.0'N. extending eastward through the Golden Gate, and the navigable waters of San Francisco Bay and as far east as the port of Stockton on the San Joaquin River, as far north as the port of Sacramento on the Sacramento River.
San Francisco Traffic	156.600 MHz (Ch. 12)	The navigable waters within a 38 nautical mile radius of Mount Tamalpais (37°55.8'N., 122°34.6'W.) west of 122°42.0'W. and south of 37°40.0'N. and excluding the San Francisco Offshore Precautionary Area.
St. Marys River —003669953 *Soo Traffic*	156.600 MHz (Ch. 12)	The waters of the St. Marys River between 45°57'N. (De Tour Reef Light) and 46°38.7'N. (Ile Parisienne Light), except the St. Marys Falls Canal and those navigable waters east of a line from 46°04.16'N. and 46°01.57'N. (La Pointe to Sims Point in 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 and 164.46 of this subcapter apply in those areas denoted with a MMSI number.

[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]Until rules regarding VTS Lower Mississippi River and VTS Port Arthur are published, vessels are exempted of all VTS and VMRS requirements set forth in 33 CFR part 161, except those set forth in §§161.21 and 161.46 of this subchapter.

[6]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.

(1738) (3) Require reports from a vessel in sufficient time to allow advance vessel traffic planning.

(1739) (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).

(1740) (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.

(1741) **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.

(1742) (d) A vessel must report:

(1743) (1) Any significant deviation from its Sailing Plan, as defined in §161.19, or from previously reported information; or

(1744) (2) Any intention to deviate from a VTS issued measure or vessel traffic routing system.

(1745) (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.

§161.19 Sailing Plan (SP).

(1746) Unless otherwise stated, at least 15 minutes before navigating a VTS area, a vessel must report the:

(1747) (a) Vessel name and type;

(1748) (b) Position;

(1749) (c) Destination and ETA;

(1750) (d) Intended route;

(1751) (e) Time and point of entry; and

(1752) (f) Dangerous cargo on board or in its tow, as defined in §160.203 of this chapter, and other required information as set out in §160.211 and §160.213 of this chapter, if applicable.

§161.20 Position Report (PR).

(1753) A vessel must report its name and position:

(1754) (a) Upon point of entry into a VMRS area;

(1755) (b) At designated points as set forth in Subpart C; or

(1756) (c) When directed by the Center.

§161.21 Sailing Plan Deviation Report (DR).

(1757) (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.

(1758) (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:

(1759) (1) Notify the Center;

(1760) (2) Make voice radio Position Reports at designated reporting points as required by §161.20(b) of this part; and

(1761) (3) Make any other reports as directed by the Center.

§161.22 Final Report (FR).

(1762) A vessel must report its name and position:

(1763) (a) On arrival at its destination; or

(1764) (b) When leaving a VTS area.

§161.23 Reporting exemptions.

(1765) (a) Unless otherwise directed, the following vessels are exempted from providing Position and Final Reports due to the nature of their operation:

(1766) (1) Vessels on a published schedule and route;

(1767) (2) Vessels operating within an area of a radius of three nautical miles or less; or

(1768) (3) Vessels escorting another vessel or assisting another vessel in maneuvering procedures.

(1769) (b) A vessel described in paragraph (a) of this section must:

(1770) (1) Provide a Sailing Plan at least 5 minutes but not more than 15 minutes before navigating within the VMRS area; and

(1771) (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.

Subpart C–Vessel Traffic Service and Vessel Movement Reporting System Areas and Reporting Points

(1772) **Note:** All geographic coordinates contained in part 161 (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).

§161.25 Vessel Traffic Service New York Area.

(1773) The area consists of the navigable waters of the Lower New York Harbor bounded on the east by a line drawn from Norton Point to Breezy Point; on the south

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.].

TABLE 161.35(b)–VTS HOUSTON/GALVESTON PRECAUTIONARY AREAS

Precautionary area name	Radius (yards)	Center Points	
		Latitude	Longitude
Bolivar Roads	4000	29°20.9'N	94°47.0'W
Red Fish Bar	4000	29°29.8'N	94°51.9'W
Bayport Channel	4000	29°36.7'N	94°57.2'W
Morgans Point	2000	29°41.0'N	94°59.0'W
Upper San Jacinto Bay	1000	29°42.3'N	95°01.1'W
Baytown	1000	29°43.6'N	95°01.4'W
Lynchburg	1000	29°45.8'N	95°04.8'W
Carpenter Bayou	1000	29°45.3'N	95°05.6'W
Jacintoport	1000	29°44.8'N	95°06.0'W
Greens Bayou	1000	29°44.8'N	95°10.2'W
Hunting Bayou	1000	29°44.3'N	95°12.1'W
Sims Bayou	1000	29°43.1'N	95°14.4'W
Brady Island	1000	29°43.5'N	95°16.4'W
Buffalo Bayou	1000	29°45.0'N	95°17.3'W

Note: Each Precautionary Area encompasses a circular area of the radius denoted.

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 40°25'N.; then west into waters of the Raritan Bay to the Raritan River Rail Road Bridge; and then north including the waters of the Arthur Kill and Newark Bay to the Lehigh Valley Draw Bridge at 40°41.9'N.; and then east including the waters of the Kill Van Kull and Upper New York Bay north to a line drawn east-west from the Holland Tunnel Ventilator Shaft at 40°43.7'N., 74°01.6'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.

(1774) **Note:** Although mandatory participation in VTSNY is limited to the area within the navigable waters of the United States, VTSNY will provide services beyond those waters. Prospective users are encouraged to report beyond the area of required participation in order to facilities advance vessel traffic management in the VTS area and to receive VTSNY advisories and/or assistance.

§161.30 Vessel Traffic Service Louisville.

(1775) The VTS area consists of the navigable waters of the Ohio River between McAlpine Locks (Mile 606.8) and Twelve Mile Island (Mile 593), only when the McAlpine upper pool gauge is at 13.0 feet or above.

§161.35 Vessel Traffic Service Houston/Galveston.

(1776) (a) The VTS area consists of the following major waterways and portions of connecting waterways: Galveston Bay Entrance Channel; Outer Bar Channel; Inner Bar Channel: Bolivar Roads Channel; Galveston Channel; Gulf ICW and Galveston-Freeport Cut-Off from Mile 346 to Mile 352; Texas City Channel; Texas City Turnin Basin; Texas City Channel; Texas City Canal Turning Basin; Houston Ship Channel; Bayport Channel; Bayport Turning Basin; Houston Turning Basin: and the following precautionary areas associated with these waterways.

(1777) (b) Precautionary Areas. (Table 161.35(b))

(1778) (c) Reporting Points. (Table 161.35(c))

§161.40 Vessel Traffic Service Berwick Bay.

(1779) (a) The VTS area consists of the navigable waters of the following segments of waterways: the Intracoastal Waterway (ICW) Morgan City to Port Allen Alternate Route from Mile Marker 0 to Mile Marker 5; the ICW from Mile Marker 93 west of Harvey Lock (WHL) to Mile Marker 102 WHL; the Atchafalaya River Route from Mile Marker 113 to Mile Marker 122; from Bayou Shaffer Junction (ICM Mile Marker 94.5 WHL) south

TABLE 161.35(c)–VTS HOUSTON/GALVESTON REPORTING POINTS

Designator	Geographic name	Geographic description	Latitude/ Longitude	Notes
1	Galveston Bay Entrance Channel	Galveston Bay Entrance CH Lighted Buoy (LB) "GB"	29°18.4'N 94°37.6'W	
2	Galveston Bay Entrance Channel	Galveston Bay Entrance Channel LB 11 and 12	29°20.6'N 94°44.6'W	
E	Bolivar Land Cut	Mile 349 Intracoastal Waterway (ICW)	29°22.5'N 94°46.9'W	Tows entering HSC also report at HSC LB 25 & 26
W	Pelican Cut	Mile 351 ICW	29°21.4'N 94°48.5'W	Tows entering HSC also report at HSC LB 25 & 26
GCG	Galveston Harbor	USCG Base. At the entrance to Galveston Harbor	29°20.0'N 94°46.5'W	
T	Texas City Channel	Texas City Channel LB 12	29°22.4'N 94°50.9'W	
X	Houston Ship Channel ICW Intersection	Houston Ship Channel (HSC) LB 25 and 26	29°22.1'N 94°48.1'W	Tows entering HSC from ICW or Texas Cut only
3	Lower Galveston Bay	HSC LB 31 and 32	29°23.5'N 94°48.8'W	
4	Red Fish Reef	HSC Lt 53A and 54 A	29°30.3'N 94°52.4'W	
P	Bayport Ship Channel	Bayport Ship Channel Lt. 8 and 9	29°36.8'N 94°59.5'W	Report at North Land Cut
4A	Upper Galveston Bay	HSC Buoys 69 and 70	29°34.7'N 94°55.8'W	Tows only.
5	Morgan's Pont	Barbour's Cut	29°41.0'N 94°58.9'W	Abeam Barbours Cut
6	Exxon	Baytown Bend	29°43.5'N 95°01.4'W	
7	Lynchburg	Ferry Crossing	29°45.8'N 95°04.8'W	
8	Shell Oil	Boggy Bayou	29°44.1'N 95°08.0'W	
9	Greens Bayou	Greens Bayou	29°44.8'N 95°10.1'W	
10	Hess Turning Basin	Hunting Bayou Turning Basin	29°44.3'N 95°12.1'W	
11	Lyondell Turning Basin	Sims Bayou Turning Basin	29°43.2'N 95°14.4'W	
12	I-610 Bridge	I-610 Bridge	29°43.5'N 95°16.0'W	
13	Houston Turning Basin	Buffalo Bayou	29°45.0'N 95°17.4'W	

TABLE 161.40(c)–VTS BERWICK BAY REPORTING POINTS

Designator	Geographic name	Geographic description	Latitude/ Longitude	Notes
1	Stouts Pass	Stouts Point Light "1" Mile 113-Atchafalya River	29°43'47"N 91°13'25"W	
2	Berwick Lock	Mile 1.9 MC/PA	29°43'10"N 91°13'28"W	If transiting the Lock.
3	Conrad's Point Junction	Buoy "1" Mile 1.5 MC/PA	29°42'32"N 91°13'14"W	
4	Swift Ships Flat Lake Junction	Mile 3 MC/PA	29°43'26"N 91°12'22"W	
5	South Pacific Railroad Bridge	Mile 0.3 MC/PA	29°41'34"N 91°12'44"W	
6	20 Grand Point Junction	Bayou Boeuf-Atchafalaya R. Mile 95.5 ICW	29°41'18"N 91°12'36"W	
7	ICW	Overhead Power Cable Mile 96.5 ICW	29°40'43"N 91°13'18"W	
8	Wax Bayou Junction	Light "A" Mile 98.2W ICW	29°39'29"N 91°14'46"W	
9	Shaffer Junction	ICW - Bayou Shaffer Mile 94.5 ICW	29°41'10"N 91°11'38"W	

one statute mile along Bayou Shaffer; and from Berwick Lock northwest one statute mile along the Lower Atchafalaya River.

(1780) (b) VTS Special Area. The Berwick Bay VTS Special Area consists of those waters within a 1000 yard radius of the Southern Pacific Railroad Bridge located at Mile .03 MC/PA.

(1781) (c) Reporting Points. (Table 161.40(c))

Part 162–Inland Waterways Navigation Regulations

§162.1 General.

(1782) 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.

§162.65 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, Fla.

(1783) (a) *Description*. This section applies to the following:

(1784) (1) *Waterways*. All navigable waters of the United States, natural or artificial, including bays, lakes, sounds, rivers, creeks, intracoastal waterways, as well as canals and channels of all types, which are tributary to or connected by other waterways with the Atlantic Ocean south of Chesapeake Bay or with the Gulf of Mexico east and south of St. Marks, Florida.

(1785) (2) *United States property*. All river and harbor lands owned by the United States in or along the waterways described in paragraph (a)(1) of this section, including lock sites and all structures thereon, other sites for Government structures and for the accommodation and use of employees of the United States, and rights of way and spoil disposal areas to the extent of Federal interest therein.

(1786) (3) *Vessels and rafts*. The term "vessel" as used in this section includes all floating things moved over these waterways other than rafts.

(1787) (b) *Waterways*-(1) Fairway. A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and rafts that normally use the various waterways or sections thereof. The District Commander may specify the width of the fairway required in the various waterways under his charge.

(1788) (2) *Stoppage in waterway, anchorage or mooring*. (i) No vessels or rafts shall anchor or moor in any of the land cuts or other narrow parts of the waterway, except in case of an emergency. Whenever it becomes necessary for a vessel or raft to stop in any such portions of the waterway it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or craft. Stoppages shall be only for such periods as may be necessary.

(1789) (ii) No vessel or raft will be allowed to use any portion of the fairway as a mooring place except temporarily as authorized above without the written permission from the District Commander.

(1790) (iii) When tied up, all vessels must be moored by bow and stern lines. Rafts and tows shall be secured at sufficiently close intervals to insure their not being drawn away from the bank by winds, currents or the suction of passing vessels. Tow lines shall be shortened so that the different parts of the tow shall be as close together as possible. In narrow sections, no vessel or raft shall be tied abreast of another.

(1791) (iv) Lights shall be displayed in accordance with provisions of the Navigation Rules, International-Inland, Commandant Instruction M16672.2 (series).

(1792) (v) No vessel, even if fastened to the bank as prescribed in paragraph (b)(2)(i) of this section, shall be left without a sufficient crew to care for it properly.

(1793) (vi) Vessels will not be permitted to load or unload in any of the land cuts except as a regular established landing or wharf without written permission secured in advance from the District Commander.

(1794) (vii) No vessel, regardless of size, shall anchor in a dredged channel or narrow portion of a waterway for the purpose of fishing, if navigation is obstructed, thereby.

(1795) (viii) Except in cases of emergency the dropping of anchors, weights, or other ground tackle, within areas occupied by submarine cable or pipe crossings is prohibited. Such crossings will ordinarily be marked by signboards on each bank of the shore or indicated on coast charts.

(1796) (3) *Speed*. (i) Vessels shall proceed at a speed which will not endanger other vessels or structures and will not interfere with any work in progress incident to maintaining, improving, surveying or marking the channel.

(1797) (ii) Official signs indicating limiting speeds through critical portions of the waterways shall be strictly obeyed.

(1798) (iii) Vessels approaching and passing through a bridge shall so govern their speed as to insure passage through the bridge without damage to the bridge or its fenders.

(1799) (4) *Assembly and handling of tows*.

(1800) (i) All vessels drawing tows and equipped with rudders shall use two tow lines or a bridle and shorten them to the greatest possible extent so as to have full control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. If necessary, as in the case of lengthy or cumbersome tows or tows in restricted channels, the District Commander may require that tows be broken up and may require the installation of a rudder, drag or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others, including aids to navigation maintained by the United States or under its authorization, by collision or otherwise.

(1801) (ii) No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(1802) (iii) Tows desiring to pass a bridge shall approach the opening along the axis of the channel so as to pass through without danger of striking the bridge or its fenders. No vessel or tow shall navigate through a drawbridge until the movable span is fully opened.

(1803) (iv) In the event that it is evident to the master of a towing vessel that a tow cannot be safely handled through a bridge, it will be brought to anchor and the towed vessels will be taken through the bridge in small units, or singly if necessary, or the tow will wait until navigation conditions have improved to such an extent that the tow can pass through the bridge without damage.

(1804) (5) *Projections from vessels*. No vessel carrying a deck load which overhangs or projects over the side of said vessel, or whose rigging projects over the side of the vessel so as to endanger passing vessels, wharves or other property, will enter or pass through any of the narrow parts of the waterway.

(1805) (6) *Meeting and passing*. Vessels, on meeting or overtaking, shall give the proper signals and pass in accordance with the Navigation Rules, International-Inland, Commandant Instruction M16672.2 (series). Rafts shall give to vessels the side demanded by proper signal. All vessels approaching dredges, or other plant engaged on improvements to a waterway, shall give the signal for passing and slow down sufficiently to stop if so ordered or if no answering signal is received. On receiving the answering signal, they shall then proceed to pass at a speed sufficiently slow to insure safe navigation.

(1806) **NOTE.** The Corps of Engineers also has regulations dealing with this section in 33 CFR 207.

§162.75 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and Atchafalaya River) from St. Marks, Fla., to the Rio Grande.

(1807) (a) The regulations in this section shall apply to:

(1808) (1) *Waterways*. All navigable waters of the U.S. tributary to or connected by other waterways with the Gulf of Mexico between St. Marks, Fla., and the Rio Grande, Tex. (both inclusive), and the Gulf Intracoastal Waterway; except the Mississippi River, its tributaries, South and Southwest Passes, and the Atchafalaya River above its junction with the Morgan City-Port Allen Route.

(1809) (2) *Bridges, wharves, and other structures*. All bridges, wharves, and other structures in or over these waterways.

(1810) (3) *Vessels*. The term "vessels" as used in this section includes all floating craft other than rafts.

(1811) (b) Waterways:

(1812) (1) A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and tows normally using the various waterways covered by the regulations of this section.

(1813) (2) Fairway: The District Commander may specify the width of the fairway required in the various waterways under his charge.

(1814) (3) Anchoring or mooring:

(1815) (i) Vessels or tows shall not anchor or moor in any of the land cuts or other narrow parts of the waterway except in an emergency, or with permission of the District Commander. Whenever it becomes necessary for a vessel or tow to stop in any such portions of the waterway, it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or tows. Stoppages shall be only for such periods as may be necessary.

(1816) (ii) When tied up individually, all vessels and tows shall be moored by bow and stern lines. Tows shall be secured at sufficiently frequent intervals to insure their not being drawn away from the bank by winds, currents, or the suction of passing vessels. Lines shall be shortened so that the various barges in a tow will be as close together as possible.

(1817) (iii) Lights shall be displayed in accordance with provisions of the Navigation Rules, International-Inland, Commandant Instruction M16672.2 (series).

(1818) (iv) Whenever any vessel or tow is moored to the bank (paragraph (b)(3)(i) of this section) at least one crew member shall always remain on board to see that proper signals are displayed and that the vessel or tow is properly moored at all times.

(1819) (v) No vessel, regardless of size, shall anchor in a dredged channel or narrow portion of a waterway for the purpose of fishing if navigation is obstructed thereby:

(1820) (4) Speed: Speeding in narrow sections is prohibited. Official signs indicating limited speeds shall be obeyed. Vessels shall reduce speed sufficiently to prevent damage when passing other vessels or structures in or along the waterway.

(1821) (5) Size, assembly, and handling of tows:

(1822) (i) On waterways 150 feet wide or less, tows which are longer than 1,180 feet, including the towing vessel, but excluding the length of the hawser, or wider than one-half of the bottom width of the channel or 55 feet, whichever is less, will not be allowed, except when the District Commander has given special permission or the waterway has been exempted from these restrictions by the District Commander. Before entering any narrow section of the Gulf Intracoastal Waterway, tows in excess of one-half the channel width, or 55 feet, will be required to stand by until tows which are less than one-half the channel width or 55 feet wide have cleared the channel. When passing is necessary in narrow channels, overwidth tows shall yield to the maximum. Separate permission must be received from the District Commander for each overlength or overwidth movement. In addition, the following exceptions are allowed:

(1823) (ii) Gulf Intracoastal Waterway-Between mile 6.2 EHL (Inner Harbor Navigation Canal Lock) and mile 33.6 EHL tows of 78 feet in width will be allowed.

(1824) (iii) Gulf Intracoastal Waterway-Between mile 33.6 EHL and the Mobile Bay Ship Channel, tows of 108 feet in width will be allowed if under 750 feet in length including the towboat but excluding the length of the hawser.

(1825) (iv) Gulf Intracoastal Waterway-Mobile Bay Ship Channel to St. Marks, Fla., for tows made up of empty barges on the off or shallow side, a width of 75 feet will be allowed.

(1826) (v) All vessels pulling tows not equipped with rudders in restricted channels and land cuts shall use two towlines, or a bridle on one towline, shortened as much as safety of the towing vessel permits, so as to have maximum control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. In open water, the towlines and fastenings between barges may be lengthened so as to accommodate the wave surge. In the case of lengthy or cumbersome tows, or tows in restricted channels, the District Commander may require that tows be broken up, and may require the installation of a rudder or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others. Pushing barges with towing vessel astern, towing barges with towing

vessel alongside, or pushing and pulling barges with units of the tow made up both ahead and astern of the towing vessel are permissible provided that adequate power is employed to keep the tows under full control at all times. No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(1827) (vi) All tows navigating the Pass Manchac bridges in Louisiana are limited to no more than two barges, not to exceed a combined tow length of 400 feet (excluding the towboat). Vessel operators for tows exceeding these limits must request and receive permission from the COTP New Orleans prior to navigating the bridges. Requests should be made by telephoning the COTP at 504-589-7101. Any decision made by the COTP is final agency action.

(1828) (6) Projections from vessels: Vessels or tows carrying a deck load which overhangs or projects over the side, or whose rigging projects over the side, so as to endanger passing vessels, wharves, or other property, shall not enter or pass through any of the narrow parts of the waterway without prior approval of the District Commander.

(1829) (7) Meeting and passing: Passing vessels shall give the proper signals and pass in accordance with the International Rules, the Navigation Rules, International-Inland, Commandant Instruction M16672.2 (series), where applicable. At certain intersections where strong currents may be encountered, sailing directions may be issued through navigation bulletins or signs posted on each side of the intersections.

(1830) **NOTE.** The Corps of Engineers also has regulations dealing with this section in 33 CFR 207.

§162.80 Mississippi River below mouth of Ohio River, including South and Southwest Passes.

(1831) (a) *Mooring on Mississippi River between Miles 311.5 AHP and 340.0 AHP.*

(1832) (1) No vessel or craft shall moor along either bank of the Mississippi River between Miles 311.5 AHP and Mile 340.0 AHP except in case of an emergency, pursuant to an approved navigation permit, or as authorized by the District Commander. Vessels may be moored any place outside the navigation channel in this reach in case of an emergency and then for only the minimum time required to terminate the emergency. When so moored, all vessels shall be securely tied with bow and stern lines of sufficient strength and fastenings to withstand currents, winds, wave action, suction from passing vessels or any other forces which might cause the vessels to break their moorings. When vessels are so moored, a guard shall be on board at all times to insure that proper signals are displayed and that the vessels are securely and adequately moored.

(1833) (2) Vessels may be moored any time at facilities constructed in accordance with an approved navigation permit or as authorized by the District Commander. When so moored, each vessel shall have sufficient fastenings to prevent the vessels from breaking loose by wind, current, wave action, suction from passing vessels or any other forces which might cause the vessel to break its mooring. The number of vessels in one fleet and the width of the fleet of vessels tied abreast shall not extend into the fairway or be greater than allowed under the permit.

(1834) (3) Mariners should report immediately by radio or fastest available means to the lockmaster at Old River Lock or to any Government patrol or survey boat in the vicinity any emergency mooring or vessels drifting uncontrolled within the area described in paragraph (a)(1) of this section. It is the responsibility and duty of the master of a towing vessel releasing or mooring a vessel in this reach of the Mississippi River to report such action immediately.

(1835) (b) *Mooring on Mississippi River below Baton Rouge, La., including South and Southwest Passes.*

(1836) (1) When tied up individually or in fleets, vessels shall be moored with sufficient lines and shore fastenings to insure their remaining in place and withstanding the action of winds, currents and the suction of passing vessels.

(1837) **NOTE.** The Corps of Engineers also has regulations dealing with this section in 33 CFR 207.

§162.260 Channel leading to San Juan Harbor, P.R.; use, administration, and navigation.

(1838) (a) Steamers passing dredge engaged in improving the channel shall not have a speed greater than 4 miles an hour, and the propelling machinery shall be stopped when crossing the lines to the dredge anchors.

(1839) (b) Vessels using the channel shall pass the dredge on the side designated from the dredge by the signals prescribed in paragraph (c) of this section.

(1840) (c) Dredge shall display the red flag by day and four white lights hung in a vertical line by night to indicate the passing side.

(1841) (d) Vessels shall not anchor on the ranges of stakes or other marks placed for the guidance of the dredge, nor in such a manner as to obstruct the channel for passing vessels.

(1842) (e) Vessels shall not run over or disturb stake, lanterns, or other marks placed for the guidance of the dredge.

(1843) (f) Dredges working in the prosecution of the work shall not obstruct the channel unnecessarily.

(1844) (g) The dredge will slack lines running across the channel from the dredge on the passing side, for passing vessels, when notified by signal, with whistle or horn.

(1845) (h) The position of anchors of the dredge shall be marked by buoys plainly visible to passing vessels.

§162.270 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

(1846) (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:

(1847) (1) James River Reserve Fleet, Fort Eustis, Virginia.

(1848) (2) Beaumont Reserve Fleet, Neches River near Beaumont, Texas.

(1849) (3) Suisun Bay Reserve Fleet near Benicia, California.

(1850) (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.

(1851) (c) The regulations in this section shall be enforced by the respective Fleet Superintendents and such agencies as they may designate.

Part 164–Navigation Safety Regulations (in part). For a complete description of this part see 33 CFR 164.

§164.01 Applicability.

(1852) (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.

(1853) (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–

(1854) (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;

(1855) (2) Used solely for assistance towing as defined by 46 CFR 10.103;

(1856) (3) Used solely for pollution response; or

(1857) (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.

(1858) (c) Provisions of §§164.11(a)(2) and (c), 164.30, and 164.33, abd 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.

(1859) (d) Provisions of §164.46 apply to some self-propelled vessels of less 1600 gross tonnage.

§164.02 Applicability exception for foreign vessels.

(1860) (a) Except as provided in §164.46(a)(2) of this part (including §§164.38 and 164.39) does not apply to vessels that:

(1861) (1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(1862) (2) Are in:

(1863) (i) Innocent passage through the territorial sea of the United States; or

(1864) (ii) Transit through navigable waters of the United States which form a part of an international strait.

§164.03 Incorporation by reference.

(1865) (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 and edition other than that specified in paragraph (b) of 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 Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC, and at the U.S. Coast Guard, Marine Environmental Protection Division (G-MWV), room 2100, 2100 Second Street, SW., Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section.

(1866) (b) The materials approved for incorporation by reference in this part and the sections affected are as follows:

(1867) *American Petroleum Institute (API)*, 1220 L Street NW., Washington, DC 20005

(1868) API Specifications 9A, Specification for Wire Rope, Section 3, Properties and Tests for Wire and Wire Rope, May 28, 1984 . . . . . **164.74**

(1869) *American Society for Testing and Materials (ASTM)*, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

(1870) ASTM D4268-93, Standard Test Method for Testing Fiber Ropes **164.74**

(1871) *Cordage Institute*, 350 Lincoln Street, Hingham, MA 02043

(1872) CIA-3, Standard Test Methods for Fiber Rope Including Standard Terminations, Revised, June 1980 . . . . . **164.74**

(1873) **International Electrotechnical Commission (IEC)**

(1874) 3, rue de Varemb, Geneva, Switzerland.

(1875) IEC 61993–2, Maritime navigation and radiocommunication equipment and systems—Automatic identification systems (AIS)—part 2: Class A shipborne equipment of the universal automatic identification system (AIS)—Operational and performance requirements, methods of test and required test results First edition, 2001–12 . . . . . **164.46**

(1876) *International Maritime Organization (IMO)*, 4 Albert Embankment, London SE1 7SR, U.K. IMO Resolution A342(IX), Recommendation on Performance Standards for Automatic Pilots, adopted November 12, 1975 . . . . . **164.13**

(1877) Resolution MSC.74(69), Annex 3, Recommendation on Performance Standards for a Universal Shipborne Automatic Identification System (AIS), adopted May 12, 1998 . . . . . **164.46**

(1878) SN/Circ.277, Guidelines for the Installation of a Shipborne Automatic Identification System (AIS), dated January 6, 2003 . . . . . **164.46**

(1879) SOLAS, International Convention for Safety of Life at Sea, 1974, and 1988 Protocol relating thereto, 2000 Amendments, effective January and July 2002, (SOLAS 2000 Amendments) **164.46**

(1880) 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 December 12, 2002 . . . . . **164.46**

(1881) *International Telecommunication Union Radiocommunication Bureau (ITU-R)*, Place de Nations CH-1211 Geneva 20 Switzerland

(1882) (1) ITU-R Recommendation M.821, Optional Expansion of the Digital Selective-Calling System for Use in the Maritime Mobile Service, 1992 . . . . . **164.43**

(1883) (2) ITU-R Recommendation M.825, Characteristics of a Transponder System Using Digital Selective-Calling Techniques for Use with Vessel Traffic Services and Ship-to-Ship Identification,1992 . . **164.43**

(1884) ITU–R Recommendation M.1371–1, Technical characteristics for a universal shipborne automatic identification system using time division multiple access in the VHF maritime mobile band, 1998-2001 . . . . . **164.46**

(1885) *Radio Technical Commission for Maritime Services*, 655 Fifteenth Street, NW., Suite 300, Washington, DC 20005

(1886) (1) RTCM Paper 12-78/DO-100, Minimum Performance Standards, Loran C Receiving Equipment, 1977 . . . . . **164.41**

(1887) (2) RTCM Paper 194-93/SC104-STD, RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.1, 1994 . . . . . **164.43**

(1888) (3) 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 . . . . . **164.72**

(1889) (4) 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 . . . **164.72**

§164.11 Navigation under way: General.

(1890) The owner, master, or person in charge of each vessel underway shall ensure that:

(1891) (A) The wheelhouse is constantly manned by persons who –

(1892) (1) Direct and control the movement of the vessel; and

(1893) (2) Fix the vessel's position;

(1894) (b) Each person performing a duty described in paragraph (a) of this section is competent to perform that duty;

(1895) (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;

(1896) (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;

(1897) (e) Buoys alone are not used to fix the vessel's position;

(1898) **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.

(1899) (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;

(1900) (g) Rudder orders are executed as given;

(1901) (h) Engine speed and direction orders are executed as given;

(1902) (i) Magnetic variation and deviation and gyrocompass errors are known and correctly applied by the person directing the movement of the vessel;

(1903) (j) A person whom he has determined is competent to steer the vessel is in the wheelhouse at all times (See also 46 U.S.C. 8702(d), which requires an able seaman at the wheel on U.S. vessels of 100 gross tons or more in narrow or crowded waters or during low visibility.);

(1904) (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.

(1905) (1) Current velocity and direction for the area to be transited are known by the person directing the movement of the vessel;

(1906) (m) Predicted set and drift are known by the person directing movement of the vessel;

(1907) (n) Tidal state for the area to be transited is known by the person directing movement of the vessel;

(1908) (o) The vessel's anchors are ready for letting go;

(1909) (p) The person directing the movement of the vessel sets the vessel's speed with consideration for –

(1910) (1) The prevailing visibility and weather conditions;

(1911) (2) The proximity of the vessel to fixed shore and marine structures;

(1912) (3) The tendency of the vessel underway to squat and suffer impairment of maneuverability when there is small underkeel clearance;

(1913) (4) The comparative proportions of the vessel and the channel;

(1914) (5) The density of marine traffic;

(1915) (6) The damage that might be caused by the vessel's wake;

(1916) (7) The strength and direction of the current; and

(1917) (8) Any local vessel speed limit;

(1918) (q) The tests required by §164.25 are made and recorded in the vessel's log; and

(1919) ®) The equipment required by this part is maintained in operable condition.

(1920) (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.

(1921) (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.

(1922) (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.

§164.13 Navigation underway: tankers.

(1923) (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.

(1924) (b) Each tanker must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the main control space and must consist of at least a licensed engineer.

(1925) (c) Each tanker must navigate with at least two licensed deck officers 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 licensed and assigned to the vessel as master, mate, or officer in charge of a navigational watch, who is separate and distinct from the pilot.

(1926) (d) Except as specified in paragraph (e) of this section, a tanker may operate with an auto pilot engaged only if all of the following conditions exist:

(1927) (1) The operation and performance of the automatic pilot conforms with the standards recommended by the International Maritime Organization in IMO Resolution A.342(IX).

(1928) (2) A qualified helmsman is present at the helm and prepared at all times to assume manual control.

(1929) (3) The tanker is not operating in any of the following areas:

(1930) (i) The areas of the traffic separation schemes specified in subchapter P of this chapter.

(1931) (ii) The portions of a shipping safety fairway specified in part 166 of this chapter.

(1932) (iii) An anchorage ground specified in part 110 of this chapter.

(1933) (iv) An area within one-half nautical mile of any U.S. Shore.

(1934) (e) A tanker equipped with an integrated navigation system, and complying with paragraph (d)(2) of this section, may use the system with the auto pilot engaged while in the areas described in paragraphs (d)(3)(i) and (ii) of this section. The master shall provide,

upon request, documentation showing that the integrated navigation system—

(1935) (1) Can maintain a predetermined trackline with a cross track error of less than 10 meters 95 percent of the time;

(1936) (2) Provides continuous position data accurate to within 20 meters 95 percent of the time: and

(1937) (3) Has an immediate override control.

§164.15 Navigation bridge visibility.

(1938) (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:

(1939) (1) From the conning position, the view of the sea surface must not be obscured by more than the lesser of two hip 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.

(1940) (2) From the conning position, the horizontal field of vision must extend over an arc from at least 22.5 degrees abaft the beam on one side of the vessel, through dead ahead, to at least 22.5 degrees abaft the beam on the other side of the vessel. Blind sectors forward of the beam caused by cargo, cargo gear, or other permanent obstruction must not exceed 10 degrees, nor total more than 20 degrees, including any blind sector within the arc of visibility described in paragraph (a)(1) of this section.

(1941) (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.

(1942) (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.

(1943) (b) A clear view must be provided through at least two front windows at all times regardless of weather conditions.

§164.19 Requirements for vessels at anchor.

(1944) The master or person in charge of each vessel that is anchored shall ensure that –

(1945) (a) A proper anchor watch is maintained;

(1946) (b) Procedures are followed to detect a dragging anchor; and

(1947) (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.

§164.25 Tests before entering or getting underway.

(1948) (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:

(1949) (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:

(1950) (i) Each remote steering gear control system.

(1951) (ii) Each steering position located on the navigating bridge.

(1952) (iii) The main steering gear from the alternative power supply, if installed.

(1953) (iv) Each rudder angle indicator in relation to the actual position of the rudder.

(1954) (v) Each remote steering gear control system power failure alarm.

(1955) (vi) Each remote steering gear power unit failure alarm.

(1956) (vii) The full movement of the rudder to the required capabilities of the steering gear.

(1957) (2) All internal vessel control communications and vessel control alarms.

(1958) (3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(1959) (4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(1960) (5) Main propulsion machinery, ahead and astern.

(1961) (b) Vessels navigating on the Great Lakes and their connecting and tributary waters, having once completed the test requirements of this sub-part, are considered to remain in compliance until arriving at the next port of call on the Great Lakes.

(1962) (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.

(1963) (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:

(1964) (1) Operation of the main steering gear from within the steering gear compartment.

(1965) (2) Operation of the means of communications between the navigating bridge and the steering compartment.

(1966) (3) Operation of the alternative power supply for the steering gear if the vessel is so equipped.

§164.30 Charts, publications, and equipment: General.

(1967) 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.

§164.33 Charts and publications.

(1968) (a) Each vessel must have the following:

(1969) (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 —

(1970) (i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and

(1971) (ii) Are currently corrected.

(1972) (2) For the area to be transited, a currently corrected copy of, or applicable currently corrected extract from, each of the following publications:

(1973) (i) U.S. Coast Pilot.

(1974) (ii) Coast Guard Light List.

(1975) (3) For the area to be transited, the current edition of, or applicable current extract from:

(1976) (i) Tide tables published by private entities using data provided by the National Ocean Service.

(1977) (ii) Tidal current tables published by private entities using data provided by the National Ocean Service, or river current publication issued by the U.S. Army Corps of Engineers, or a river authority.

(1978) (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.

(1979) (c) As used in this section, "currently corrected" means corrected with changes contained in all Notices to Mariners published by National Geospatial-Intelligence Agency, or an equivalent foreign government publication, reasonably available to the vessel, and that is applicable to the vessel's transit.

§164.35 Equipment: All vessels.

(1980) Each vessel must have the following:

(1981) (a) A marine radar system for surface navigation.

(1982) (b) An illuminated magnetic steering compass, mounted in a binnacle, that can be read at the vessel's main steering stand.

(1983) (c) A current magnetic compass deviation table or graph or compass comparison record for the steering compass, in the wheelhouse.

(1984) (d) A gyrocompass.

(1985) (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.

(1986) (f) An illuminated rudder angle indicator in the wheelhouse.

(1987) (g) The following maneuvering information prominently displayed on a fact sheet in the wheelhouse:

(1988) (1) A turning circle diagram to port and starboard that shows the time and distance and advance and transfer required to alter course 90 degrees with maximum rudder angle and constant power settings, for either full and half speeds, or for full and slow speeds. For vessels whose turning circles are essentially the same for both directions, a diagram showing a turning circle in one direction, with a note on the diagram stating that turns to port and starboard are essentially the same, may be substituted.

(1989) (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.

(1990) (3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(1991) (4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speeds.

(1992) (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.

(1993) (6) The maneuvering information for the normal load and normal ballast condition for –

(1994) (i) Calm weather-wind 10 knots or less, calm sea;

(1995) (ii) No current;

(1996) (iii) Deep water conditions-water depth twice the vessel's draft or greater; and

(1997) (iv) Clean hull.

(1998) (7) At the bottom of the fact sheet, the following statement:

(1999) **Warning.**

(2000) 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:

(2001) (1) Calm weather-wind 10 knots or less, calm sea;

(2002) (2) No current;

(2003) (3) Water depth twice the vessel's draft or greater;

(2004) (4) Clean hull; and

(2005) (5) Intermediate drafts or unusual trim.

(2006) (h) An echo depth sounding device.

(2007) (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.

(2008) (j) Equipment on the bridge for plotting relative motion.

(2009) (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.

(2010) (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.

(2011) (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.

(2012) (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.

(2013) (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.

§164.37 Equipment: Vessels of 10,000 gross tons or more.

(2014) (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.

(2015) **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.

(2016) (b) On each tanker of 10,000 gross tons or more that is subject to Section 5 of the Port and Tanker Safety Act of 1978 (46 U.S.C. 391a), 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.

§164.38 Automatic radar plotting aids (ARPA). (See 33 CFR 164.)

§164.39 Steering gear: Foreign tankers.

(2017) (a) This section applies to each foreign tanker of 10,000 gross tons or more, except a public vessel, that —

(2018) (1) Transfers oil at a port or place subject to the jurisdiction of the United States; or

(2019) (2) Otherwise enters or operates in the navigable waters of the United States, except a vessel described by §164.02 of this part.

(2020) (b) *Definitions*. The terms used in this section are as follows:

(2021) *Constructe*d means the same as in Chapter II-1, Regulations 1.1.2 and 1.1.3.1, of SOLAS 74.

(2022) *Existing tanker* means a tanker –

(2023) (1) For which the building contract is placed on or after June 1, 1979;

(2024) (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;

(2025) (3) The delivery of which occurs on or after June 1, 1982; or

(2026) (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.

(2027) *Public vessel, oil, hazardous materials, and foreign vessel* mean the same as in 46 U.S.C. 2101.

(2028) *SOLAS 74* means the International Convention for the Safety of Life at Sea, 1974, as amended.

(2029) *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).

(2030) (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.

(2031) (d) Each tanker constructed before September 1, 1984, must meet the requirements of Chapter II-1, Regulation 29.19, of SOLAS 74.

(2032) (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.

(2033) (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.

§164.40 Devices to indicate speed and distance.

(2034) (a) Each vessel required to be fitted with an Automatic Radar Plotting Aid (ARPA) under §164.38 must be fitted with a device to indicate speed and distance of the vessel either through the water, or over the ground.

(2035) (b) The device must meet the following specifications:

(2036) (1) The display must be easily readable on the bridge by day or night.

(2037) (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.

(2038) (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.

§164.41 Electronic position fixing devices.

(2039) (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 one of the following:

(2040) (1) A Type I or II LORAN C receiver as defined in Section 1.2(e), meeting Part 2 (Minimum Performance Standards) of the Radio Technical Commission for Marine Services (RTCM) Paper 12-78/DO-100 dated December 20, 1977, entitled "Minimum Performance Standards (MPS) Marine Loran-C Receiving Equipment". Each receiver installed must be labeled with the information required under paragraph (b) of this section.

(2041) (2) A satellite navigation receiver with:

(2042) (i) Automatic acquisition of satellite signals after initial operator settings have been entered; and

(2043) (ii) Position updates derived from satellite information during each usable satellite pass.

(2044) (3) 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 Assistant Commandant for Operations, 2100 Second Street, SW, Washington, DC 20593-0001. 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

(2045) The Federal Radionavigation Plan is available from the National Technical Information Service, Springfield, Va. 22161, with the following Government Accession Numbers:

(2046) Vol 1, ADA 116468

(2047) Vol 2, ADA 116469

(2048) Vol 3, ADA 116470

(2049) Vol 4, ADA 116471

(2050) (b) Each label required under paragraph (a)(1) of this section must show the following:

(2051) (1) The name and address of the manufacturer.

(2052) (2) The following statement by the manufacturer:

(2053) This receiver was designed and manufactured to meet Part 2 (Minimum Performance Standards) of the RTCM MPS for Marine Loran-C Receiving Equipment.

§164.42 Rate of turn indicator.

(2054) 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.

§164.43 Automatic Identification System Shipborne Equipment–Prince William Sound.

(2055) (a) Until July 1, 2004, each vessel required to provide automated position reports to a Vessel Traffic Service (VTS) under §165.1704 of this subchapter must do so by installed Automatic Identification System Shipborne Equipment (AISSE) system consisting of a:

(2056) (1) Twelve-channel all-in-view Differential Global Positioning System (dGPS) receiver;

(2057) (2) Marine band Non-Directional Beacon receiver capable of receiving dGPS error correction messages;

(2058) (3) VHF-FM transceiver capable of Digital Selective Calling (DSC) on the designated DSC frequency; and

(2059) (4) Control unit.

(2060) (b) An AISSE must have the following capabilities:

(2061) (1) Use dGPS to sense the position of the vessel and determine the time of the position using Universal Coordinated Time (UTC);

(2062) (2) Fully use the broadcast type 1, 2, 3, 5, 6, 7, 9, and 16 messages, as specified in RTCM Recommended Standards for Differential NAVSTAR GPS Service in determining the required information;

(2063) (3) Achieve a position error which is less than ten meters (32.8 feet) 2 distance root mean square (2 drms) from the true North American Datum of 1983 (NAD 83) in the position information transmitted to a VTS;

(2064) (4) Achieve a course error of less than 0.5 degrees from true course over ground in the course information transmitted to a VTS;

(2065) (5) Achieve a speed error of less than 0.05 knots from true speed over ground in the speed information transmitted to a VTS;

(2066) (6) Receive and comply with commands broadcast from a VTS as DSC messages on the designated DSC frequency;

(2067) (7) Receive and comply with RTCM messages broadcast as minimum shift keying modulated medium frequency signals in the marine radiobeacon band, and supply the messages to the dGPS receiver;

(2068) (8) Transmit the vessel's position, tagged with the UTC position solution, course over ground, speed over ground, and Lloyd's identification number to a VTS;

(2069) (9) Display a visual alarm to indicate to shipboard personnel when a failure to receive or utilize the RTCM messages occurs;

(2070) (10) Display a separate visual alarm which is triggered by a VTS utilizing a DSC message to indicate to shipboard personnel that the U.S. Coast Guard dGPS system cannot provide the required error correction messages; and

(2071) (11) Display two RTCM type 16 messages, one of which must display the position error in the position error broadcast.

(2072) (c) An AISSE is considered non-operational if it fails to meet the requirements of paragraph (b) of this section.

(2073) **Note:** Vessel Traffic Service (VTS) areas and operating procedures are set forth in Part 161 of this chapter.

§164.46 Automatic Identification System (AIS).

(2074) (a) The following vessels must have a properly installed, operational, type approved AIS as of the date specified:

(2075) (1) Self-propelled vessels of 65 feet or more in length, other than passenger and fishing vessels, in commercial service and on an international voyage, not later than December 31, 2004.

(2076) (2) Nothwithstanding paragraph (a)(1) of this section, the following, self-propelled vessels, that are on an international voyage must also comply with SOLAS, as amended, Chapter V, regulation 19.2.1.6, 19.2.4, and 19.2.3.5 or 19.2.5.1 as appropriate (Incorporated by reference, see §164.03):

(2077) (i) Passenger vessels, of 150 gross tonnage or more, not later than July 1, 2003;

(2078) (ii) Tankers, regardless of tonnage, not later than the first safety survey for safety equipment on or after July 1, 2003;

(2079) (iii) Vessels, other than passenger vessels or tankers, of 50,000 gross tonnage or more, not later than July 1, 2004; and

(2080) (iv) Vessels, other than passenger vessels or tankers, of 300 gross tonnage or more than 50,000 gross tonnage, not later than the first safety survey for safety equipment on or after July 1, 2004, but no later than December 31, 2004.

(2081) (3) Notwithstanding paragraphs (a)(1) and (a)(2) of this section, the following vessels, when navigating an area denoted in table 161.12(c) of §161.12 of this chapter, not later than December 31, 2004:

(2082) (i) Self-propelled vessels of 65 feet or more in length, other than fishing vessel and passenger vessels certificated to carry less than 151 passengers-for-hire, in commercial service;

(2083) (ii) Towing vessels of 26 feet or more in length and more than 600 horsepower, in commercial service;

(2084) (iii) Passenger vessels certificated to carry more than 150 passengers-for-hire.

(2085) **Note to §164.46(a):** "Properly installed" refers to an installation using the guidelines set forth in IMO SN/Circ. 227 (incorporated by reference, see §164.03). Not all AIS units are able to broadcast position, course, and speed without the input of an external positioning device (e.g. dGPS); the use of other external devices (e.g. transmitting heading device, gyro, rate of turn indicator) is highly recommended, however, not required except as stated in §164.46(a)(2). "Type approved" refers to an approval by an IMO recognized Administration as to comply with IMO Resolution MSC.74(69), ITU–R Recommendation M.1371–1, and IEC 61993-2 (Incorporated by reference, see §164.03). "Length" refers to "registered length" as defined in 46 CFR part 69. "Gross tonnage" refers to tonnage as defined under the International Convention on Tonnage Measurement of Ships, 1969.

(2086) (b) The requirements for Vessel Bridge-to-Bridge radiotelephones in §§26.04(a) and (c), 26.05, 26.06 and 26.07 of this chapter, also apply to AIS. The term "effective operating condition" used in §26.06 of this chapter includes accurate input and upkeep of AIS data fields.

(2087) (c) 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 unit may be in operation at any one time.

(2088) (d) The AIS Pilot Plug, on each vessel over 1,600 gross tons, on an international voyage, must be available for pilot use, easily accessible from the primary conning position of the vessel, and near a 120 Volt, AC power, 3-prong receptacle.

§164.51 Deviations from rules: Emergency.

(2089) 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.

§164.53 Deviations from rules and reporting: Non-operating equipment.

(2090) (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.

(2091) (b) If the vessel's 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.

§164.55 Deviations from rules: Continuing operation or period of time.

(2092) 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.

§164.61 Marine casualty reporting and record retention.

(2093) 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–

(2094) (a) Ensure compliance with 46 CFR 4.05, "Notice of Marine Casualty and Voyage Records," and

(2095) (b) Ensure that the voyage records required by 46 CFR 4.05-15 are retained for—

(2096) (1) 30 days after the casualty if the vessel remains in the navigable waters of the United States; or

(2097) (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.

§164.70 Definitions.

(2098) For purposes of §§164.72 through 164.82, the term–

(2099) *Current edition* means the most recent published version of a publication, chart, or map required by §164.72.

(2100) *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 (ACOE) are currently corrected editions if issued within the previous 5 years.

(2101) *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.

(2102) *Swing-meter* means an electronic or electric device that indicates that rate of turn of the vessel on board which it is installed.

(2103) *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.

(2104) *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.

§164.72 Navigational-safety equipment, charts or maps, and publications required on towing vessels.

(2105) (a) Except as provided by §164.01(b), each towing vessel must be equipped with the following navigational-safety equipment:

(2106) (1) *Marine Radar*. By August 2, 1997, a marine radar that meets the following applicable requirements:

(2107) (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-

(2108) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(2109) (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.

(2110) (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—

(2111) (A) The requirements of the FCC specified by 47 CFR part 80; and

(2112) (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.

(2113) (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–

(2114) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(2115) (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.

(2116) (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-

(2117) (A) The requirements of the FCC specified by 47 CFR Part 80; and

(2118) (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.

(2119) (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.

(2120) (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.

(2121) (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.)

(2122) (4) *Magnetic Compass*. Either—

(2123) (i) An illuminated swing-meter or an illuminated car-type magnetic steering compass readable from the vessel's main steering station, if the vessel engages in towing exclusively on Western Rivers; or

(2124) (ii) An illuminated card-type magnetic steering compass readable from the vessel's main steering station.

(2125) (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.

(2126) (6) *Electronic Position-Fixing Device*. An electronic position-fixing device, either a LORAN-C receiver or a satellite navigational system such as the Global Positioning System (GPS) as required by §164.41, if the vessel engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes.

(2127) (b) Each towing vessel must carry on board and maintain the following:

(2128) (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.

(2129) (i) The charts or maps must be of a large enough scale and have enough detail to make safe navigation of the areas possible.

(2130) (ii) The charts or maps must be either—

(2131) (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

(2132) (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.

(2133) (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.

(2134) (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:

(2135) (i) If the vessel is engaged in towing exclusively on Western Rivers-

(2136) (A) U.S. Coast Guard Light List;

(2137) (B) Applicable Notices to Navigation published by the ACOE, or Local Notices to Marines (LNMs) published by the Coast Guard, for the area to be transited, when available; and

(2138) (C) River-current tables published by the ACOE or a river authority, if available.

(2139) (ii) if the vessel is engaged other than in towing exclusively on Western Rivers-

(2140) (A) Coast Guard Light List;

(2141) (B) Notices to Mariners published by the National Geospatial-Intelligence Agency, or LNMs published by the Coast Guard;

(2142) (C) Tidal-Current tables published by private entities using data provided by the NOS, or river-current tables published by the ACOE or a river authority;

(2143) (D) Tide tables published by private entities using data provided by the NOS; and

(2144) (E) U.S. Coast Pilot.

(2145) (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:

§164.74 Towline and terminal gear for towing astern.

(2146) (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:

(2147) (1) The size and material of each towline must be–

(2148) (i) Appropriate for the horsepower or bollard pull of the vessel;

(2149) (ii) Appropriate for the static loads and dynamic loads expected during the intended service;

(2150) (iii) Appropriate for the sea conditions expected during the intended service;

(2151) (iv) Appropriate for exposure to the marine environment and to any chemicals used or carried on board the vessel;

(2152) (v) Appropriate for the temperatures of normal stowage and service on board the vessel;

(2153) (vi) Compatible with associated navigational-safety equipment; and

(2154) (vii) Appropriate for the likelihood of mechanical damage.

(2155) (2) Each towline as rigged must be–

(2156) (i) Free of knots;

(2157) (ii) Spliced with a thimble, or have a poured socket at its end; and

(2158) (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.

(2159) (3) The condition of each towline must be monitored through the–

(2160) (i) Keeping on board the towing vessel or in company files of a record of the towline's initial minimum breaking strength as determined by the manufacturer, by a classification ("class") society authorized in §157.04 of this chapter, or by a tensile test that meets API Specifications 9A, Specification for Wire Rope, Section 3; ASTM D 4268, Standard Test Method for Testing Fiber Ropes; or Cordage Institute CIA 3, Standard Test Methods for Fiber Rope Including Standard Terminations;

(2161) (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; or Cordage Institute CIA 3, Standard Test Methods;

(2162) (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);

(2163) (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–

(2164) (A) Nautical miles on, or time in service of, the towline;

(2165) (B) Operating conditions experienced by the towline;

(2166) (C) History of loading of the towline;

(2167) (D) Surface condition, including corrosion and discoloration, of the towline;

(2168) (E) Amount of visible damage to the towline;

(2169) (F) Amount of material deterioration indicated by measurements of diameter and, if applicable, measurements of lay extension of the towline; and

(2170) (G) Point at which a tensile test proves the minimum breaking strength of the towline inadequate by

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 11[1] Stabilization Category BRAVO.	RTCM Paper 71-95/SC112-STD Version 1.1, Display Category 11[1] Stabilization Category BRAVO.	RTCM Paper 71-95/ SC112- STD Version 1.1, Display Category 1[2] Stabilization Category ALPHA.
Towing vessels of 300 GT or more.	RTCM Paper 191-93/SC112-X Version 1.2 (except the Azmuth stabilization requirement in paragraph 3.10).[1]	RTCM Paper 191-93/SC112-X Version 1.2 (except the Azmuth 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	(1) Large enough scale	(1) Large enough scale.
	(2) Current edition or currently corrected edition.	(2) Current edition or currently corrected edition.	(2) Currently corrected edition.
General publications.	(1) U.S. Coast Guard Light List	(1) U.S. Coast Guard Light List	(1) U.S. Coast Guard Light List.
	(2) Notices to Navigation or Local Notice to Mariners.	(2) Local Notices to Mariners	(2) Local Notice to Mariners.
	(3) River-current Tables	(3) Tidal-current Tables	(3) Tidal-current Tables.
		(4) Tide Tables	(4) Tide Tables.
		(5) U.S. Coast Pilot	(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 requirement until August 2, 2001.

[3]A towing vessel may carry either a swing-meter or a magnetic compass.

the standards of paragraph (a)(1) of this section, if necessary; and

(2171) (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.

(2172) (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:

(2173) (1) The material and size of the terminal gear are appropriate for the strength and anticipated loading of the towline and for the environment;

(2174) (2) Each connection is secured by at least one nut with at least one cotter pin or other means of preventing its failure;

(2175) (3) The lead of the towline is appropriate to prevent sharp bends in the towline from fairlead blocks, chocks, or tackle;

(2176) (4) There is provided a method, whether mechanical or non-mechanical, that does not endanger operating personnel but that easily releases the towline;

(2177) (5) The towline is protected from abrasion or chafing by chafing gear, lagging, or other means;

(2178) (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

(2179) (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.

§164.76 Towline and terminal gear for towing alongside and pushing ahead.

(2180) The owner, master, or operator of each vessel towing alongside or pushing ahead shall ensure the face wires, spring lines, and push gear used–

(2181) (a) Are appropriate for the vessel's horsepower;

(2182) (b) Are appropriate for the arrangement of the tow;

(2183) (c) Are frequently inspected; and

(2184) (d) Remain serviceable.

§164.78 Navigation under way: Towing vessels.

(2185) (a) The owner, master, or operator of each vessel towing shall ensure that each person directing and controlling the movement of the vessel–

(2186) (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;

(2187) (2) Can fix the position of the vessel using installed navigational equipment, aids to navigation, geographic reference-points, and hydrographic contours;

(2188) (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.);

(2189) (4) Evaluates the danger of each closing visual or radar contact;

(2190) (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;

(2191) (6) Knows the speed and direction of the current, and the set, drift, and tidal state for the area to be transited;

(2192) (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

(2193) (8) Monitors the voyage plan required by §164.80.

§164.80 Tests, inspections, and vogage planning.

(2194) (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:

(2195) (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.

(2196) (2) *Navigational equipment*. A test of all installed navigational equipment.

(2197) (3) *Communications*. Operation of all internal vessel control communications and vessel-control alarms, if installed.

(2198) (4) *Lights*. Operation of all navigational lights and all searchlights.

(2199) (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.

(2200) (6) *Propulsion systems*. Visual inspection of the spaces for main propulsion machinery, of machinery, and of devices for monitoring machinery.

(2201) (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:

(2202) (1) *Navigational equipment*. Tests of onboard equipment as required by §164.25.

(2203) (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.

(2204) (c)(1) The voyage-planning requirements outlined in this section do not apply to you if your towing vessel is–

(2205) (i) Used solely for any of the following services or any combination of these services–

(2206) (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:

(2207) (B) For harbor assist;

(2208) (C) For assistance towing as defined by 46 CFR 10.103;

(2209) (D) For response to emergency or pollution;

(2210) (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;

(2211) (iii) A foreign vessel engaged in innocent passage; or

(2212) (iv) Exempted by the Captain of the Port (COTP).

(2213) (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.

(2214) (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):

(2215) (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;

(2216) (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);

(2217) (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;

(2218) (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;

(2219) (v) Pre-departure checklists;

(2220) (vi) Calculated speed and estimated time of arrival at proposed waypoints;

(2221) (vii) Communication contacts at any Vessel Traffic Services, bridges, and facilities, and any port specific requirements for VHF radio;

(2222) (viii) Any master's or operator's standings orders detailing closest points of approach, special conditions, and critical maneuvers; and

(2223) (ix) Whether the towing vessel has sufficient power to control the tow under all foreseeable circumstances.

§164.82 Maintenance, failure, and reporting.

(2224) (a) *Maintenance*. The owner, master, or operator or each towing vessel shall maintain operative the navigational-safety equipment required by §164.72.

(2225) (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.

(2226) (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 161.124. (33 CFR 161.124 requires that each user of a VTS report to the Vessel Traffic Center as soon as practicable:

(2227) (1) Any absence or malfunction of vessel-operating equipment for navigational safety, such as propulsion machinery, steering gear, radar, gyrocompass, echo depth-sounding or other sounding device, automatic

dependent surveillance equipment, or navigational lighting;

(2228) (2) Any condition on board the vessel likely to impair navigation, such as shortage of personnel or lack of current nautical charts or maps, or publications; and

(2229) (3) Any characteristics of the vessel that affect or restrict the maneuverability of the vessel, such as arrangement of cargo, trim, loaded condition, under-keel clearance, and speed.)

(2230) (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.

(2231) (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.

(2232) (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.

Part 165–Regulated Navigation Areas and Limited Access Areas

Subpart A–General

§165.1 Purpose of part.

(2233) The purpose of this part is to –

(2234) (a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;

(2235) (b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;

(2236) (c) Prescribe specific requirements for established areas; and

(2237) (d) List specific areas and their boundaries.

§165.5 Establishment procedures.

(2238) (a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.

(2239) (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:

(2240) (1) The name of the person submitting the request;

(2241) (2) The location and boundaries of the safety zone, security zone, or regulated navigation area;

(2242) (3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;

(2243) (4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;

(2244) (5) The nature of the restrictions or conditions desired; and

(2245) (6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(2246) (Requests for safety zones, security zones, and regulated navigation areas are approved by the Office of Management and Budget under control numbers 2115-0076, 2115-0219, and 2115-0087.)

(2247) (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.

§165.7 Notification.

(2248) (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.

(2249) (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.

(2250) (c) Notification of the termination of the rule is usually made in the same form as the notification of its establishment.

§165.8 Geographic coordinates.

(2251) 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.

§165.9 Geographic application of limited and controlled access areas and regulated navigation areas.

(2252) (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.

(2253) (b) Safety zones and regulated navigation areas. These zones and areas are created under the authority of the Ports and Waterways Safety Act, 33 U.S.C. 1221-1232. Safety zones established under 33 U.S.C. 1226 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.

(2254) (c) Security zones. These zones have two sources of authority--the Ports and Waterways Safety Act, 33 U.S.C. 1221-1232, and the Act of June 15, 1917, as amended by both the Magnuson Act of August 9, 1950 ("Magnuson Act"), 50 U.S.C. 191-195, and sec. 104 the Maritime

(2255) Transportation Security Act of 2002 (Pub. L. 107-295, 116 Stat. 2064). Security zones established under either 33 U.S.C. 1226 or 50 U.S.C. 191 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.

(2256) (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 3 nautical miles from the baseline.

Subpart B–Regulated Navigation Areas

§165.10 Regulated navigation area.

(2257) 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.

§165.11 Vessel operating requirements (regulations).

(2258) Each District Commander may control vessel traffic in an area which is determined to have hazardous conditions, by issuing regulations–

(2259) (a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(2260) (b) Establishing vessel size, speed, draft limitations, and operating conditions; and

(2261) (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.

§165.13 General regulations.

(2262) (a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.

(2263) (b) No person may cause or authorize the operation of a vessel in a regulated navigation area contrary to the regulations in this Part.

Subpart C–Safety Zones

§165.20 Safety zones.

(2264) 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.

§165.23 General regulations.

(2265) Unless otherwise provided in this part –

(2266) (a) No person may enter a safety zone unless authorized by the COTP or the District Commander;

(2267) (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;

(2268) (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

(2269) (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.

Subpart D–Security Zones

§165.30 Security zones.

(2270) (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.

(2271) (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 –

(2272) (1) Vessels,

(2273) (2) Harbors,

(2274) (3) Ports and

(2275) (4) Waterfront facilities–in the United States and all territory and water, continental or insular, that is subject to the jurisdiction of the United States.

§165.33 General regulations.

(2276) Unless otherwise provided in the special regulations in Subpart F of this part –

(2277) (a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(2278) (b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(2279) (c) The Captain of the Port may take possession and control of any vessel in the security zone;

(2280) (d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(2281) (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

(2282) (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.

Subpart E–Restricted Waterfront Areas

§165.40 Restricted Waterfront Areas.

(2283) The Commandant, may direct the COTP to prevent access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein. This section may apply to persons who do not possess the credentials outlined in 33 CFR 125.09 when certain shipping activities are conducted that are outlined in 33 CFR 125.15.

Subpart F–Specific Regulated Navigation Areas and Limited Access Areas

§165.703 Tampa Bay, Florida-Safety Zone.

(2284) (a) A floating safety zone is established consisting of an area 1,000 yards fore and aft of a loaded anhydrous ammonia vessel and the width of the channel in the following areas:

(2285) (1) For inbound tank vessels loaded with anhydrous ammonia, Tampa Bay Cut "F" Channel from Lighted Buoys "3F" and "4F" north through and including Gadsden Point Cut Lighted Buoy "3" and commencing at Gadsden Point Cut Lighted Buoys "7" and "8" north and including Hillsborough Cut "C" Channel.

(2286) (i) For vessels bound for R.E. Knight Pier at Hookers Point the safety zone includes, in addition to the area in paragraph (a)(1) of this section, Hillsborough Cut "D" Channel to the southern tip of Harbor Island.

(2287) (ii) For vessels bound for the anhydrous ammonia receiving terminals to Port Sutton the safety zone includes, in addition to the area in paragraph (a)(1) of this section, Port Sutton Channel.

(2288) (2) For outbound tank vessels loaded with anhydrous ammonia, the safety zone is established when the vessel departs the receiving terminal and continues through the area described in paragraph (a)(1) of this section.

(2289) (3) The floating safety zone is disestablished when the anhydrous ammonia carrier is safely moored at the anhydrous ammonia receiving facility.

(2290) (b) All vessels over 5,000 gross tons intending to pass anhydrous ammonia vessels moored in Port Sutton, and all vessels intending to moor in the R.E. Knight facilities at Hookers Point while an anhydrous ammonia vessel is moored in this facility, must give 30 minutes notice to the anhydrous ammonia vessel so it may take appropriate safety precautions.

(2291) (c) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(2292) (d) The Marine Safety Office Tampa will notify the maritime community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of loaded anhydrous ammonia vessels via a marine broadcast Notice to Mariners.

(2293) (e) Should the actual time of entry of the anhydrous ammonia vessel into the safety zone vary more than one half hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the anhydrous ammonia vessel shall obtain permission from Captain of the Port Tampa before commencing the transit.

(2294) (f) Prior to commencing the movement, the person directing the movement of the anhydrous ammonia vessel shall make a security broadcast to advise mariners of the intended transit. All additional security broadcasts as recommended by the U.S. Coast Pilot 5, ATLANTIC COAST, shall be made through the transit.

(2295) (g) Vessels carrying anhydrous ammonia are permitted to enter and transit Tampa Bay and Hillsborough Bay and approaches only with a minimum of three miles visibility.

(2296) (h) The Captain of the Port Tampa may waive any of the requirements of this subpart for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of port safety or environmental safety.

(2297) (i) The owner, master, agent or person in charge of a vessel or barge, loaded with anhydrous ammonia shall report the following information to the Captain of the Port, Tampa at least twenty-four hours before entering Tampa Bay or its approaches or departing from Tampa Bay:

(2298) (1) Name and country of registry of the vessel or barge;

(2299) (2) The name of the port or place of departure;

(2300) (3) The name of the port or place of destination;

(2301) (4) The estimated time that the vessel is expected to begin its transit of Tampa Bay and the time it is expected to commence its transit of the safety zone.

(2302) (5) The cargo carried and amount.

§165.704 Safety Zone; Tampa Bay, Florida.

(2303) (a) A floating safety zone is established consisting of an area 1,000 yards fore and aft of a loaded Liquefied Petroleum Gas (LPG) vessel and the width of the channel in the following areas. Any vessels desiring to enter the safety zone must obtain authorization from the Captain of the Port Tampa.

(2304) (1) For vessels loaded with LPG and bound for the LPG receiving terminal in Port Sutton the safety zone starts at Tampa Bay Cut "F" Channel from Lighted Buoys "3F" and "4F" and proceeds north ending at Gadsden Point Cut Lighted Buoys "3" and "4". The safety zone starts again at Gadsden Point Cut Lighted Buoys "7" and "8" and proceeds north through Hillsborough Cut "C", Port Sutton Entrance Channel, and ends at the Port Sutton LPG facility.

(2305) (2) For vessels loaded with LPG and bound for the LPG receiving terminal in Rattlesnake the safety zone starts at Tampa Bay Cut "J" Channel from lighted buoy "10J" and proceeds north through Tampa Bay Cut "K" Channel to buoy "11K." When a loaded LPG vessel departs the marked channel at Tampa Bay Cut "K" buoy "11K" enroute to Rattlesnake, Tampa, FL, the floating safety zone extends 500 yards in all directions surrounding the loaded LPG vessel, until it arrives at the entrance to Rattlesnake. While the loaded LPG vessel is maneuvering in the Rattlesnake slip and until it is safely moored at the LPG facility, the floating safety zone extends 150 feet fore and aft of the loaded LPG vessel and the width of the slip. Moored vessels are allowed within the parameters of the 150-foot safety zone.

(2306) (b) The floating safety zone is disestablished when the LPG carrier is safely moored at the LPG receiving facility.

(2307) (c) For outbound tank vessels loaded with LPG, the safety zone is established when the vessel departs the terminal and continues through the area described in paragraph (a) of this section.

(2308) (d) All vessels over 5,000 gross tons intending to pass LPG vessels moored in Port Sutton, and all vessels intending to pass LPG vessels moored in Rattlesnake, must give 30 minutes notice to the LPG vessel so it may take appropriate safety precautions.

(2309) (e) The general regulations governing safety zones contained in §165.23 apply.

(2310) (f) The Coast Guard Captain of the Port Tampa will notify the maritime community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a marine broadcast Notice to Mariners.

(2311) (g) Should the actual time of entry of the LPG vessel into the safety zone vary more than one half (½) hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the LPG vessel shall obtain permission from Captain of the Port Tampa before commencing the transit.

(2312) (h) Prior to commencing the movement, the person directing the movement of the LPG vessel shall make a security broadcast to advise mariners of the intended transit. All additional security broadcasts as recommended by the U.S. Coast Pilot 5, ATLANTIC COAST, shall be made throughout the transit.

(2313) (i) Vessels carrying LPG are permitted to enter and transit Tampa Bay and Hillsborough Bay and approaches only with a minimum of three miles visibility.

(2314) (j) The Captain of the Port Tampa may waive any of the requirements of this subpart for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of port safety or environmental safety.

(2315) (k) The owner, master, agent or person in charge of a vessel or barge, loaded with LPG shall report, at minimum, the following information to the Captain of the

Port Tampa at least twenty-four (24) hours before entering Tampa Bay, its approaches, or departing Tampa Bay:

(2316) (1) The name and country of registry of the vessel or barge.

(2317) (2) The name of the port or place of departure;

(2318) (3) The name of the port or place of destination;

(2319) (4) The estimated time that the vessel is expected to begin its transit of Tampa Bay and the time it is expected to commence its transit of the safety zone(s); and

(2320) (5) The cargo carried and amount.

§165.752 Sparkman Channel, Tampa, Florida-regulated navigation area.

(2321) (a) A regulated navigation area is established to protect vessels from limited water depth in Sparkman Channel caused by an underwater pipeline. The regulated navigation area is in Sparkman Channel between the lines connecting the following points referenced in NAD 83):

(2322) 27°56'20.5"N., 82°26'42.0"W. to

(2323) 27°56'19.3"N., 82°26'37.5"W.

(2324) 27°55'32.0"N., 82°26'54.0"W. to

(2325) 27°55'30.9"N., 82°26'49.1"W.

(2326) (b) Ships requiring Federal or State pilotage shall not meet or overtake other like vessels in Sparkman Channel.

(2327) (c) Vessels having a draft of more than 35.5 feet may not transit Sparkman Channel.

(2328) (d) Vessels having a draft of 34.5 feet, but not over 35.5 feet, may transit Sparkman Channel only when the tide is at least one foot above mean low water.

(2329) (e) Vessels with a draft of 30 feet or greater shall transit as near as possible to the center of the channel.

§165.753 Regulated navigation area; Tampa Bay, Florida.

(2330) (a) The following is a regulated navigation area (RNA): All the navigable waters of Tampa Bay, Hillsborough Bay and Old Tampa Bay, including all navigable waterways tributary thereto. Also included are the waters of Egmont Channel, Gulf of Mexico from Tampa Bay to the seabuoy, Tampa Lighted Whistle Buoy T, LLNR 18465.

(2331) (b) The master, pilot, or person in charge of any vessel of 50 meters or greater shall give a Navigational Advisory Broadcast in accordance with 47 CFR 80.331 on VHF-FM channel 13 at the following broadcast/reporting points:

(2332) (1) Prior to getting underway from any berth or anchorage;

(2333) (2) Prior to entering Eqmont Channel from seaward;

(2334) (3) Prior to passing Egmont Key in any direction;

(2335) (4) Prior to transiting the Skyway Bridge in either direction;

(2336) (5) Prior to transiting the intersection of Tampa Bay Cut F Channel, Tampa Bay Cut G Channel, and Gadsden Point Cut Channel;

(2337) (6) Prior to anchoring or approaching a berth for docking;

(2338) (7) Prior to tending hawser;

(2339) (8) Prior to transiting Point Pinellas Channel Light 1 in either direction.

(2340) (c) Each Navigational Advisory required by this section shall be made in the English language and will contain the following information:

(2341) (1) The words "Hello all vessels, a Navigational Advisory follows";

(2342) (2) Name of vessel;

(2343) (3) If engaged in towing, the nature of the tow;

(2344) (4) Direction of Movement;

(2345) (5) Present location; and,

(2346) (6) The nature of any hazardous conditions as defined by 33 CFR 160.203.

(2347) (d) Nothing in this section shall supersede either the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) or the Inland Navigation Rules, as applicable, or relieve the Master or person in charge of the vessel of responsibility for the safe navigation of the vessel.

§165.754 Safety Zone: San Juan Harbor, San Juan, PR.

(2348) (a) *Regulated Area*. A moving safety zone is established in the following area:

(2349) (1) The waters around Liquefied Petroleum Gas ships entering San Juan Harbor in an area one half mile around each vessel, beginning one mile north of the San Juan Harbor #1 Sea Buoy, in approximate position 18-29.3N, 66-07.6W and continuing until the vessel is safely moored at either the Gulf Refinery Oil dock or the Catano Oil dock in approximate position 18-25.8N, 66-06.5W. All coordinates referenced use datum: NAD 83.

(2350) (2) The waters around Liquefied Petroleum Gas ships departing San Juan Harbor in an area on half mile around each vessel beginning at either the Gulf Refinery Oil dock or Catano Oil dock in approximate position 18-25.8N, 66-06.5W when the vessel gets underway, and continuing until the stern passes the San Juan Harbor #1 Sea Buoy, in approximate position 18-28.3N, 66-07.6W. All coordinates referenced use datum: NAD 83.

(2351) (b) *Regulations*. (1) No person or vessel may enter, transit or remain in the safety zone unless authorized by the Captain of the Port, San Juan, Puerto Rico, or a

designated Coast Guard commissioned, warrant, or petty officer.

(2352) (2) Vessels encountering emergencies which require transit through the moving safety zone should contact the Coast Guard patrol craft on VHF Channel 16. In the event of an emergency, the Coast Guard patrol craft may authorize a vessel to transit through the safety zone with a Coast Guard designated escort.

(2353) (3) The Captain of the Port and the Duty Officer at Marine Safety Office, San Juan, Puerto Rico, can be contacted at telephone number 787-706-2444 or 787-289-2048. The Coast Guard Patrol Commander enforcing the safety zone can be contacted on VHF-FM channels 16 and 22A.

(2354) (4) The Marine Safety Office San Juan will notify the marine community of periods during these safety zones will be in effect by providing advance notice of scheduled arrivals and departures of Liquefied Petroleum Gas vessels via a marine broadcast Notice to Mariners.

(2355) (5) Should the actual time of entry of the Liquefied Petroleum Gas vessel vary more than one half hour from the scheduled time stated in the broadcast Notice to Mariners, the person directing the movement of the Liquefied Petroleum Gas vessel shall obtain permission from Captain of the Port San Juan before commencing the transit.

(2356) (6) All persons and vessels shall comply with the instructions of on-scene patrol personnel. On-scene patrol personnel include commissioned, warrant, or petty officers of the U.S. Coast Guard. Coast Guard Auxiliary and local or state officials may be present to inform vessel operators of the requirements of this section, and other applicable laws.

§165.755 Safety Zone; Guayanilla, Puerto Rico.

(2357) (a) The following area is established as a safety zone during the specified conditions:

(2358) (1) A 100 yard radius surrounding a vessel carrying Liquefied Natural Gas (LNG) while transiting north of Latitude 17°56.0'N in the waters of the Caribbean Sea, on approach to or departure from the Eco-Electrica waterfront facility in Guayanilla Bay, Puerto Rico. The safety zone remains in effect until the LNG vessel is docked at the Eco-Electrica waterfront facility or south of latitude 17°56.0'N.

(2359) (2) The waters within 150 feet of a LNG vessel when the vessel is alongside the Eco-Electrica waterfront facility in Guayanilla Bay, at position 17°58.55'N., 066°45.3'W. This safety zone remains in effect while the LNG vessel is docked with product aboard or is transferring liquefied natural gas.

(2360) (b) In accordance with the general regulations in **165.23** of this part, anchoring, mooring or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port.

(2361) (c) The Coast Guard Marine Safety Office San Juan will notify the maritime community of periods during which the safety zones will be in effect by providing advance notice of scheduled arrivals and departure of LNG vessels via a marine broadcast Notice to Mariners.

§165.757 Safety Zones; Ports of Ponce, Tallaboa, and Guayanilla, Puerto Rico and Limetree Bay, St. Croix, U.S.V.I.

(2362) (a) *Location*. The following areas are established as a safety zones during the specified conditions:

(2363) (1) *Port of Ponce, Puerto Rico*. A 100-yard radius surrounding all Liquefied Hazardous Gas (LHG) vessels with product aboard while transiting north of Latitude 17°57.0'N in the waters of the Caribbean Sea on approach to or departing from the Port of Ponce, Puerto Rico (NAD 83). The safety zone remains in effect until the LHG vessel is docked.

(2364) (2) *Port of Tallaboa, Puerto Rico*. A 100-yard radius surrounding all Liquefied Hazardous Gas (LHG) vessels with product aboard while transiting north of Latitude 17°56.0'N in the waters of the Caribbean Sea on approach to or departing from the Port of Tallaboa, Puerto Rico (NAD 83). The safety zone remains in effect until the LHG vessel is docked.

(2365) (3) *Port of Guayanilla, Puerto Rico*. A 100-yard radius surrounding all Liquefied Hazardous Gas (LHG) vessels around with product aboard while transiting north of Latitude 17°57.0'N in the waters of the Caribbean Sea on approach to or departing from the Port of Guayanilla, Puerto Rico (NAD 83). The safety zone remains in effect until the LHG vessel is docked.

(2366) (4) *Port of Limetree Bay, St. Croix, U.S.V.I.*. A 100-yard radius surrounding all Liquefied Hazardous Gas (LHG) vessels with product aboard while transiting north of Latitude 17°39.0'N in the waters of the Caribbean Sea on approach to or departing from the Port of Limetree Bay, U.S.V.I. (NAD 83). The safety zone remains in effect until the LHG vessel is docked.

(2367) (b) *Regulations*. In accordance with the general regulations in §165.23 of this part, anchoring, mooring or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port. The Marine Safety Office San Juan will notify the maritime community of periods during which these safety zones will be in effect by providing advance notice of scheduled arrivals and departures on LHG carriers via a broadcast notice to mariners on VHF Marine Band Radio, Channel 16 (156.8 MHz).

§165.758 Security Zone; San Juan, Puerto Rico.

(2368) (a) *Location*. Moving and fixed security zones are established 50 yards around all cruise ships entering, departing, moored or anchored in the Port of San Juan, Puerto Rico. The security zone for a cruise ship entering port is activated when the vessel is one mile north of Buoy 3, at approximate position 18°28'17"N., 66°07'37.5"W. The security zone for a vessel is deactivated when the vessel passes this buoy on its departure from the port.

(2369) (b) *Regulations*. (1) Under general regulations in §165.33 of this part, entering, anchoring, mooring or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port of San Juan.

(2370) (2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at the Greater Antilles Section Operations Center at 787-289-2041 or via VHF radio on Channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his designated representative.

(2371) (3) The Marine Safety Office San Juan will attempt to notify the maritime community of periods during which these security zones will be in effect by providing advance notice of scheduled arrivals and departures of cruise ships via a broadcast notice to mariners.

(2372) (c) *Definition*. As used in this section, cruise ship means a passenger vessel greater than 100 feet in length that is authorized to carry more than 150 passengers for hire, except for a ferry.

(2373) (d) *Authority*. In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

§165.760 Security Zones; Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River, Florida.

(2374) (a) *Location*. The following areas, denoted by coordinates fixed using the North American Datum of 1983 (World Geodetic System 1984), are security zones:

(2375) (1) *Rattlesnake, Tampa, FL.* All waters from surface to bottom, in Old Tampa Bay east and south of a line commencing at position 27°53.32'N., 082°32.05'W.; north to 27°53.36'N., 082°32.05'W.

(2376) (2) *Old Port Tampa, Tampa, FL.* All waters, from surface to bottom, in Old Tampa Bay encompassed by a line connecting the following points:

(2377) 27°51.62'N., 082°33.14'W.; east to

(2378) 27°51.71'N., 082°32.5'W.; north to

(2379) 27°51.76'N., 082°32.5'W.; west to

(2380) 27°51.73'N., 082°33.16'W.; and south to

(2381) 27°51.62'N., 082°33.14'W.; closing off the Old Port Tampa channel.

(2382) (3) *Sunshine Skyway Bridge, Tampa, FL*. All waters in Tampa Bay, from surface to bottom, 100-feet around all bridge supports, dolphins and rocky outcroppings bounded on the northern portion of the bridge at pier 135, (also designated 24N which is the 24th pier north of the center span), 27°37.85'N., 082°39.78'W., running south under the bridge to pier 88, (also designated 24S which is the 24th pier south of the center span) 27°36.59'N., 082°38.86'W. Visual identification of the zone can be defined as to the areas to the north and south where the bridge structure begins a district vertical rise.

(2383) (4) *Vessels Carrying Hazardous Cargo, Tampa, FL.* All waters, from surface to bottom, 200 yards around vessels moored in Tampa Bay carrying or Transferring Liquefied Petroleum Gas (LPG), Anhydrous Ammonia (NH3) and/ or grade "A" and "B" flammable liquid cargo. Any vessel transiting within the outer 100 yards of the zone for moored vessels carrying or transferring Liquefied Petroleum Gas (LPG), Anhydrous Ammonia (NH3) and/or grade "A" and "B" cargo may operate unless otherwise directed by the Captain of the Port or his designee but must proceed through the area at the minimum speed necessary to maintain safe navigation. No vessel may enter the inner 100-yard portion of the security zone closet to the vessel.

(2384) (5) *Piers, Seawalls, and Facilities, Port of Tampa, Port Sutton and East Bay.* All waters, from surface to bottom, extending 50 yards from the shore, seawall and piers around facilities in Port Sutton and East Bay within the Port of Tampa encompassed by a line connecting the following points:

(2385) 27°54.15'N., 082°26.11'W., east northeast to

(2386) 27°54.19'N., 082°26.00'W., then northeast to

(2387) 27°54.37'N., 082°25.72'W., closing off all of Port Sutton Channel, then northerly to

(2388) 27°54.48'N., 082°25.70'W., then northeasterly and terminating at point 27°55.27'N., 082°25.17'W.

(2389) (6) *Piers, Seawalls, and Facilities, Port of Tampa, East Bay and the eastern side of Hooker's Point*. All waters, from surface to bottom, extending 50 yards from the shore, seawall and piers around facilities on East Bay and on the East Bay Channel within the Port of Tampa encompassed by a line connecting the following points:

(2390) 27°56.05'N., 082°25.95'W., southwesterly to

(2391) 27°56.00'N., 082°26.07'W. then southerly to

(2392) 27°55.83'N., 082°26.07'W. then southeasterly to

(2393) 27°55.55'N., 082°25.75'W., then south to

(2394) 27°54.75'N., 082°25.75'W., then southwesterly and terminating at point 27°54.57'N., 082°25.86'W.

(2395) (7) *Piers, Seawalls, and Facilities, Port of Tampa, on the western side of Hooker's Point*. All waters, from surface to bottom, extending 50 yards from the shore, seawall and piers around facilities on Hillsborough Bay Cut "D" Channel, Sparkman Channel, Ybor Turning Basin, and Ybor Channel within the Port of Tampa encompassed by a line connecting the following points.

(2396) 27°54.74'N., 082°26.47'W., northwest to

(2397) 27°55.25'N., 082°26.73'W. then north-northwest to

(2398) 27°55.60'N., 082°26.80'W., then north-northeast to

(2399) 27°56.00'N., 082°26.75'W., then northeast to

(2400) 27°56.58'N., 082°26.53'W.; and north to

(2401) 27°57.29'N., 082°26.51'W., west to

(2402) 27°57.29'N., 082°26.61'W., then southerly to

(2403) 27°56.65'N., 082°26.63'W., southwesterly to

(2404) 27°56.58'N., 082°26.69'W., then southwesterly and terminating at 27°56.53'N., 082°26.90'W.

(2405) (8) *Piers, Seawalls, and Facilities, Port of Manatee*. All waters, from surface to bottom, within the Port of Manatee extending 50 yards from the shore, seawall and piers around facilities. This security zone encompasses all piers and seawalls of the cruise terminal berths 9 and 10 in Port Manatee, Florida beginning at 27°38.00'N., 082°33.81'W continuing east to 27°38.00'N., 082°33.53'W.

(2406) (9) Moving Cruise Ships in the Port of Tampa, Port of Saint Petersburg, and Port Manatee, Florida. All waters, from surface to bottom, extending 200 yards around all cruise ships entering or departing Port of Tampa, Port of Saint Petersburg, or Port Manatee, Florida. These temporary security zones are activated on the inbound transit when a cruise ship passes the Tampa Lighted Whistle Buoy "T", located at 27°35.35'N., 083°00.71'W. and terminate when the vessel is moored at a cruise ship terminal. The security zones are activated on the outbound transit when a cruise ship gets underway from a terminal and terminates when the cruise ship passes the Tampa Lighted Whistle Buoy "T", located at 27°35.35'N., 083°00.71'W. Any vessel transiting within the outer 100 yards of the zone for a cruise ship may operate unless otherwise directed by the Captain of the Port or his designee but must proceed through the area at the minimum speed necessary to maintain safe navigation. No vessel may enter the inner 100-yard portion of the security zone closest to the vessel.

(2407) (10) *Moored Cruise Ships in the Port of Tampa, Port of Saint Petersburg, and Port Manatee, Florida*. All waters, from surface to bottom, extending 200 yards around moored cruise ships in the Ports of Tampa, Saint Petersburg, or Port Manatee, Florida. Any vessel transiting within the outer 100 yards of the zone of moored cruise ships may operate unless otherwise directed by the Captain of the Port or his designee but must proceed through the area at the minimum speed necessary to maintain safe navigation. No vessel may enter the inner 100-yard portion of the security zone closest to the vessel.

(2408) (11) *Saint Petersburg Harbor, FL*. All waters, from surface to bottom, extending 50 yards from the seawall and around all moorings and vessels in Saint Petersburg Harbor (Bayboro Harbor), commencing on the north side of the channel at dayboard "10" in approximate position 27°45.56'N., 082°37.55'W., and westward along the seawall to the end of the cruise terminal in approximate position 27°45.72'N., 082°37.97'W. The zone will also include the Coast Guard south moorings in Saint Petersburg Harbor. The zone will extend 50 yards around the piers commencing from approximate position 27°45.51'N., 082°37.99'W.; to 27°45.52'N., 082°37.57'W. The southern boundary of the zone is shoreward of a line between the entrance to Salt Creek easterly to Green Daybeacon 11 (LLN 2500).

(2409) (12) *Crystal River Nuclear Power Plant*. All waters, from surface to bottom, around the Florida Power Crystal River nuclear power plant located at the end of the Florida Power Corporation Channel, Crystal River, Florida, encompassed by a line connecting the following points:

(2410) 28°56.87'N., 082°45.17'W. (Northwest corner);

(2411) 28°57.37'N., 082°41.92'W. (Northeast corner);

(2412) 28°56.81'N., 082°45.17'W. (Southwest corner); and

(2413) 28°57.32'N., 082°41.92'W. (Southeast corner).

(2414) (13) *Crystal River Demory Gap Channel*. All waters, from surface to bottom, in the Demory Gap Channel in Crystal River, Florida, encompassed by a line connecting the following points:

(2415) 28°57.61'N., 082°43'42'W. (Northwest corner);

(2416) 28°57.53'N., 082°41.88'W. (Northeast corner);

(2417) 28°57.60'N., 082°43.42'W. (Southwest corner); and

(2418) 28°57.51'N., 082°41.88'W. (Southeast corner).

(2419) (b) *Regulations*. (1) Entry into or remaining within these zones is prohibited unless authorized by the Coast Guard Captain of the Port, Tampa, Florida or that officer's designated representative.

(2420) (2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 813-228-2189/91 or on VHF channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or their designated representative.

(2421) (c) *Definition*. As used in this section, "cruise ship" means a vessel required to comply with 33 CFR Part 120.

(2422) (d) *Authority*. In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

§165.761 Security Zones; Port of Palm Beach, Port Everglades, Port of Miami, and Port of Key West, Florida.

(2423) (a) *Location*. The following areas are security zones:

(2424) (1) Fixed and moving security zones around vessels in the Ports of Palm Beach, Port Everglades, Miami, and Key West, Florida. Moving security zones are established 100 yards around all passenger vessels, vessels carrying cargoes of particular hazard, or vessels carrying liquefied hazardous gas (LHG) as defined in 33 CFR parts 120, 126 and 127 respectively, during transits entering or departing the Ports of Palm Beach, Port Everglades, Miami or Key West, Florida, These moving security zones are activated when the subject vessel passes: "LW" buoy, at approximate position 26°46.3'N., 080°00.6'W., when entering the Port of Palm Beach, passes "PE" buoy, at approximate position 26°05.5'N., 080°04.8'W., when entering Port Everglades; the "M" buoy, at approximate position 25°46.1'N., 080°05.0'W., when entering the Port of Miami; and "KW" buoy, at approximate position 24°27.7'N., 081°48.1'W., when entering the Port of Key West. Fixed security zones are established 100 yards around all passenger vessels, vessels carrying cargoes of particular hazard or liquefied hazardous gas (LHG) as defined in 33 CFR parts 120, 126 and 127 respectively, while they are docked in the Ports of Palm Beach, Port Everglades, Miami or Key West, Florida.

(2425) (2) *Fixed security zone in the Port of Miami, Florida*. A fixed security zone encompasses all waters between Watson Park and Star Island on the MacArthur Causeway south to the Port of Miami. The western boundary is formed by an imaginary line from points

(2426) 25°46.79'N., 080°10.90'W., to

(2427) 25°46.77'N., 080°10.92'W. to

(2428) 25°46.88'N., 080°10.84'W., and ending on Watson Park at 25°47.00'N., 080°10.67'W. The eastern boundary is formed by an imaginary line from the traffic light located at Bridge road, in approximate position 25°46.33'N., 080°09.12'W., which leads to Star Island, and MacArthur Causeway directly extending across the Main Channel to the Port of Miami, at 25°46.26'N., 080°09.18'W. The fixed security zone is activated when two or more passenger vessels, vessels carrying cargoes of particular hazard, or vessels carrying liquefied hazardous gas (LHG) as defined in 33 CFR parts 120, 126 and 127 respectively, enter or moor within this zone.

(2429) (i) Vessels may be allowed to transit the Main channel when only one passenger vessel or vessel carrying cargoes of particular hazard are berthed, by staying on the north side of the law enforcement boats and cruise ship tenders which will mark a transit lane in channel.

(2430) (ii) When passenger vessels are not berthed on the Main Channel, navigation will be unrestricted. Law enforcement vessels can be contracted on VHF Marine Band Radio, Channel 16 (156.8 MHz).

(2431) (3) *Fixed security zones in the Port Everglades*. A fixed security zone encompasses all waters west of an imaginary line starting at the northern most point 26°05.98'N., 080°07.15'W., near the west side of the 17th Street Causeway Bridge, to the southern most point 26°05.41'N., 80°06.96'W., on the northern tip of pier 22. An additional fixed security zone encompasses the Intracoastal Waterway between a line connecting point 26°05.41'N., 080°06.97'W., on the northern tip of berth 22 and a point directly east across the Intracoastal Waterway to 26°05.41'N., 080°06.74'W.; and a line drawn from the corner of Port Everglades berth 29 at point 26°04.72'N., 080°06.92'W., easterly across the Intracoastal Waterway to John U. Lloyd Beach, State Recreational Area at point 26°04.72'N., 080°06.81'W.

(2432) (i) Vessels may be allowed to transit the Intracoastal Waterway when passenger vessels or vessels carrying cargoes of particular hazard are berthed, by staying east of the law enforcement vessels and cruise ship tenders, which will mark a transit lane in the Intracoastal Waterway.

(2433) (ii) Periodically, vessels may be required to temporarily hold their position while large commercial traffic operates in this area. Vessels in this security zone must follow the orders of the COTP or his designated representative, who may be embarked in law enforcement or other vessels on scene. When passenger vessels are not berthed on the Intracoastal Waterway, navigation will be unrestricted. Law enforcement vessels can be contacted on VHF Marine Band Radio, Channel 16 (156.8 MHz).

(2434) (b) *Regulations*. (1) Prior to commencing the movement, the person directing the movement of a passenger vessel, a vessel carrying cargoes of particular hazard or a vessel carrying liquefied hazardous gas (LHG) as defined in Title 33, Code of Federal Regulations parts 120, 126 and 127 respectively, is encouraged to make a security broadcast on VHF Marine Band Radio, Channel 13 (156.65 MHz) to advise mariners of the moving security zone activation and intended transit.

(2435) (2) In accordance with the general regulations §165.33 of this part, entry into these zones is prohibited except as authorized by the Captain of the Port Miami or his designated representative. Other vessels such as pilot boats, cruise ship tenders, tug boats and contracted security vessels may assist the Coast Guard Captain of the Port under the direction of his designated representative by monitoring these zones strictly to advise mariners of the restrictions. The Captain of

the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 16 (156.8 MHz) when the security zones are being enforced.

(2436) (3) Persons desiring to enter or transit the area of the security zone may contact the Captain of the Port at (305) 535-8701 or on VHF Marine Band Radio, Channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(2437) (4) The Captain of the Port Miami may waive any the requirements of this subpart for any vessel upon finding that the vessel or class of vessel, operational conditions, or other circumstances are such that application of this subpart is unnecessary or impractical for the purpose of port security, safety or environmental safety.

(2438) (c) *Definition*. As used in this section, cruise ship means a passenger vessel greater than 100 feet in length and over 100 gross tons that is authorized to carry more than 12 passengers for hire making voyages lasting more than 24 hours, except for a ferry.

(2439) (d) *Authority*. In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

§165.762 Security Zone; St. Thomas, U.S. Virgin Islands.

(2440) (a) *Location*. Moving and fixed security zones are established 50 yards around all cruise ships entering, departing, moored or anchored in the Port of St. Thomas, U.S. Virgin Islands. The security zone for a cruise ship entering port is activated when the vessel passes: St. Thomas Harbor green lighted buoy 3 in approximate position 18°19'19"N., 64°55'40"W. when entering the port using St. Thomas Channel; red buoy 2 in approximate position 18°19'15"N., 64°55'59"W. when entering the port using East Gregorie Channel; and red lighted buoy 4 in approximate position 18°18'16"N., 64°57'30"W. when entering the port using West Gregorie Channel. These zones are deactivated when the cruise ship passes any of these buoys on its departure from the Port.

(2441) (b) *Regulations*. (1) Under general regulations in §165.33 of this part, entering, anchoring, mooring or transiting in these zones is prohibited unless authorized by the Coast Guard Captain of the Port of San Juan.

(2442) (2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at the Greater Antilles Section Operations Center at (787) 289-2041 or via VHF radio on Channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his designated representative.

(2443) (3) The Marine Safety Office San Juan will attempt to notify the maritime community of periods during which these security zones will be in effect by providing advance notice of scheduled arrivals and departures of cruise ships via a broadcast notice to mariners.

(2444) (c) *Definition*. As used in this section, cruise ship means a passenger vessel greater than 100 feet in length that is authorized to carry more than 150 passengers for hire, except for a ferry.

(2445) (d) *Authority*. In Addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

§165.764 Security Zones; Big Bend and Weedon Island Power Facilities, Tampa Bay, Florida.

(2446) (a) *Location*. The following areas, denoted by coordinates fixed using the North American Datum of 1983 (World Geodetic System 1984), are security zones:

(2447) (1) *Big Bend, Tampa Bay, Florida*. All waters of Tampa Bay, from surface to bottom, adjacent to the Big Bend Power Facility, and within an area bounded by a line connecting the following points: 27°47.85'N., 082°25.02'W. then east and south along the shore and pile to 27°47.63'N., 082°24.70'W. then north along the shore to 27°48.02'N., 082°24.70'W. then north and west along a straight line to 27°48.12'N., 082°24.88'W. then south along the shore and pile to 27°47.85'N., 082°25.02'W., closing off entrance to the Big Bend Power Facility.

(2448) (2) *Weedon Island, Tampa Bay, Florida*. All waters of Tampa Bay, from surface to bottom, extending 50 yards from the shore, seawall and piers around the Power Facility at Weedon Island encompassed by a line connecting the following points: 27°51.52'N., 082°35.82'W. then north and east along the shore to 27°51.54'N., 082°35.78'W. then north to 27°51.68'N., 082°35.78'W. then north to 27°51.75'N., 082°35.78'W. closing off entrance to the canal then north to 27°51.89'N., 082°35.82'W., then west along the shore to 27°51.89'N., 082°36.10'W. then west to 27°51.89'N., 082°36.14'W closing off entrance to the canal.

(2449) (b) *Regulations*. (1) Entry into or remaining within these is prohibited unless authorized by the Coast Guard Captain of the Port, Tampa, Florida or their designated representative.

(2450) (2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 813-228-2189/91 or on VHF channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the

instructions of the Captain of the Port or their designated representative.

(2451) (c) *Authority*. In addition to 33 U.S.C. 1231 and 50 U.S.C. 191, the authority for this section includes 33 U.S.C. 1226.

§165.802 Lower Mississippi River vicinity of Old River Control Structure-safety zone.

(2452) (a) The area enclosed by the following boundary is a safety zone-from the Black Hawk Point Light, mile 316.1 AHP LMR to a point opposite Ft. Adams Light, mile 311.5 AHP along the low water reference plane above the right descending bank; thence to the levee on a line perpendicular to the channel centerline; thence along the levee to the upstream end of the Old River Overbank structure; thence along a line to the Black Hawk Point Light.

(2453) (b) Any vessel desiring to enter this safety zone must first obtain permission from the Captain of the Port, New Orleans. The resident engineer at Old River Control Structure (WUG-424) is delegated the authority to permit entry into this safety zone.

§165.803 Mississippi River-regulated navigation area.

(2454) The following is a Regulated Navigation Area–The waters of the Mississippi River between miles 88 and 240 above Head of Passes.

(2455) (a) Definitions. As used in this section:

(2456) (1) *Breakaway* means a barge that is adrift and is not under the control of a towing vessel.

(2457) (2) *COTP* means the Captain of the Port, New Orleans.

(2458) (3) *Fleet* includes one or more tiers.

(2459) (4) *Fleeting facility* means the geographic area along or near a river bank at which a barge mooring service, either for hire or not for hire, is established.

(2460) (5) *Mooring barge* or *spar barge* means a barge moored to mooring devices and to which other barges may be moored.

(2461) (6) *Mooring device* includes a deadman, anchor, pile or other reliable holding apparatus.

(2462) (7) *Person in charge* includes any owner, agent, pilot, master, officer, operator, crewmember, supervisor, dispatcher or other person navigating, controlling, directing or otherwise responsible for the movement, action, securing, or security of any vessel, barge, tier, fleet or fleeting facility subject to the regulations in this section.

(2463) (8) *Tier* means barges moored interdependently in rows or groups.

(2464) (b) Waivers:

(2465) (1) The COTP may, upon written request, except as allowed in paragraph (3) of this subsection, waive any regulation in this section if it is found that the proposed operation can be conducted safely under the terms of that waiver.

(2466) (2) Each written request for a waiver must state the need for the waiver and describe the proposed operation.

(2467) (3) Under unusual circumstances due to time constraints, the person in charge may orally request an immediate waiver from the COTP. The written request for a waiver must be submitted within five working days after the oral request.

(2468) (4) The COTP may, at any time, terminate any waiver issued under this subsection.

(2469) (c) Emergencies. In an emergency, a person may depart from any regulation in this section to the extent necessary to avoid immediate danger to persons, property or the environment.

(2470) (d) Mooring: general.

(2471) (1) No person may secure a barge to trees or to other vegetation.

(2472) (2) No person may allow a barge to be moored with unraveled or frayed lines or other defective or worn mooring.

(2473) (3) No person may moor barges side to side unless they are secured to each other from fittings as close to each corner of abutting sides as practicable.

(2474) (4) No person may moor barges end to end unless they are secured to each other from fittings as close to each corner of abutting ends as practicable.

(2475) (e) *Mooring to a mooring device*.

(2476) (1) A barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device and the downstream end is secured to at least one other mooring device, except that from mile 127 to mile 240 a barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device.

(2477) (2) Barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device, and the shoreward barge at the downstream end of the tier is secured to at least one other mooring device, except that from mile 127 to mile 240 barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device.

(2478) (3) Each wire rope used between the upstream end of a barge and a mooring device must have at least a diameter of 1¼ inch. Chain or line used between the upstream end of a barge and a mooring device must be at least equivalent in strength to 1¼ inch diameter wire rope.

(2479) (4) Each wire rope used between the downstream end of a barge and a mooring device must have at least a

diameter of 7/8 inch. Chain or line used between the downstream end of a barge and a mooring device must be of at least equivalent strength of 7/8 inch diameter wire rope.

(2480) (f) Moorings: barge-to-barge; barge-to-vessel; barge-to-wharf or pier. The person in charge shall ensure that a barge moored to another barge, a mooring or spar barge, a vessel, a wharf, or a pier, is secured as near as practicable to each abutting corner of the barge being moored by –

(2481) (1) Three parts of wire rope of at least 7/8 inch diameter with an eye at each end of the rope passed around the timberhead, caval, or button;

(2482) (2) A mooring of natural or synthetic fiber rope that has at least 75 percent of the breaking strength of three parts of 7/8 inch diameter wire rope; or

(2483) (3) Fixed rigging that is at least equivalent to three parts of 7/8 inch diameter wire rope.

(2484) (g) Mooring: person in charge.

(2485) (1) The person in charge of a barge, tier, fleet or fleeting facility shall ensure that the barge, tier, fleet or fleeting facility meets the requirements in paragraphs (d) and (e) of this section.

(2486) (2) The person in charge shall ensure that all mooring devices, wires, chains, lines and connecting gear are of sufficient strength and in sufficient number to withstand forces that may be exerted on them by moored barges.

(2487) (h) Fleeting facility: inspection of moorings.

(2488) (1) The person in charge of a fleeting facility shall assign a person to inspect moorings in accordance with the requirements in paragraph (h)(2) of this section.

(2489) (2) The person assigned to inspect moorings shall inspect:

(2490) (i) At least twice each day during periods that are six hours or more apart, each mooring wire, chain, line and connecting gear between mooring devices and each wire, line and connecting equipment used to moor each barge; and

(2491) (ii) After a towboat adds barges to, withdraws barges from, or moves barges at a fleeting facility, each mooring wire, line, and connecting equipment of each barge within each tier affected by that operation.

(2492) (3) The person who inspects moorings shall take immediate action to correct each deficiency.

(2493) (i) Fleeting facility: records. The person in charge of a fleeting facility shall maintain, and make available to the Coast Guard, records containing the following information:

(2494) (1) The time of commencement and termination of each inspection required in paragraph (h)(2) of this section.

(2495) (2) The name of each person who makes the inspection required in paragraph (h)(2) of this section.

(2496) (3) The identification of each barge entering and departing the fleeting facility, along with the following information:

(2497) (i) Date and time of entry and departure; and

(2498) (ii) The names of any hazardous cargo which the barge is carrying.

Note

(2499) The requirements in paragraph (i)(3) of this section for the listing of hazardous cargo refer to cargoes regulated by Subchapters D and O of Chapter I, Title 46, Code of Federal Regulations.

(2500) (j) Fleeting facility: Surveillance.

(2501) (1) The person in charge of a fleeting facility shall assign a person to be in continuous surveillance and to observe the barges in the fleeting facility. Joint use of this person by adjacent facilities may be considered upon submission of a detailed proposal for a waiver to the COTP.

(2502) (2) The person who observes the barges shall:

(2503) (i) Inspect for movements that are unusual for properly secured barges; and

(2504) (ii) Take immediate action to correct each deficiency.

(2505) (k) Fleeting facility: person in charge. The person in charge of a fleeting facility shall ensure that each deficiency found under the requirements of paragraphs (h) or (j) of this section is corrected.

(2506) (1) Securing breakaways. The person in charge shall take immediate action to:

(2507) (1) Secure each breakaway; and

(2508) (2) Report each breakaway as soon as possible to the COTP by telephone, radio or other means of rapid communication.

(2509) (m) High water.

(2510) (1) This subsection applies to barges on the Mississippi River between miles 88 and 240 above Head of Passes when:

(2511) (i) The Carrollton gage stands 12 feet or more; or

(2512) (ii) The Carrollton gage stands 10 feet, the U.S. Army Corps of Engineers forecasts the Mississippi River is rising to 12 feet, and the District Commander determines these circumstances to be especially hazardous and issues orders directing that paragraph (m)(2) and (3) of this section are in effect.

(2513) (2) During high water, the person in charge of a fleeting facility shall ensure compliance with the following requirements:

(2514) (i) Each fleet consisting of eight or more barges must be attended by at least one radar-equipped towboat for each 100 barges or less. Joint use of this towboat by adjacent facilities may be considered upon submission of a detailed proposal for a waiver.

(2515) (ii) Each fleet must have two or more towboats in attendance when:

(2516) (A) Barges are withdrawn from or moved within the fleet and the fleet at the start of the operation contains eight or more barges; or

(2517) (B) Barges are added to the fleet and the number of barges being added plus the fleet at the start of the operation total eight or more.

(2518) (iii) Each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section must be:

(2519) (A) Capable of safely withdrawing, moving or adding each barge in the fleet;

(2520) (B) Immediately operational;

(2521) (C) Radio-equipped;

(2522) (D) Within 500 yards of the barges; and

(2523) (iv) The person in charge of each towboat required in paragraphs (m)(2)(i) and (2)(ii) of this section shall maintain:

(2524) (A) A continuous guard on the frequency specified by current Federal Communications Commission regulations found in Part 83 of Title 47, Code of Federal Regulations; and

(2525) (B) When moored, a continuous watch on the barges in the fleeting facility.

(2526) (v) During periods when visibility is less than 200 yards, the person in charge of each towboat required in paragraph (m)(2)(i) of this subsection shall maintain, when moored, a continuous radar surveillance of the barges moored in the fleeting facility.

(2527) (3) During high water when visibility is reduced to less than 200 yards:

(2528) (i) Tows may not be assembled or disassembled;

(2529) (ii) No barge may be added to, withdrawn from or moved within a fleet except:

(2530) (A) A single barge may be added to or withdrawn from the channelward or downstream end of the fleet; and

(2531) (B) Barges made up in a tow may depart a fleet from the channelward or downstream end of the fleet; and

(2532) (iii) No person in charge of a tow arriving in this regulated navigation area may moor unless the COTP is notified prior to arrival in the regulated navigation area.

§165.T08–090 Safety Zone; Lower Mississippi River, Mile Marker 88.1 to 90.4, Above Head of Passes, New Orleans, LA.

(2533) (a) *Location*. The following area is a safety zone: the entire width of the Lower Mississippi River, above Head of Passes, beginning at mile marker 88.1, which is the location of the lower end of the Algiers Lock fore bay, and ending at mile marker 90.4, which is the location of the Chalmette Slip and 350 yards upriver of the Belle Chasse Launch Service's West Bank Dock.

(2534) (b) *Effective dates*. This section is effective from February 16, 2004 to February 16, 2005.

(2535) (c) *Enforcement period.* This rule will be enforced only when the Carrolton gauge reads 10 feet or higher during the effective period. When the Carrolton gauge reads 10 feet or higher, this section will be enforced every Sunday from 1:45 a.m. to 3:45 a.m. and from 4:30 p.m. to 6:30 p.m. These periods of enforcement are based on the predicted cruise schedule for the C/S CONQUEST and are subject to change. The Captain of the Port New Orleans will inform the public via broadcast notice to mariners of the enforcement periods for the safety zone.

(2536) (d) *Regulations*. (1) In accordance with the general regulations in §165.23 of this part, entry into this zone is prohibited to all people, mariners and vessels 30 minutes prior to the C/S CONQUEST's arrival at the power cables, unless authorized by the Captain of the Port New Orleans.

(2537) (2) Vessels are prohibited from anchoring in the New Orleans Emergency Anchorage or the New Orleans General Anchorage below mile marker 90.4, which is the location of the Chalmette Slip, and 350 yards upriver of the Belle Chasse Launch Service's West Bank Dock. This prohibition is effective two hours prior to the arrival and departure of the C/S CONQUEST or until it safely passes under the power cables.

(2538) (3) Moored vessels are permitted to remain within the safety zone.

(2539) (4) The Captain of the Port New Orleans will inform the public via broadcast notice to mariners of the enforcement periods for the safety zone.

(2540) (5) Vessels requiring entry into or passage through the zone during the enforcement period must request permission from the Captain of the Port New Orleans or a designated representative. Designated representatives include the Vessel Traffic Center (VTC) and on-scene U.S. Coast Guard patrol personnel. The VTC may be contacted on VHF Channel 67 or by telephone at (504) 589-2780. On-scene U.S. Coast Guard patrol personnel may be contacted on VHF channel 67.

(2541) (6) All persons and vessels shall comply with the instructions of the Captain of the Port New Orleans, the Vessel Traffic Center, and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

§165.804 Snake Island, Texas City, Texas; mooring and fleeting of vessels-safety zone.

(2542) (a) The following is a safety zone:

(2543) (1) The west and northwest shores of Snake Island;

(2544) (2) The Turning Basin west of Snake Island;

(2545) (3) The area of Texas City Channel from the north end of the Turning Basin to a line drawn 000° true from the northwesternmost point of Snake Island.

(2546) (b) Special Regulations. All vessels are prohibited from mooring, anchoring, or otherwise stopping in the safety zone, except in case of an emergency.

(2547) (c) Barges are prohibited from fleeting or grounding in the zone.

(2548) (d) In an emergency, vessels shall advise the Captain of the Port, Houston-Galveston, of the nature of the emergency via the most rapid means available.

§165.805 Calcasieu Channel and Industrial Canal, Calcasieu River, Lake Charles, LA.

(2549) (a) The waters and waterfront facility located within the area described by the following boundaries constitutes a safety zone:

(2550) (1) When a Liquefied Natural Gas (LNG) vessel is moored at Trunkline LNG facility: Beginning at the west side property line at position 30°06'38"N., 93°17'34"W. a line extending in an eastward direction and 50 feet from shore to a point 50 feet west of mooring dolphin #1; then due south to a line running in an eastward direction and 50 feet south of the moored LNG vessel to a line running due north to a point 50 feet east of mooring dolphin #13; and then a line extending in an eastward direction and 50 feet from shore to the end of the turning basin.

(2551) (2) When an LNG vessel is not moored at the Trunkline LNG facility: Beginning at the west side property line at position 30°06'38"N., 93°17'34"W. a line extending in an eastward direction and 50 feet from shore to a point 50 feet west of mooring dolphin #1; then a continuous uniform line extending 50 feet outside of all facility docks and structures to a point 50 feet east of mooring dolphin #13; and then a line extending in an eastward direction and 50 feet from shore to the end of the turning basin.

(2552) (b) The waters within the following boundaries are a safety zone while a non-gasfree LNG vessel is transiting within the Calcasieu River ship channel and between buoy "CC" and the Trunkline LNG facility: The area 2 miles ahead, 1 mile astern, and to either side of an LNG vessel to the width of the ship channel. Meeting, crossing, or overtaking situations are not permitted within the safety zone unless specifically authorized by the USCG Captain of the Port.

(2553) (c) Notice to transiting LNG vessels will be provided by Broadcast and/or Local Notice to Mariners.

§165.806 Sabine Neches Waterway, Texas–Regulated Navigation Area.

(2554) (a) The following is a regulated navigation area-The Sabine Neches Waterway which includes the following waters: Sabine Pass Channel, Port Arthur Canal, Sabine-Neches Canal, Neches River, Sabine River and all navigable waterways tributary thereto.

(2555) (b) Unless otherwise authorized by the Captain of the Port, Port Arthur, Texas, tows on a hawser of 1,000 gross tons or greater transiting the Sabine-Neches Waterway are prohibited unless such tows have a tug of sufficient horsepower made up to the tow in such a manner as to ensure that complete and effective control is maintained throughout the transit. Inbound vessels only, may shift the tow or pick up an additional tug within 100 yards inside the entrance jetties provided that such action is necessary for reasons of prudent seamanship.

§165.807 Calcasieu River, Louisiana–Regulated Navigation Area.

(2556) (a) The following is a regulated navigation area–The Calcasieu River from the Calcasieu jetties up to and including the Port of Lake Charles.

(2557) (b) Unless otherwise authorized by the Captain of the Port, Port Arthur, Texas, tows on a hawser of 1,000 gross tons or greater transiting the Calcasieu River are prohibited unless such tows have a tug of sufficient horsepower made up to the tow in such a manner as to ensure that complete and effective control is maintained at all times. Inbound vessels only, may shift the tow or pick up an additional tug within 100 yards inside the entrance jetties provided that such action is necessary for reasons of prudent seamanship.

§165.808 Corpus Christi Ship Channel, Corpus Christi, TX, safety zone.

(2558) (a) The following areas are established as Safety Zones during specified conditions:

(2559) (1) For incoming tank vessels loaded with Liquefied Petroleum Gas, the waters within a 500 yard radius of the LPG carrier while the vessel transits the Corpus Christi Ship Channel to the LPG receiving facility. The Safety Zone remains in effect until the LPG vessel is moored at the LPG receiving facility.

(2560) (2) For outgoing tank vessels loaded with LPG, the waters within a 500 yard radius of the LPG carrier while the vessel departs the LPG facility and transits the Corpus Christi Ship Channel. The Safety Zone remains in effect until the LPG vessel passes the seaward extremity of the Aransas Pass Jetties.

(2561) (b) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(2562) (c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a

Marine Safety Information Broadcast Notice to Mariners.

§165.809 Security Zones; Port of Port Lavaca-Point Comfort, Point Comfort, TX and Port of Corpus Christi Inner Harbor, Corpus Christi, TX.

(2563) (a) *Location*. The following areas are designated as a security zone:

(2564) (1) *Port of Port Lavaca-Point Comfort*–all waters between the Dredge Island Bridge at 28°39'30"N., 96°34'20"W. and a line drawn between points 28°38'10"N., 96°33'15"W. and 28°38'10"N., 96°34'45"W. including the Point Comfort turning basin and the adjacent Alcoa Channel. These coordinates are based upon NAD 1983.

(2565) (2) *Port of Corpus Christi Inner Harbor*–all waters of the Corpus Christi Inner Harbor from the Inner Harbor Bridge (US HWY 181) to, and including the Viola Turning Basin.

(2566) (b) *Regulations*. (1) No recreational vessels, passenger vessels, or commercial fishing vessels may enter these security zones unless specifically authorized by the Captain of the Port Corpus Christi or his designated representative.

(2567) (2) Recreational vessels, passenger vessels and commercial fishing vessels requiring entry into these security zones must contact the Captain of the Port Corpus Christi or his designated representative. The Captain of the Port may be contacted via VHF Channel 16 or via telephone at (361) 888-3162 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port, Corpus Christi or his designated representative.

(2568) (3) Designated representatives include U.S. Coast Guard commissioned, warrant, and petty officers.

(2569) (c) *Authority*. In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

§165.810 Mississippi River, LA-regulated navigation area.

(2570) (a) *Purpose and applicability*. This section prescribes rules for all vessels operating in the Lower Mississippi River below mile 233.9 above Head of Passes including South Pass and Southwest Pass, to assist in the prevention of allisions; collisions and groundings so as to ensure port safety and protect the navigable waters of the Mississippi River from environmental harm resulting from those incidents, and to enhance the safety of passenger vessels moored or anchored in the Mississippi River.

(2571) (b) Lower Mississippi River below mile 233.9 above Head of Passes including South and Southwest Passes::

(2572) (1) *Supervision*. The use, administration, and navigation of the waterways to which this paragraph applies shall be under the supervision of the District Commander, Eighth Coast Guard District.

(2573) (2) *Speed; high-water precautions*. When passing another vessel (in motion, anchored, or tied up), a wharf or other structure, work under construction, plant engaged in river and harbor improvement, levees withstanding flood waters, building partially or wholly submerged by high water, or any other structure liable to damage by collision, suction or wave action, vessels shall give as much leeway as circumstances permit and reduce their speed sufficiently to preclude causing damages to the vessel or structure being passed. Since this subparagraph pertains directly to the manner in which vessels are operated, masters of vessels shall be held responsible for strict observance and full compliance therewith. During high river stages, floods, or other emergencies, the District Commander may prescribe by navigation bulletins or other means the limiting speed in land miles per hour deemed necessary for the public safety for the entire section or any part of the waterways covered by this paragraph, and such limiting speed shall be strictly observed.

(2574) (3) *Towing*. Towing in any formation by a vessel with insufficient power to permit ready maneuverability and safe handling is prohibited.

(2575) (c) Movement of vessels in vicinity of Algiers Point, New Orleans Harbor:

(2576) (1) *Control lights*. When the Mississippi River reaches 8 feet on the Carrollton Gage on a rising stage, and until the gage reads 9 feet on a falling stage, the movement of all tugs with tows and all ships, whether under their own power or in tow, but excluding tugs or towboats without tows or river craft of comparable size and maneuverability operating under their own power, in the vicinity of Algiers Point shall be governed by red and green lights designated and located as follows: Governor Nicholls Light located on the left descending bank on the wharf shed at the upstream end of Esplanade Avenue Wharf, New Orleans, approximately 94.3 miles above Head of Passes; and Gretna Light located on the right descending bank on top of the levee at the foot of Ocean Avenue Gretna, approximately 96.6 miles above Head of Passes Governor Nicholls Light has lights visible from both upstream and downstream, and Gretna Light has lights visible from upstream, all indicating by proper color the direction of traffic around Algiers Point. From downstream, Gretna Light always shows green. All lights are visible throughout the entire width of the river and flash once every second. A green light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is clear and the vessel may proceed. A red light displayed ahead of a

vessel (in the direction of travel) indicates that Algiers Point is not clear and the vessel shall not proceed. Absence of lights shall be considered a danger signal and no attempt shall be made to navigate through the restricted area.

(2577) **NOTE:** To provide advance information to downbound vessels whether the control light at Gretna (Gretna Light) is red or green, a traffic light is located at Westwego on the right descending bank, on the river batture at the end of Avenue B, approximately 101.4 miles above Head of Passes.

(2578) (2) *Ascending vessels*. Ascending vessels shall not proceed farther up the river than a line connecting the upperend of Atlantic Street Discharge Light (on right descending bank) with the lower end of Desire Street Wharf (on left descending bank) when a red light is displayed. Vessels waiting for a change of signal shall keep clear of descending vessels.

(2579) (3) *Descending vessels*. (i) Descending vessels shall not proceed farther down the river than a line connecting the lower end of Julia Street Wharf (on left descending bank) with the vertical flagpole at Eastern Associated Terminals (on right descending bank) when a red light is displayed. Vessels shall round to and be headed upstream before they reach that line, if the signal remains against the vessel. Vessels waiting for a change of signal shall keep clear of ascending vessels.

(2580) (ii) Vessels destined to a wharf above the lower end of Julia Street Wharf shall signal the Gretna towerman three long blasts and one short blast of a whistle or horn to indicate that the vessel is not bound below the Julia Street Wharf.

(2581) (iii) The master, pilot, or authorized representative of any vessel scheduled to depart from a wharf between Governor Nicholls Light and Louisiana Avenue, bound downstream around Algiers Point, shall communicate with the Governor Nicholls Light towerman by telephone to determine whether the channel at Algiers Point is clear before departure. When the point is clear, vessels shall then proceed promptly so that other traffic will not be unnecessary delayed.

(2582) **NOTE:** Telephone numbers of both signal towers will be published in navigation bulletins in advance of each operating period.

(2583) (4) *Minor changes*. The District Commander is authorized to waive operation or suspension of the lights whenever prospective river stages make it appear that the operation or suspension will be required for only a brief period of time or when river stages will rise or fall below the critical stage which is established for operation or suspension by only a few tenths on the Carrollton Gage.

(2584) (5) *Underpowered vessels*. When the Carrollton Gage reads 12 feet or higher, any vessel which is considered by the master or pilot as being underpowered or a poor handler shall not navigate around Algiers Point without the assistance of a tug or tugs.

(2585) (6) *Towing*. When the Carrollton Gage reads 12 feet or higher, towing on a hawser in a downstream direction between Julia Street and Desire Street is prohibited except by special permission of the District Commander.

(2586) (d) Navigation of South and Southwest Passes.

(2587) (1) No vessel, except small craft and towboats and tugs without tows, shall enter South Pass or Southwest Pass the Gulf until after any descending vessel which has approached within two and one-half (2½) miles of the outer end of the jetties and visible to the ascending vessel shall have passed to sea.

(2588) (2) No vessel having a speed of less than ten mph shall enter South Pass from the Gulf when the stage of the Mississippi River exceeds 15 feet on the Carrollton Gage at New Orleans. This paragraph does not apply when Southwest Pass is closed to navigation.

(2589) (3) No vessel, except small craft and towboats and tugs without tows, ascending South Pass shall pass Franks Crossing Light until after a descending vessel shall have passed Depot Point Light.

(2590) (4) No vessel, except small craft and towboats and tugs without tows, shall enter the channel at the head of South Pass until after an ascending vessel which has reached Franks Crossing Light shall have passed through into the river.

(2591) (5) When navigating South Pass during periods of darkness no tow shall consist of more than one towed vessel other than small craft, and during daylight hours no tow shall consist of more than two towed vessels other than small craft. Tows may be in any formation. When towing on a hawser, the hawser shall be as short as practicable to provide full control at all times.

(2592) (6) When towing in Southwest Pass during periods of darkness no tow shall consist of more than two towed vessels other than small craft, and during daylight hours no tow shall consist of more than three towed vessels other than small craft.

(2593) (e) Watch requirements for anchored and moored passenger vessels.

(2594) (1) *Passenger vessels*. Except as provided in paragraph (e)(2) of this section, each passenger vessel with one or more passengers on board, must—

(2595) (i) Keep a continuously manned pilothouse; and

(2596) (ii) Monitor river activities and marine VHF, emergency and working frequencies of the port, so as to be immediately available to take necessary action to protect the vessel, crew, and passengers if an emergency radio broadcast, danger signal, or visual or other indication of a problem is received or detected.

(2597) (2) Each ferryboat, and each small passenger vessel to which 46 CFR 175.110 applies, may monitor river activities using a portable radio from a vantage point other than the pilothouse.

(2598) (f) Each self propelled vessel of 1,600 or more gross tons subject to 33 CFR part 164 shall also comply with the following:

(2599) (1) While underway in the RNA, each vessel must have an engineering watch capable of monitoring the propulsion system, communicating with the bridge, and implementing manual-control measures immediately when necessary. The watch must be physically present in the machinery spaces or in the machinery-control spaces and must consist of at least a licensed engineer.

(2600) (2) Before embarking a pilot when entering or getting underway in the RNA, the master of each vessel shall ensure that the vessel is in compliance with 33 CFR part 164.

(2601) (3) The master shall ensure that the chief engineer has certified that the following additional operating conditions will be satisfied so long as the vessel is underway within the RNA:

(2602) (i) The main propulsion plant is in all respects ready for operations including the main-propulsion air-start systems, fuel systems, lubricating systems, cooling systems, and automation systems;

(2603) (ii) Cooling, lubricating, and fuel-oil systems are at proper operating temperatures;

(2604) (iii) Main propulsion machinery is available to immediately respond to the full range of maneuvering commands any load-limiting programs or automatic acceleration-limiting programs that would limit the speed of response to engine orders beyond that needed to prevent immediate damage to the propulsion machinery are capable of being overridden immediately.

(2605) (iv) Main-propulsion standby systems are ready to be immediately placed in service.

§165.811 Atchafalaya River, Berwick Bay, LA-regulated navigation area.

(2606) (a) The following is a regulated navigation area: the waters of the Atchafalaya River in Berwick Bay bounded on the northside from 2,000 yards north of the U.S. 90 Highway Bridge and on the southside from 4,000 yards south of the Southern Pacific Railroad (SPRR) Bridge.

(2607) (b) Within the regulated navigation area described in paragraph (a) of this section, §161.40 of this chapter establishes a VTS Special Area for waters within a 1000 yard radius of the SPRR Bridge.

(2608) (c) When the Morgan City River gauge reads 3.0 feet or above mean sea level, in addition to the requirements set forth in §161.13 of this chapter, the requirements of paragraph (d) and (e) of this section apply to a towing vessel which will navigate:

(2609) (1) under the lift span of the SPRR Bridge; or

(2610) (2) through the navigational opening of the U.S. 90 Highway Bridge; or

(2611) (3) through the navigational opening of the Highway 182 Bridge.

(2612) (d) *Towing requirements*. (1) Towing on a hawser is not authorized, except that one self-propelled vessel may tow one other vessel without barges upbound;

(2613) (2) A towing vessel and barges must be arranged in tandem, except that one vessel may tow one other vessel alongside;

(2614) (3) Length of tow must not exceed 1,180 feet; and

(2615) (4) Tows with a box end in the lead must not exceed 400 feet in length.

(2616) **Note:** The variation in the draft and the beam of the barges in a multi-barge tow should be minimized in order to avoid unnecessary strain on coupling wires.

(2617) (e) *Horsepower Requirement*. (1) The following requirements apply to a towing vessel of 3,000 hp or less:

TABLE 165.811(e)—MINIMUM AVAILABLE HORSEPOWER REQUIREMENT

Direction of Tow	Daytime (sunrise to sunset)	Nighttime (sunset to sunrise)
Upbound	400 hp or (Length of tow–300ft) x 3.	600 hp or (Length of tow–200ft) x 3.
Downbound	600 hp or (Length of tow–200ft) x 3.	600 hp or (Length of tow) x 3.

(2618) **Note:** a 5% variance from the available horsepower is authorized.

(2619) (2) All tows carrying cargoes of particular hazard as defined in §160.203 of this chapter must have available horsepower of at least 600 hp or three times the length of tow, whichever is greater.

(2620) (f) *Notice of Requirements*. Notice that these rules are anticipated to be put into effect, or are in effect, will be given by:

(2621) (1) Marine information broadcasts;

(2622) (2) Notices to mariners;

(2623) (3) Vessel Traffic Center advisories or upon vessel information request; and

(2624) (4) Visual displays on top of the SPRR Bridge, consisting of:

(2625) (i) Two vertically arranged red balls by day; or

(2626) (ii) Two vertically arranged flashing white lights by night.

(2627) **Note:** Visual displays are not shown during precautionary periods (when the Morgan City River Gauge

reads 2.5 feet above mean sea level). However, precautionary notices will be issued via marine notice to mariners, notice to mariners, VTC advisories or vessel information requests, when water level remains at above 2.5 feet. Visual displays are Class I, private aids to navigation maintained by SPRR Bridge.

§165.812 Security Zones: Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, LA.

(2628) (a) *Location*. Within the Lower Mississippi River and Southwest Pass, moving security zones are established around all cruise ships between the Southwest Pass Entrance Lighted Buoy "SW", at approximate position 28°52'42"N., 89°25'54"W. [NAD 83] and Lower Mississippi River mile marker 96.0 in New Orleans, Louisiana. These moving security zones encompass all waters within 500 yards of a cruise ship. These zones remain in effect during the entire transit of the vessel and continue while the cruise ship is moored or anchored.

(2629) (b) *Regulations*. (1) Entry of persons and vessels into these zones is prohibited unless authorized as follows.

(2630) (i) Vessels may enter within 500 yards but not closer than 100 feet of a cruise ship provided they operate at the minimum speed necessary to maintain a safe course.

(2631) (ii) No person or vessel may enter within 100 feet of a cruise ship unless expressly authorized by the Coast Guard Captain of the Port New Orleans or his designated representative.

(2632) (iii) Moored vessels or vessels anchored in a designated anchorage area are permitted to remain within 100 feet of a cruise ship while it is transit.

(2633) (2) Vessels requiring entry within 500 yards of a cruise ship that cannot slow to the minimum speed necessary to maintain a safe course must request express permission to proceed from the Captain of the Port New Orleans or his designated representative.

(2634) (3) For the purpose of this rule the term "cruise ship" is defined as a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire, making a voyage lasting more than 24 hours, any part of which is on high seas, and for which passengers are embarked or disembarked in the United States or its territories.

(2635) (4) The Captain of the Port New Orleans will inform the public of the moving security zones around cruise ships via Marine Safety Information Broadcasts.

(2636) (5) To request permission as required by these regulations contact "New Orleans Traffic" via VHF Channels 13/67 or via phone at (504) 589-2780 or (504) 589-6261.

(2637) (6) All persons and vessels within the moving security zones shall comply with the instructions of the Captain of the Port New Orleans and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(2638) (c) *Authority*. In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

§165.813 Security Zones; Ports of Houston and Galveston, TX.

(2639) (a) *Location*. Within the Ports of Houston and Galveston, Texas, moving security zones are established encompassing all waters with 500 yards of a cruise ship between Galveston Bay Approach Lighted Buoy "GB", at approximate position 29°21'18"N., 94°37'36"W. [NAD 83] and up to, and including, Barbours Cut. These zones remain in effect during the inbound and outbound entire transit of the cruise ship and continues while the cruise ship is moored or anchored.

(2640) (b) *Regulations*. (1) Entry of vessels or persons into these zones is prohibited unless authorized as follows.

(2641) (i) Vessels may enter within 500 yards but not closer than 100 yards of a cruise ship provided they operate at the minimum speed necessary to maintain a safe course.

(2642) (ii) No person or vessel may enter within 100 yards of a cruise ship unless expressly authorized by the Coast Guard Captain of the Port Houston-Galveston. Where the Houston Ship Channel narrows to 400 feet or less between Houston Ship Channel Entrance Lighted Bell Buoy "18", light list no. 34385 at approximately 29°21'06"N., 94°47'00"W. [NAD 83] and Barbours Cut, the Captain of the Port Houston-Galveston may permit vessels that must transit the navigable channel between these points to enter within 100 yards of a cruise ship.

(2643) (iii) Moored vessels or vessels anchored in a designated anchorage area are permitted to remain within 100 yards of a cruise ship while it is in transit.

(2644) (2) Vessels requiring entry within 500 yards of a cruise ship that cannot slow to the minimum speed necessary to maintain a safe course must request express permission to proceed from the Captain of the Port Houston-Galveston, or his designated representative.

(2645) (3) For the purpose of this section the term "cruise ship" is defined as a passenger vessel over 100 gross tons, carrying more than 12 passengers for hire, making a voyage lasting more than 24 hours, any part of which is on the high seas, and for which passengers are

embarked or disembarked in the United States or its territories.

(2646) (4) The Captain of the Port Houston-Galveston will inform the public of the moving security zones around cruise ships via Marine Safety Information Broadcasts.

(2647) (5) To request permission as required by these regulations contact "Houston Traffic" via VHF Channels 11/12 or via phone at (713) 671-5103.

(2648) (6) All persons and vessels within the moving security zone shall comply with the instructions of the Captain of the Port Houston-Galveston and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(2649) (c) *Authority*. In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

§165.814 Security Zones; Captain of the Port Houston-Galveston Zone.

(2650) (a) *Location*. The following areas are designated as security zones:

(2651) (1) Houston, Texas. The Houston Ship Channel and all associated turning basins, bounded by a line drawn between Houston Ship Channel Light 132 (LLNR-24445) and Houston Ship Channel Light 133 (LLNR-24450) west to the T & N Rail Road Swing Bridge at the entrance to Buffalo Bayou, including all waters adjacent to the ship channel from shoreline to shoreline and the first 200 yards of connecting waterways.

(2652) (2) Morgan's Point, Texas. The Barbours Cut Ship Channel and Turning Basin containing all waters west of a line drawn between Junction Light "Barbours Cut" 29°41'12"N., 94°59'12"W. (LLNR-23525), and Houston Ship Channel Light 91, 29°41'00"N., 94°59'00"W. (LLNR-23375) (NAD 1983).

(2653) (3) Bayport, TX. The Port of Bayport, Bayport Ship Channel and Bayport Turning Basin containing all waters south of latitude 28°36'45"N. and west of Bayport Ship Channel Light 9 (LLNR-23295) (NAD 1983).

(2654) (4) Texas City, Texas. The Port of Texas City Channel, Turning Basin and Industrial Canal containing all waters bounded by the area south and west of a line drawn from Texas City Channel Light 19 (LLNR 24810) through Cut B Inner Range Front Light (LLNR 24765) and terminating on land in position 29°23'16"N., 94°53'15"W. (NAD 1983).

(2655) (5) Freeport, Texas. (i) The Dow Barge Canal containing all waters bounded by its junction with the Intracoastal Waterway, by a line drawn between the eastern point at latitude 28°56'48"N., 95°18'20"W., and the western point at 28°56'40"N., 95°18'33"W. (NAD 1983).

(2656) (ii) The Brazos Harbor containing all waters west of a line drawn between the northern point at 28°56'27"N., 95°20'00"W., and the southern point 28°56'09"N., 95°20'00"W. (NAD 1983) at its junction with the Old Brazos River Cut.

(2657) (b) *Effective dates*. This section is effective on April 14, 2003.

(2658) (c) *Regulations*. (1) Entry of into these zones is prohibited except for the following:

(2659) (i) Commercial vessels operating at waterfront facilities within these zones;

(2660) (ii) Commercial vessels transiting directly to or from waterfront facilities within these zones;

(2661) (iii) Vessels providing direct operational/logistic support to commercial vessels within these zones;

(2662) (iv) Vessels operated by the appropriate port authority or by facilities located within these zones; and

(2663) (v) Vessels operated by federal, state, county, or municipal agencies.

(2664) (2) Other persons or vessels requiring entry into a zone described in this section must request express permission to enter from the Captain of the Port Houston-Galveston, or designated representative.

(2665) (3) To request permission as required by these regulations contact "Houston Traffic" via VHF Channels 11/12 or by phone at (713) 671-5103.

(2666) (4) All persons and vessels shall comply with the instructions of the Captain of the Port Houston-Galveston and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Subpart G-Protection of Naval Vessels

§165.2010 Purpose.

(2667) 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.

§165.2015 Definitions.

(2668) The following definitions apply to this subpart:

(2669) *Atlantic Area* means that area described in 33 CFR 3.04–1 Atlantic Area.

(2670) *Large U.S. naval vessel* means any U.S. naval vessel greater than 100 feet in length overall.

(2671) *Naval defensive sea area* means those areas described in 32 CFR part 761.

(2672) *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.

(2673) *Navigable waters of the United States* means those waters defined as such in 33 CFR part 2.

(2674) *Navigation rules* means the Navigation Rules, International-Inland.

(2675) *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.

(2676) *Pacific Area* means that area described in 33 CFR 3.04–3 Pacific Area.

(2677) *Restricted area* means those areas established by the Army Corps of Engineers and set out in 33 CFR part 334.

(2678) *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.

(2679) *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.

(2680) *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.

§165.2020 Enforcement authority.

(2681) (a) *Coast Guard*. Any Coast Guard commissioned, warrant or petty officer may enforce the rules and regulations contained in this subpart.

(2682) (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.

§165.2025 Atlantic Area.

(2683) (a) This section applies to any vessel or person in the navigable waters of the United States within the boundaries of the U.S. Coast Guard Atlantic Area, which includes the First Fifth, Seventh, Eighth and Ninth U.S. Coast Guard Districts.

(2684) **Note to §165.2025 paragraph (a):** The boundaries of the U.S. Coast Guard Atlantic Area and the First, Fifth, Seventh, Eighth and Ninth U.S. Coast Guard Districts are set out in 33 CFR part 3.

(2685) (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.

(2686) (c) The Navigation Rules shall apply at all times within a naval vessel protection zone.

(2687) (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.

(2688) (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.

(2689) (f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(2690) (1) Give advance notice on VHF-FM channel 16 of all large U.S. naval vessel movements;

(2691) (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

(2692) (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

(2693) (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.

(2694) **Note to §165.2025 paragraph (f):** The listed actions are discretionary and do not create any additional right to appeal or otherwise dispute a decision of the Coast Guard, the senior naval officer present in command, or the official patrol.

Part 166–Shipping Safety Fairways

Subpart A–General

§166.100 Purpose.

(2695) 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.

§166.103 Geographic coordinates.

(2696) 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.

§166.105 Definitions.

(2697) (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.

(2698) (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.

§166.110 Modification of areas.

(2699) Fairways and fairway anchorages are subject to modification in accordance with 33 U.S.C. 1223(c); 92 Stat. 1473.

Subpart B–Designations of Fairways and Fairway Anchorages

§166.200 Shipping safety fairways and anchorage areas, Gulf of Mexico.

(2700) (a) *Purpose*. Fairways and anchorage areas as described in this section are established to control the erection of structures therein to provide safe approaches through oil fields in the Gulf of Mexico to entrances to the major ports along the Gulf Coast.

(2701) (b) *Special Conditions for Fairways in the Gulf of Mexico*. Temporary anchors and attendant cables or chains attached to floating or semisubmersible drilling rigs outside a fairway may be placed within a fairway described in this section for the Gulf of Mexico, provided the following conditions are met:

(2702) (1) Anchors installed within fairways to stabilize semisubmersible drilling rigs shall be allowed to remain 120 days. This period may be extended by the Army Corps of Engineers, as provided by 33 CFR 209.135(b).

(2703) (2) Drilling rigs must be outside of any fairway boundary to whatever distance is necessary to ensure that the minimum depth of water over an anchor line within a fairway is 125 feet.

(2704) (3) No anchor buoys or floats or related rigging will be allowed on the surface of the water or to a depth of at least 125 feet from the surface, within a fairway.

(2705) (4) Aids to Navigation or danger markings must be installed as required by 33 CFR Subchapter C.

(2706) (c) *Special Conditions for Fairway Anchorages in the Gulf of Mexico.* Structures may be placed within an area designated as a fairway anchorage, but the number of structures will be limited by spacing as follows:

(2707) (1) The center of a structure to be erected shall not be less than two (2) nautical miles from the center of any existing structure.

(2708) (2) In a drilling or production complex, associated structures connected by walkways shall be considered one structure for purposes of spacing, and shall be as close together as practicable having due consideration for the safety factors involved.

(2709) (3) A vessel fixed in place by moorings and used in conjunction with the associated structures of a drilling or production complex, shall be considered an attendant vessel and the extent of the complex shall include the vessel and its moorings.

(2710) (4) When a drilling or production complex extends more than five hundred (500) yards from the center, a new structure shall not be erected closer than two (2) nautical miles from the outer limit of the complex.

(2711) (5) An underwater completion installation in an anchorage area shall be considered a structure and

shall be marked with a lighted buoy approved by the United States Coast Guard under 33 CFR Part 66.01.

(2712) **Note: Where the areas have already been charted, coordinates have been omitted and reference made to the chart(s) showing the fairways and anchorages.**

(2713) (d) *Designated Areas*.

(2714) (1) *Brazos Santiago Pass Safety Fairway.* See charts 11300 and 11301.

(2715) (2) *Brazos Santiago Pass Anchorage Areas*. See charts 11300 and 11301.

(2716) (3) *Port Mansfield Safety Fairway.* See chart 11300.

(2717) (4) *Aransas Pass Safety Fairway.* See charts 11300, 11313, and 11307.

(2718) (5) *Aransas Pass Anchorage Areas.* See charts 11300, 11313, and 11307.

(2719) (6) *Matagorda Entrance Safety Fairway*. See charts 11300, and 11316.

(2720) (7) *Matagorda Entrance Anchorage Areas*. See charts 11300, and 11316.

(2721) (8) *Freeport Harbor Safety Fairway*. See charts 11300 and 11321.

(2722) (9) *Freeport Harbor Anchorage Areas*. See charts 11300 and 11321.

(2723) (10) *Galveston Entrance Safety Fairways*. See charts 11340 and 11323.

(2724) (11) *Galveston Entrance Anchorage Areas*. See charts 11340 and 11323.

(2725) (12) *Sabine Pass Safety Fairway*. See charts 11340 and 11341.

(2726) (13) *Sabine Pass Anchorage Areas*-(i) *Sabine Pass Inshore Anchorage Area*. The area enclosed by rhumb lines joining points at:

(2727) 29°37'32"N., 93°48'02"W.

(2728) 29°37'32"N., 93°21'25"W.

(2729) 29°32'52"N., 93°43'00"W.

(2730) 29°36'28"N., 93°47'14"W.

(2731) (ii) *Sabine Bank Offshore (North) Anchorage Area*. The area enclosed by rhumb lines joining points at:

(2732) 29°26'06"N., 93°43'00"W.

(2733) 29°26'06"N., 93°41'08"W.

(2734) 29°24'06"N., 93°41'08"W.

(2735) 29°24'06"N., 93°43'00"W.

(2736) (iii) *Sabine Bank Offshore (South) Anchorage Area*. The area enclosed by rhumb lines joining points at:

(2737) 29°16'55"N., 93°43'00"W.

(2738) 29°16'55"N., 93°41'08"W.

(2739) 29°14'29"N., 93°41'08"W.

(2740) 29°14'29"N., 93°43'00"W.

(2741) (iv) *Sabine Bank Offshore* (East) Anchorage Area. The area enclosed by rhumb lines joining points at:

(2742) 29°26'06"N., 93°38'52"W.

(2743) 29°26'06"N., 93°37'00"W.

(2744) 29°24'06"N., 93°37'00"W.

(2745) 29°24'06"N., 93°38'52"W.

(2746) (14) *Coastwise Safety Fairway*. (i) *Brazos Santiago Pass to Aransas Pass*. See charts 11300, 11301, and 11307.

(2747) (ii) *Aransas Pass to Calcasieu Pass*. See charts 11300, 11340, 11313, 11316, 11323, 11332, 11344.

(2748) (15) *Calcasieu Pass Safety Fairway*. See charts 11340, 11344, and 11341.

(2749) (16) *Calcasieu Pass Anchorage Areas*-(i) *Calcasieu Pass North Anchorage Area*. The area enclosed by rhumb lines joining points at:

(2750) 29°41'12"N., 93°19'37"W.

(2751) 29°41'12"N., 93°12'28"W.

(2752) 29°31'16"N., 93°12'16"W.

(2753) 29°37'30"N., 93°18'15"W.

(2754) (ii) *Calcasieu Pass South Anchorage Area*. The area enclosed by rhumb lines joining points at:

(2755) 28°59'30"N., 93°16'30"W.

(2756) 28°59'30"N., 93°14'00"W.

(2757) 28°56'00"N., 93°14'00"W.

(2758) 28°56'00"N., 93°16'30"W.

(2759) (17) *Lower Mud Lake Safety Fairway*. The area enclosed by rhumb lines joining points at:

(2760) 29°43'24"N., 93°00'18"W.

(2761) 29°42'00"N., 93'00'18"W. and rhumb lines joining points at:

(2762) 29°43'33"N., 93°00'48"W.

(2763) 29°42'00"N., 93°00'48"W.

(2764) (18) *Freshwater Bayou Safety Fairway*. See charts 11340 and 11349.

(2765) (19) *Southwest Pass Safety Fairway*. See charts 11340 and 11349.

(2766) (20) *Atchafalaya Pass Safety Fairway*. See charts 11340 and 11351.

(2767) (21) *Bayou Grand Caillou Safety Fairway*. See charts 11340 and 11356.

(2768) (22) *Cat Island Pass Safety Fairway*. See charts 11340, and 11357.

(2769) (23) *Belle Pass Safety Fairway*. See charts 11340 and 11357.

(2770) (24) *Barataria Pass Safety Fairway*. See charts 11340 and 11358.

(2771) (25) *Grand Bayou Pass Safety Fairway*. See charts 11340 and 11358.

(2772) (26) *Empire to the Gulf Safety Fairway*. See charts 11340 and 11358.

(2773) (27) *Gulf Safety Fairway*. *Aransas Pass Safety Fairway to Southwest Pass Safety Fairway*. See charts 11300 and 11340.

(2774) (28) *Southwest Pass (Mississippi River) Safety Fairway.* (i) *Southwest Pass (Mississippi River) to Gulf Safety Fairway*. The area enclosed by rhumb lines joining points at:

(2775) 28°54'33"N., 89°26'07"W.

(2776) 28°52'42"N., 89°27'06"W.
(2777) 28°50'00"N., 89°27'06"W.
(2778) 28°02'32"N., 90°09'28"W. and rhumb lines joining points at:
(2779) 28°54'18"N., 89°25'46"W.
(2780) 28°53'30"N., 89°25'18"W.
(2781) 28°53'30"N., 89°23'48"W.
(2782) 28°50'40"N., 89°24'48"W.
(2783) 28°48'48"N., 89°24'48"W.
(2784) 28°47'24"N., 89°26'30"W.
(2785) 28°00'36"N., 90°08'18"W.
(2786) (ii) *Southwest Pass (Mississippi River) to Sea Safety Fairway.* The area enclosed by rhumb lines joining points at:
(2787) 28°54'33"N., 89°26'07"W.
(2788) 28°52'42"N., 89°27'06"W.
(2789) 28°50'00"N., 89°27'06"W.
(2790) 28°47'24"N., 89°26'30"W.
(2791) 28°36'28"N., 89°18'45"W. and rhumb lines joining points at:
(2792) 28°54'18"N., 89°25'46"W.
(2793) 28°53'30"N., 89°25'18"W.
(2794) 28°53'30"N., 89°23'48"W.
(2795) 28°50'40"N., 89°24'48"W.
(2796) 28°48'48"N., 89°24'48"W.
(2797) 28°45'06"N., 89°22'12"W.
(2798) 28°43'27"N., 89°21'01"W.
(2799) 28°37'54"N., 89°17'06"W.
(2800) (iii) *Southwest Pass (Mississippi River) to South Pass (Mississippi River) Safety Fairway*. See charts 11360 and 11361.
(2801) (29) *Southwest Pass (Mississippi River) Anchorage*. The area enclosed by rhumb lines joining points at:
(2802) 28°53'30"N., 89°23'48"W.
(2803) 28°53'30"N., 89°21'48"W.
(2804) 28°55'06"N., 89°21'48"W.
(2805) 28°55'06"N., 89°19'18"W.
(2806) 28°52'41"N., 89°17'30"W.
(2807) 28°50'40"N., 89°21'14"W.
(2808) 28°50'40"N., 89°24'48"W.
(2809) (30) *South Pass (Mississippi River) Safety Fairways.* (i) *South Pass to Sea Safety Fairway*. See charts 11360 and 11361.
(2810) (ii) *South Pass (Mississippi River) to Mississippi River-Gulf Outlet Channel Safety Fairway*. See charts 11360 and 11361.
(2811) (31) *South Pass (Mississippi River) Anchorage*. See charts 11360 and 11361.
(2812) (32) *Mississippi River-Gulf Outlet Safety Fairway*. (i) See charts 11360 and 11363.
(2813) (ii) *Mississippi River-Gulf Outlet Channel to Mobile Ship Channel Safety Fairway*. See chart 11360.
(2814) (33) *Mississippi River-Gulf Outlet Anchorage*. See charts 11360 and 11363.
(2815) (34) *Gulfport Safety Fairway*. See charts 11360 and 11373.
(2816) (35) *Biloxi Safety Fairway*. See charts 11360 and 11373.
(2817) (36) *Ship Island Pass to Horn Island Pass Safety Fairway*. See charts 11360 and 11373.
(2818) (37) *Pascagoula Safety Fairway*. See charts 11360 and 11373.
(2819) (38) *Horn Island Pass to Mobile Ship Channel Safety Fairway*. See charts 11360, 11373, and 11376.
(2820) (39) *Mobile Safety Fairway*-(i) *Mobile Ship Channel Safety Fairway*. The areas between rhumb lines joining points at:
(2821) 30°38'46"N., 88°03'24"W.
(2822) 30°38'14"N., 88°02'42"W.
(2823) 30°31'59"N., 88°02'00"W.
(2824) 30°31'59"N., 88°04'59"W. and rhumb lines joining points at:
(2825) 30°31'00"N., 88°05'30"W.
(2826) 30°31'00"N., 88°01'54"W.
(2827) 30°26'55"N., 88°01'26"W.
(2828) 30°16'35"N., 88°02'45"W.
(2829) 30°14'09"N., 88°03'24"W.
(2830) 30°10'36"N., 88°03'53"W.
(2831) 30°08'10"N., 88°04'40"W.
(2832) 30°07'15"N., 88°06'54"W. and rhumb lines joining points at:
(2833) 30°39'55"N., 88°01'15"W.
(2834) 30°37'06"N., 88°01'23"W.
(2835) 30°26'11"N., 88°00'11"W.
(2836) 30°16'18"N., 88°01'35"W.
(2837) 30°13'52"N., 88°01'12"W.
(2838) 30°13'14"N., 88°01'12"W.
(2839) 30°10'36"N., 88°01'35"W.
(2840) 30°08'04"N., 88°00'36"W.
(2841) (ii) *Mobile Ship Channel to Sea Safety Fairway.* See charts 11360 and 11376.
(2842) (iii) *Mobile to Pensacola Safety Fairway.* See charts 11360, 11340, and 11382.
(2843) (40) *Mobile Anchorage*. See chart 11360.
(2844) (41) *Pensacola Safety Fairway.* See charts 11360 and 11382.
(2845) (42) *Pensacola Anchorage*. See charts 11360 and 11382.
(2846) (43) *Pensacola to Panama City Safety Fairway*. See charts 11360, 11389, and 11382.
(2847) (44) *Panama City Safety Fairways*. See charts 11360 and 11389.
(2848) (45) *Panama City Anchorage.* See charts 11360 and 11389.
(2849) (46) *Port St. Joe Fairway to Panama City Safety Fairway*. See charts 11360 and 11389.
(2850) (47) *Port St. Joe Anchorage*. See charts 11360 and 11389.

(2851) (48) *Tampa Safety Fairways*. See charts 11412, 11420, and 11400.

(2852) (49) Tampa Anchorages-(i) Eastern Tampa Fairway Anchorage. The area enclosed by rhumb lines (North American Datum of 1927 (NAD-27)) joining points at:

(2853) 27°36'48"N., 83°00'00"W.

(2854) 27°39'00"N., 83°00'00"W.

(2855) 27°39'00"N., 82°55'54"W.

(2856) 27°36'48"N., 82°55'54"W.

(2857) (ii) Western Tampa Fairway Anchorage. The area enclosed by rhumb lines (North American Datum of 1927 (NAD-27)) joining points at:

(2858) 27°36'48"N., 83°05'06"W.

(2859) 27°39'00"N., 83°05'06"W.

(2860) 27°39'00"N., 83°01'00"W.

(2861) 27°36'48"N., 83°01'00"W.

(2862) (50) *Charlotte Safety Fairway*. See charts 11426 and 11420.

(2863) (51) *Charlotte Anchorage*. See charts 11426 and 11420.

(2864) (52) *Louisiana Offshore Oil Port (LOOP) Shipping Safety Fairway to Safety Zone*. (i) North of Gulf Safety Fairway. The 2-mile wide area enclosed by rhumb lines joining points at:

(2865) 28°48'36"N., 89°55'00"W.;

(2866) 28°48'14"N., 89°54'17"W.;

(2867) 28°45'47"N., 89°54'19"W.;

(2868) 28°36'06"N., 89°55'44"W.;

(2869) 28°18'30"N., 89°55'15"W.;

(2870) 28°20'58"N., 89°53'03"W.;

(2871) 28°36'09"N., 89°53'28"W.;

(2872) 28°49'07"N., 89°51'30"W.;

(2873) 28°50'20"N., 89°53'51"W.

(2874) (ii) South of Gulf Safety Fairway. The 2-mile wide area enclosed by rhumb lines joining points at:

(2875) 28°15'20"N., 89°55'10"W.;

(2876) 27°46'29"N., 89°54'23"W.;

(2877) 27°46'32"N., 89°52'08"W.;

(2878) 28°17'48"N., 89°52'58"W.

(2879) (53) *Heald Bank Cutoff Safety Fairway*. The area enclosed by rhumb lines, (North American Datum of 1927 (NAD-27)), joining points at:

(2880) 28°57'15"N., 94°23'55"W.;

(2881) 28°51'30"N., 93°56'30"W.;

(2882) 28°48'30"N., 93°51'45"W.;

(2883) 28°55'15"N., 94°23'55"W.

Part 167–Offshore Traffic Separation Schemes

Subpart A–General

§167.1 Purpose.

(2884) 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.

§167.5 Definitions.

(2885) (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.

(2886) (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.

(2887) (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.

(2888) (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.

(2889) (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.

(2890) (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.

(2891) (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.

§167.10 Operating rules.

(2892) The operator of a vessel in a TSS shall comply with Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972, as amended.

§167.15 Modification of schemes.

(2893) (a) A traffic separation scheme or precautionary area described in this Part may be permanently amended in accordance with 33 U.S.C. 1223 (92 Stat. 1473), and with international agreements.

(2894) (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.

Subpart B–Description of Traffic Separation Schemes and Precautionary Areas

§167.350 In the approaches to Galveston Bay Traffic Separation Scheme and precautionary areas.

(2895) (a) An inshore precautionary area bounded by a line connecting the following geographical positions:

(2896) (1) 29°18.10'N., 94°39.20'W.

(2897) (2) 29°16.10'N., 94°37.00'W.

(2898) (3) 28°18.00'N., 94°34.90'W.

(2899) (4) 29°19.40'N., 94°37.10'W.

(2900) (5) 29°19.80'N., 94°38.10'W.

(2901) (b) A traffic separation zone bounded by a line connecting the following geographical positions:

(2902) (6) 29°17.13'N., 94°35.86'W.

(2903) (7) 29°09.55'N., 94°25.80'W.

(2904) (8) 29°09.41'N., 94°25.95'W.

(2905) (9) 29°17.00'N., 94°36.00'W.

(2906) (c) A traffic lane for inbound (northwesterly heading) traffic is established between the separation zone and a line connecting the following geographical positions:

(2907) (3) 29°18.00'N., 94°34.90'W.

(2908) (10) 29°11.20'N., 94°24.00'W.

(2909) (d) A traffic lane for outbound (southeasterly heading) traffic is established between the separation zone and line connecting the following geographical positions:

(2910) (2) 29°16.10'N., 94°37.00'W.

(2911) (11) 29°07.70'N., 94°27.80'W.

(2912) (e) An offshore precautionary area bounded by a line connecting the following geographical positions:

(2913) (11) 29°07.70'N., 94°27.80'W.

(2914) (12) 29°06.40'N., 94°26.20'W.

(2915) (13) 29°06.40'N., 94°23.90'W.

(2916) (14) 29°09.10'N., 94°20.60'W.

(2917) (10) 29°11.20'N., 94°24.00'W.

Note

(2918) A pilot boarding area is located near the center of the inshore precautionary area. Due to heavy vessel traffic, mariners are advised not to anchor or linger in this precautionary area except to pick up or disembark a pilot.

Part 207–Navigation Regulations

§207.160 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, Fla.; use, administration, and navigation.

(2919) (a) *Description*. This section applies to the following:

(2920) (1) *Waterways*. All navigable waters of the United States, natural or artificial, including bays, lakes, sounds, rivers, creeks, intracoastal waterways, as well as canals and channels of all types, which are tributary to or connected by other waterways with the Atlantic Ocean south of Chesapeake Bay or with the Gulf of Mexico east and south of St. Marks, Florida.

(2921) (2) *Locks*. All Government owned or operated locks and hurricane gate chambers and appurtenant structures in any of the waterways described in paragraph (a)(1) of this section.

(2922) (3) *United States property*. All river and harbor lands owned by the United States in or along the waterways described in paragraph (a)(1) of this section, including lock sites and all structures thereon, other sites for Government structures and for the accommodation and use of employees of the United States, and rights of way and spoil disposal areas to the extent of Federal interest therein.

(2923) (4) *Vessels and rafts*. The term "vessel" as used in this section includes all floating things moved over these waterways other than rafts.

(2924) (b) *Authority of District Engineers*. The use, administration, and navigation of these waterways, Federal locks and hurricane gate chambers shall be under the direction of the officers of the Corps of Engineers, United States Army, detailed in charge of the respective sections, and their authorized assistants. The cities in which the U.S. District Engineers are located are as follows:

(2925) U.S. District Engineer, Norfolk, Virginia.

(2926) U.S. District Engineer, Wilmington, North Carolina.

(2927) U.S. District Engineer, Charleston, South Carolina.

(2928) U.S. District Engineer, Savannah, Georgia.

(2929) U.S. District Engineer, Jacksonville, Florida.

(2930) (c) (Reserved)

(2931) (d) *Bridges*. (For regulations governing the operation of bridges, see 33 CFR 117.1, 117.240 and 117.245.)

(2932) (e) *Locks*-(1) Authority of Lockmasters

(2933) (i) *Locks Staffed with Government Personnel*. The provisions of this subparagraph apply to all waterways in this Section except for the segment of the Atlantic Intracoastal Waterway identified in (e)(1)(ii). The lockmaster shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He/she shall see that all laws, rules and regulations for the use of the lock and lock area are duly complied with, to which end he/she is authorized to give all necessary orders and directions in accordance therewith, both to employees of the Government and to any and every person within the limits of the lock and lock area, whether navigating the lock or not. No one shall cause any movement of any vessel, boat, or other floating thing in the lock or approaches except by or under the direction of the lockmaster or his/her assistants.

(2934) (ii) *Locks Staffed with contract personnel*. The provisions of this subparagraph apply to the segment of the Atlantic Intracoastal Waterway comprising the Albemarle and Chesapeake Canal and the Dismal Swamp Canal including Great Bridge Lock, Chesapeake, Virginia; Deep Creek Lock, Chesapeake, Virginia; and South Mills Lock, North Carolina. Contract personnel shall give all necessary orders and directions for operation of the locks. No one shall cause any movement of any vessel, boat or other floating thing in the locks or approaches except by or under the direction of the contract lock operator. All duties and responsibilities of the lockmaster set forth in this Section shall be performed by the contract lock operator except that the responsibility for enforcing all laws, rules and regulations shall be vested in a government employee designated by the Norfolk District Engineer. The District Engineer will notify waterway users and the general public through appropriate notices and media concerning the location and identify of the designated government employee.

(2935) (2) *Signals*. Vessels desiring lockage in either direction shall give notice to the lockmaster at not more than three-quarters of a mile nor less than one-quarter of a mile from the lock, by two long and two short blasts of a whistle. When the lock is available, a green light, semaphore or flag will be displayed; when not available, a red light, semaphore or flag will be displayed. No vessel or rafts shall approach within 300 feet of any lock entrance unless signalled to do so by the lockmaster.

(2936) (3) *Precedence at locks*. (i) The vessel arriving first at a lock shall be first to lock through; but precedence shall be given to vessels belonging to the United States and to commercial vessels in the order named. Arrival posts or markers may be established ashore above or below the locks. Vessels arriving at or opposite such posts or markers will be considered as having arrived at the locks within the meaning of this paragraph.

(2937) (ii) The lockage of pleasure boats, house boats or like craft shall be expedited by locking them through with commercial craft (other than barges carrying petroleum products or highly hazardous materials) in order to utilize the capacity of the lock to its maximum. If, after the arrival of such craft, no separate or combined lockage can be accomplished within a reasonable time not to exceed the time required for three other lockages, then separate lockage shall be made.

(2938) (4) *Entrance to and exit from locks*. No vessel or raft shall enter or leave the locks before being signalled to do so. While waiting their turns, vessels or rafts must not obstruct traffic and must remain at a safe distance from the lock. They shall take position in rear of any vessels or rafts that may precede them, and there arrange the tow for locking in sections if necessary. Masters and pilots of vessels or in charge of rafts shall cause no undue delay in entering or leaving the lock, and will be held to a strict accountability that the approaches are not at any time unnecessarily obstructed by parts of a tow awaiting lockage or already passed through. They shall provide sufficient men to move through the lock promptly without damage to the structures. Vessels or tows that fail to enter the locks with reasonable promptness after being signalled to do so will lose their turn.

(2939) (5) *Lockage of vessels*. (i) Vessels must enter and leave the locks carefully at slow speed, must be provided with suitable lines and fenders, must always use fenders to protect the walls and gates, and when locking at night must be provided with suitable lights and use them as directed.

(2940) (ii) Vessels which do not draw at least six inches less than the depth on miter sills or breast walls, or

which have projections or sharp corners liable to damage gates or walls, shall not enter a lock or approaches.

(2941) (iii) No vessel having chains or lines either hanging over the sides or ends, or dragging on the bottom, for steering or other purposes, will be permitted to pass a lock or dam.

(2942) (iv) Power vessels must accompany tows through the locks when so directed by the lockmaster.

(2943) (v) No vessel whose cargo projects beyond its sides will be admitted to lockage.

(2944) (vi) Vessels in a sinking condition shall not enter a lock or approaches.

(2945) (vii) The passing of coal from flats or barges to steamers while in locks is prohibited.

(2946) (viii) Where special regulations for safeguarding human life and property are desirable for special situations, the same may be indicated by printed signs, and in such cases such signs will have the same force as other regulations in this section.

(2947) (ix) The lockmaster may refuse to lock vessels which, in his judgment, fail to comply with this paragraph.

(2948) (6) *Lockage of rafts*. Rafts shall be locked through in sections as directed by the lockmaster. No raft will be locked that is not constructed in accordance with the requirements stated in paragraph (g) of this section. The party in charge of a raft desiring lockage shall register with the lockmaster immediately upon arriving at the lock and receive instructions for locking.

(2949) (7) *Number of lockages*. Tows or rafts locking in sections will generally be allowed only two consecutive lockages if one or more single vessels are waiting for lockage, but may be allowed more in special cases. If tows or rafts are waiting above and below a lock for lockage, sections will be locked both ways alternately whenever practicable. When there are two or more tows or rafts awaiting lockage in the same direction, no part of one shall pass the lock until the whole of the one preceding it shall have passed.

(2950) (8) *Mooring*. (i) Vessels and rafts when in the lock shall be moored where directed by the lockmaster by bow, stern and spring lines to the snubbing posts or hooks provided for that purpose, and lines shall not be let go until signal is given for vessel or raft to leave. Tying boats to the lock ladders is prohibited.

(2951) (ii) The mooring of vessels or rafts near the approaches to locks except while waiting for lockage, or at other places in the pools where such mooring interferes with general navigation of the waterway is prohibited.

(2952) (9) *Maneuvering locks.* The lock gates, valves, and accessories will be moved only under the direction of the lockmaster; but if required, all vessels and rafts using the locks must furnish ample help on the lock walls for handling lines and maneuvering the various parts of the lock under the direction of the lockmaster.

(2953) (f) (Reserved)

(2954) (g) *Rafts, logging*. (1) Rafts will be permitted to navigate a waterway only if properly and securely assembled. The passage of "bag" or "sack" rafts, "dog" rafts, or of loose logs over any portion of a waterway, is prohibited. Each section of a raft will be secured within itself in such a manner as to prevent the sinking of any log, and so fastened or tied with chains or wire rope that it cannot be separated or bag out so as to materially change its shape. All dogs, chains and other means used in assembling rafts shall be in good condition and of ample size and strength to accomplish their purposes.

(2955) (2) No section of a raft will be permitted to be towed over any portion of a waterway unless the logs float sufficiently high in the water to make it evident that the section will not sink en route.

(2956) (3) Frequent inspections will be made by the person in charge of each raft to insure that all fastenings remain secure, and when any one is found to have loosened, it shall be repaired at once. Should any log or section be lost from a raft, the fact must be promptly reported to the District Engineer, giving as definitely as possible the exact point at which the loss occurred. In all cases the owner of the lost log or section will take steps immediately to remove the same from the waterway.

(2957) (4) The length and width of rafts shall not exceed such maximum dimensions as may be prescribed by the District Engineer.

(2958) (5) All rafts shall carry sufficient men to enable them to be managed properly, and to keep them from being an obstruction to other craft using the waterway. To permit safe passage in a narrow channel rafts will, if necessary, stop and tie up alongside the bank. Care must be exercised both in towing and mooring rafts to avoid the possibility of damage to aids to navigation maintained by the United States or under its authorization.

(2959) (6) When rafts are left for any reason with no one in attendance, they must be securely tied at each end and at as many intermediate points as may be necessary to keep the timbers from bagging into the stream, and must be moored so as to conform to the shape of the bank. Rafts moored to the bank shall have lights at 500-foot intervals along their entire length. Rafts must not be moored at prominent projections of the bank, or at critical sections.

(2960) (7) Logs may be stored in certain tributary streams provided a clear channel at least one-half the width of the channel be left clear for navigation along the tributary. Such storage spaces must be protected by booms

and, if necessary to maintain an open channel, piling should also be used. Authority for placing these booms and piling must be obtained by written permit from the District Engineer.

(2961) (8) The building, assembling, or breaking up of a raft in a waterway will be permitted only upon special authority obtained from the District Engineer, and under such conditions as he may prescribe.

(2962) (h) *Dumping of refuse or oil in waterway, obstructions*. Attention is invited to the provisions of sections 13 and 20 of the River and Harbor Act of March 3, 1899 (30 Stat. 1152, 1154; 33 U.S.C. 407, 415), and of sections 2, 3, and 4 of the Oil Pollution Act of June 7, 1924 (43 Stat. 604, 605; 33 U.S.C. 432-434), which prohibit the depositing of any refuse matter in these waterways or along their banks where liable to be washed into the waters; authorize the immediate removal or destruction of any sunken vessel, craft, raft, or other similar obstruction, which stops or endangers navigation; and prohibit the discharge of oil from vessels into the coastal navigable waters of the United States.

(2963) (i) *Damage*. Masters and owners of vessels using the waterways are responsible for any damage caused by their operations to canal revetments, lock piers and walls, bridges, hurricane gate chambers, spillways, or approaches thereto, or other Government structures, and for displacing or damaging of buoys, stakes, spars, range lights or other aids to navigation. Should any part of a revetment, lock, bridge, hurricane gate chamber, spillway or approach thereto, be damaged, they shall report the fact, and furnish a clear statement of how the damage occurred, to the nearest Government lockmaster or bridge tender, and by mail to the District Engineer, U.S. Engineer Office, in local charge of the waterway in which the damage occurred. Should any aid to navigation be damaged, they shall report that fact immediately to the nearest Coast Guard Officer in Charge Marine Inspection.

(2964) (j) *Trespass on property of the United States*. Trespass on waterway property or injury to the banks, locks, bridges, piers, fences, trees, houses, shops or any other property of the United States pertaining to the waterway, is strictly prohibited. No business, trading or landing of freight or baggage will be allowed on or over Government piers, bridges, or lock walls.

(2965) (k) *Copies of regulations*. Copies of the regulations in this section will be furnished free of charge upon application to the nearest District Engineer.

§207.175a Carlson's Landing Dam navigation lock, Withlacoochee River, Fla.; use, administration and navigation.

(2966) (a) The owner of or agency controlling the lock shall not be required to operate the navigation lock except from 7 a.m. to 12 noon, and from 1 p.m. to 7 p.m., during the period of February 15 through October 15 each year; and from 8 a.m. to 12 noon, and from 1 p.m. to 6 p.m., during the remaining months of each year. During the above hours and periods the lock shall be opened upon demand for the passage of vessels.

(2967) (b) The owner of or agency controlling the lock shall place signs, of such size and description as may be designated by the District Engineer, U.S. Army Engineer District, Jacksonville, Fla., at each side of the lock indicating the nature of the regulations in this section.

§207.180 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and the Atchafalaya River) from St. Marks, Fla., to the Rio Grande; use, administration, and navigation.

(2968) (a) The regulations in this section shall apply to:

(2969) (1) *Waterways*. All navigable waters of the U.S. tributary to or connected by other waterways with the Gulf of Mexico between St. Marks, Fla., and the Rio Grande Tex. (both inclusive), and the Gulf Intracoastal Waterway; except the Mississippi River, its tributaries, South and Southwest Passes, and the Atchafalaya River above its junction with the Morgan City-Port Allen Route.

(2970) (2) *Locks and floodgates*. All locks, floodgates, and appurtenant structures in the waterways described in paragraph (a)(1) of this section.

(2971) (3) *Bridges, wharves, and other structures*. All bridges, wharves, and other structures in or over these waterways.

(2972) (4) *Vessels.* The term "vessels" as used in this section includes all floating craft other than rafts.

(2973) (5) *Rafts*. The term "raft" as used in this section includes any and all types of assemblages of floating logs or timber fastened together for support or conveyance.

(2974) (b) *Authority of District Engineers:* The use, administration, and navigation of the waterways and structures to which this section applies shall be under the direction of the officers of the Corps of Engineers, U.S. Army, in charge of the respective districts, and their authorized assistants. The location of these Engineer Districts, and the limits of their jurisdiction, are as follows:

(2975) (1) *U.S. District Engineer, Mobile, Ala*. The St. Marks River, Fla., to and including the Pearl River, Mississippi and Louisiana; and the Gulf Intracoastal Waterway from Apalachee Bay, Fla., to mile 36.4 east of Harvey Lock.

(2976) (2) *U.S. District Engineer, Vicksburg, Miss*. The Pearl River and its tributaries, Mississippi and Louisiana..

(2977) (3) *U.S. District Engineer, New Orleans, LA*. From Pearl River, Mississippi and Louisiana, to Sabine River,

Louisiana to Sabine River, Louisiana and Texas; and the Gulf Intracoastal Waterway from mile 36.4 east of Harvey Lock, to mile 266 west of Harvey Lock.

(2978) (4) *U.S. District Engineer, Galveston, Tex*. The Sabine River, Louisiana and Texas, to the Rio Grande, Tex.; and the Gulf Intracoastal Waterway from mile 266 west of Harvey Lock, to Brownsville, Tex.

(2979) (c) (Reserved)

(2980) (d) *Locks and floodgates*:

(2981) (1) The term "lock" as used in this section shall include locks, floodgates, and appurtenant structures, and the area designated as the lock area including the lock approach channels.

(2982) (2) *Authority of lockmasters*: The term "lockmaster" as used in this section means the official in charge of operating a lock or floodgate. The lockmaster is responsible for the immediate management and control of the lock and lock area and for the enforcement of all laws, rules, and regulations for the use of the lock. He is authorized to give all necessary and appropriate orders and instructions to every person in the lock area, whether navigating the lock or not; and no one shall cause any movement of any vessel within the lock area unless instructed to do so by the lockmaster or his duly authorized assistants. The lockmaster may refuse passage through the lock to any vessel which, in his judgment, fails to comply with the regulations of this section.

(2983) (3) *Sound signals*: Vessels desiring passage through a lock shall notify the lockmaster by three long and distinct blasts of a horn, whistle, or calls through a megaphone, when within a reasonable distance from the lock. When the lock is ready for entrance, the lockmaster shall reply with three long blasts of a horn, whistle, or calls through a megaphone. When the lock is not ready for entrance, the lockmaster shall reply by four or more short, distinct blasts of a horn, whistle, or calls through a megaphone (danger signal). Permission to leave the lock shall be indicated by the lockmaster by one long blast.

(2984) (4) *Visual signals*: Signal lights and discs shall be displayed at all locks as follows:

(2985) (i) *From sunset to sunrise*: One green light shall indicate the lock is open to approaching navigation; one red light shall indicate the lock is closed to approaching navigation.

(2986) (ii) *From sunrise to sunset*: Large discs, identical in color and number to the light signals prescribed in paragraph (d)(4)(i) of this section will be displayed from a mast on or near the lock wall.

(2987) (5) *Radiophone*: Locks will monitor continuously VHF-Channel 14 ("Safety and Calling" Channel) and/or AM-2738 kHz for initial communication with vessels. Upon arrival at a lock, a vessel equipped with a radiophone will immediately advise the lock by radio of its arrival so that the vessel may be placed on proper turn. Information transmitted or received in these communications shall in no way affect the requirements for use of sound signals or display of visual signals, as provided in paragraphs (d)(3) and (4) of this section.

(2988) (6) *Precedence at locks:* The order of precedence for locking is:

(2989) (i) U.S. Government vessels, passenger vessels, commercial vessels, rafts, and pleasure craft.

(2990) (ii) The vessel arriving first at a lock will be locked through first. When vessels approach simultaneously from opposite directions, the vessel approaching at the same elevation as the water in the lock chamber will be locked through first. In order to achieve the most efficient utilization of the lock, the lockmaster is authorized to depart from the normal order of locking precedence, stated in paragraph (d)(6)(i) of this section, as in his judgment is warranted.

(2991) (iii) The lockage of pleasure boats, houseboats, or like craft may be expedited by locking them through with commercial craft (other than vessels carrying dangerous cargoes, as described in 46 CFR Part 146). If, after the arrival of such craft, no combined lockage can be made within reasonable time, not to exceed three other lockages, then separate lockage shall be made.

(2992) (7) *Entrance to and exits from locks*: No vessel or tow shall enter or exit from a lock before being signaled to do so. While awaiting turn, vessels or tows must not obstruct navigation and must remain at a safe distance from the lock, taking position to the rear of any vessel or tows that precede them; and rearranging the tow for locking in sections, if necessary. Masters and pilots of vessels or tows shall enter or exit from a lock with reasonable promptness after receiving the proper signal. Appropriate action will be taken to insure that the lock approaches are not obstructed by sections of a tow either awaiting lockage or already locked through. Masters of vessels shall provide sufficient men to assist in the locking operation when deemed necessary by the lockmaster. Care shall be taken to insure prompt and safe passage of the vessel without damage to the structure.

(2993) (8) *Lockage and passage of vessels*: Vessels or tows shall enter and exit from locks under sufficient control to prevent damage to the lock, gates, guide walls, fenders, or other parts of the structure. Vessels shall be equipped with and use suitable fenders and adequate lines to protect the lock and to insure safe mooring during the locking operation. Vessels shall not meet or pass anywhere between the gate walls or fender system or in the approaches to locks.

(2994) (9) *Vessels prohibited from locks:* The following vessels shall not be permitted to enter locks or approach channels:

(2995) (i) Vessels in a sinking condition.

(2996) (ii) Vessels leaking or spilling cargo.

(2997) (iii) Vessels not having a draft of at least three (3) inches less than the depth over the sills or breast walls.

(2998) (iv) Vessels having projection or cargo loaded in such a manner that is liable to damage the structure.

(2999) (v) Vessels having chains, links, or drags either hanging over the sides or ends or dragging on the bottom for steering or other purposes.

(3000) (vi) Vessels containing flammable or dangerous cargo must have the hatch covers in place and securely fastened.

(3001) (10) *Number of lockages*: Tows locking in sections will generally be allowed only two consecutive lockages if other vessels are waiting for lockage unless otherwise decided by the lockmaster. If other tows are waiting above and below a lock, lockages will be made both ways alternately whenever practicable.

(3002) (11) *Mooring in locks:*

(3003) (i) When in a lock, vessels and tows shall be moored where directed by the lockmaster by bow, stern, and spring lines to the snubbing posts or hooks provided for that purpose, and lines shall not be let go until the signal is given for the vessel to exit. Tying to the lock ladders is prohibited.

(3004) (ii) Mooring near the approaches to locks is prohibited except when the vessels or tows are awaiting lockage.

(3005) (12) *Lock operating personnel:* Vessels and tows using the locks may be required to furnish personnel to assist in locking through; however, the operation of the structure is the responsibility of the lockmaster, and personnel assisting in the lockage of the vessels and tows will follow the direction of the appropriate official on duty at the lock. No gates, valves or other accessories or controls will be operated unless under his direction.

(3006) (13) (Reserved)

(3007) (14) *Lockage of rafts:* Rafts shall be locked through as directed by the lockmaster. No raft will be locked that is not constructed in accordance with the requirements stated in paragraph (f) of this section. The person in charge of a raft desiring lockage shall register with the lockmaster immediately upon arriving at the lock and receive instructions for locking.

(3008) (e) *Waterways:*

(3009) (1)–(5) (i) (Reserved)

(3010) (ii) Algiers Canal between the Mississippi River and Bayou Barataria, La., and on Harvey Canal, Gulf Intracoastal Waterway, mile 0 to mile 6 WHL, tows 74 feet in width will be allowed. Tows in excess of 55 feet wide desiring to move over Algiers Canal or Harvey Canal will obtain clearance from the lockmaster at Algiers Lock or Harvey Lock, respectively, before entering the canal. Overwidth tows will report clearing Algiers or Harvey Canal to the respective lockmaster and will rearrange tows to conform to prescribed dimensions immediately upon leaving the canal. The lockmaster will withhold permission for additional tows over 55 feet wide until all previously authorized tows moving in the opposite direction have cleared the waterway.

(3011) (iii)–(vi) (Reserved)

(3012) (vii) Vessels or tows shall not navigate through a drawbridge until the movable span is fully opened.

(3013) (6) *Projections from vessels:* Vessels or tows carrying a deck load which overhangs or projects over the side, or whose rigging projects over the side, so as to endanger passing vessels, wharves, or other property, shall not enter or pass through any of the narrow parts of the waterway without prior approval of the District Engineer.

(3014) (7) *Meeting and passing*: Passing vessels shall give the proper signals and pass in accordance with the Federal Rules of the Road. At certain intersections where strong currents may be encountered, sailing directions may be issued through navigation bulletins or signs posted on each side of the intersection.

(3015) (f) *Rafts*: The navigation regulations in this paragraph shall apply fully to the movement of rafts.

(3016) (1) Rafts will be permitted to navigate a waterway only if properly and securely assembled. Each raft shall be so secured as to prevent the loss or sinking of logs.

(3017) (2) All rafts shall carry sufficient men to enable them to be managed properly. It will be the responsibility of the owner to remove logs from the waterway that have broken loose from the raft.

(3018) (3) Building, assembling, or breaking up of a raft within a waterway may be permitted; however, the work must be done in an area that will not restrict the use of the waterway by other users. The work area must be cleared of loose logs so that they will not enter the waterway and become a hazard to navigation.

(3019) (g) *Damage*: Should any damage be done to a revetment, lock, floodgates, bridge, or other federally owned or operated structure, the master of the vessel shall report the accident to the nearest lockmaster or bridgetender as soon as possible after the accident. Damage to aids to navigation and to nonfederally owned bridges must be reported to the Commander, Eighth Coast Guard District, New Orleans, La.

(3020) (h) *Marine accidents*: Masters, mates, pilots, owners, or other persons using the waterways covered by this section shall report to the District Engineer at the earliest possible date any accident on the waterway which causes any vessel to become an obstruction to

navigation. The information to be furnished the District Engineer shall include the name of the vessel, its location, and the name and address of the owner. The owner of a sunken vessel shall properly mark the vessel as soon as practicable after sinking.

(3021) (i) *Trespass on U.S. property:*

(3022) (1) Trespass on or injury to waterway property of the United States is prohibited. No business, trading, or landing of freight, will be allowed on Government property without permission of the District Engineer.

(3023) (2) The District Engineer may establish policy pertaining to mooring, exchanging crews, loading and unloading supplies, and making emergency repairs in the vicinity of locks so long as navigation is not impeded thereby.

(3024) (j) *Liability:* The regulations of this section will not affect the liability of the owners and operators of vessels for any damage caused by their operations to the waterway or to the structures therein.

§207.185 Taylors Bayou, Tex., Beaumont Navigation District Lock; use, administration and navigation.

(3025) (a) Between March 15 and September 15 each year, pleasure boats, houseboats, and other craft not employed for commercial purposes, will be locked through only at 6:00 and 11:45 a.m., and 6:30 p.m., except in cases of emergency; but whenever a lockage is made for a commercial boat, other craft may likewise pass through if there is room in the lock. At all other times lockages shall be made in accordance with §207.180.

(3026) (b) The lock tender or one in charge of the lock shall be the judge as to whether the boat presenting itself for lockage is a commercial or pleasure boat.

§207.187 Gulf Intracoastal Waterway, Tex.; special floodgate, lock and navigation regulations.

(3027) (a) *Application*. The regulations in this section shall apply to the operation of the Brazos River Floodgates and the Colorado River Locks at Mile 400.8 and Mile 441.5, respectively, west of Harvey Lock, La., on the Gulf Intracoastal Waterway, and navigation of the tributary Colorado River Channel in the vicinity of said locks.

(3028) (b) *Definitions.* The term "current" means the velocity of flow of water in the river. It is expressed in statute miles per hour. The term "head differential" means the difference measured in feet between the water level in the river and that in the waterway when the floodgates or lock gates are closed. The term "Lockmaster" means the official in charge of the floodgates or locks.

(3029) (c) *Operation of floodgates and locks*–(1) *Unlimited passage*. The floodgates and locks shall be opened for the passage of single vessels and towboats with single or multiple barges when the current in the river is less than 2 miles per hour and the head differential is less than 0.7 foot. When the head differential is less than 0.7 foot, the Colorado River Locks shall normally be operated as floodgates, using only the riverside gates of each lock.

(3030) (2) *Limited passage*. When the current in either river exceeds 2 miles per hour or the head differential at the Brazos River Floodgates is between the limits of 0.7 foot and 1.8 feet, both inclusive, or the head differential at the Colorado River locks is 0.7 foot or greater, passage shall be afforded only for single vessels or towboats with single loaded barges or two empty barges. When two barges are rigidly assembled abreast of each other and the combined width of both together is 55 feet or less, they shall be considered as one barge. Each section of an integrated barge shall be considered as one barge, except when it is necessary to attach a rake section to a single box section to facilitate passage, the two sections shall be considered as one barge. It shall be the responsibility of the master, pilot or other person in charge of a vessel to determine whether a safe passage can be effected, give due consideration to the vessel's power and maneuverability, and the prevailing current velocity, head differential, weather and visibility. If conditions are not favorable, passage shall be delayed until conditions improve and a safe crossing is assured.

(3031) (3) *Gate closures*. The Brazos River Floodgates shall be closed to navigation when the head differential exceeds 1.8 feet. The Colorado River Locks shall be closed to navigation when the current in the river exceeds a critical velocity as determined by the District Engineer, U.S. Army Engineer District, Galveston, Tex. The Brazos River Floodgates or the Colorado River Locks shall be closed to navigation when in the opinion of said District Engineer it is required for the protection of life and property, or it is to the advantage of the Government to permit uninterrupted emergency or maintenance operations, including dredging.

(3032) (4) *Mooring facilities*. Mooring facilities located on both banks of the Gulf Intracoastal Waterway on the approaches to the floodgates and locks are for the mooring of vessels when the floodgates or locks are closed to navigation or tows are limited to single barges. Vessels awaiting passage shall be moored parallel to the bank and as close to the bank as possible. Barges shall be moored fore and aft with two lines, each to a separate mooring facility. Beaching of vessels in lieu of mooring them is prohibited. The mooring facilities are numbered and vessels making fast to them shall notify the Lockmaster giving the number of each facility being used.

(3033) (5) (Reserved).

(3034) (6) *Communication*–(i) *Radio*. The floodgates and locks are equipped with short wave radio equipment transmitting and receiving on VHF-FM Channels 12, 13, 14, and 16. Call letters for the floodgates are WUI 411 and for the locks are WUI 412.

(3035) (ii) *Telephone*. The floodgates and locks are equipped with telephone facilities. The floodgates may be reached by phoning Freeport, Tex., 713-233-1251; the locks may be reached by phoning Matagorda, Tex., 713-863-7842.

(3036) (7) *Arrival posts*. Arrival posts 10 feet high and 10 inches in diameter have been established on the approaches to the locks and floodgates. They are painted with alternate horizontal bands of red and white 3 inches wide. Arrival at the floodgates or locks shall be determined as provided in paragraph (d)(4) of §207.180.

(3037) (d) *Navigation of the Colorado River Channel*–(1) *Traffic signals*. (i) Light and sound signals directed both upstream and downstream on the Colorado River are mounted on top of a galvanized skeleton steel tower 85 feet high located on the northeast point of land at the Gulf Intracoastal Waterway crossing of the river. They will be operated from the control house of the East Lock of the Colorado River Locks to direct the interchange of traffic in the Colorado River and the Gulf Intracoastal Waterway.

(3038) (ii) Vessels navigating the Colorado River and desiring passage either upstream or downstream through the crossing, or into the crossing and through a lock into the Gulf Intracoastal Waterway, shall give notice to the Lockmaster by two long and distinct blasts of a whistle or horn when within a distance of not more than one-half mile nor less than one-fourth mile from the Gulf Intracoastal Waterway crossing. When the locks and the crossing are clear of vessels, the Lockmaster shall reply by two long and distinct blasts of a whistle or horn and display a green light from the signal tower indicating that the vessel in the river may proceed across the crossing or into the main stem of the Gulf Intracoastal Waterway either eastbound or westbound. When there are vessels in the river crossing or in the locks, the Lockmaster shall reply by four or more short blasts of a whistle or horn (danger signal) and display a red light from the signal tower indicating the vessel in the river shall wait at least a quarter of a mile from the crossing for clearance. When the locks and crossing are clear of vessels, the lockmaster shall indicate to the waiting vessel by two long and distinct blasts of a whistle or horn and display of a green light from the signal tower indicating that the vessel may proceed across the crossing or into the main stem of the Gulf Intracoastal Waterway either eastbound or westbound. During periods when the red light may be obscured by fog, mist, or rain, an audible signal consisting of a long blast followed by a short blast of a whistle or horn, repeated every 30 seconds, shall be sounded from the signal tower as an adjunct to the red light.

(3039) (2) *Signs*. Large signs with silver reflective background and stop sign red letters are erected one-fourth mile upstream and downstream from the Gulf Intracoastal Waterway on the Colorado River. The legend states "DO NOT PROCEED BEYOND THIS POINT WHEN SIGNAL TOWER LIGHT IS RED." These signs must be obeyed.

Note

(3040) The foregoing regulations are supplementary to the regulations in §207.180.

§207.200 Mississippi River below mouth of Ohio River, including South and Southwest Passes; use, administration, and navigation.

(3041) (a) *Mississippi River bank protection works provided by United States*. Except in case of great emergency, no vessel or craft shall anchor over revetted banks of the river, and no floating plant other than launches and similar small craft shall land against banks protected by revetment except at regular commercial landings. In all cases, every precaution to avoid damage to the revetment works shall be exercised. The construction of log rafts along mattressed or paved banks or the tying up and landing of log rafts against such banks shall be performed in such a manner as to cause no damage to the mattress work or bank paving. Generally, mattress work extends out into the river 600 feet from the low water line. Information as to the location of revetted areas may be obtained from, and will be published from time to time by, the District Engineers, Corps of Engineers, New Orleans, Louisiana, Vicksburg, Mississippi, and Memphis, Tennessee, and the President, Mississippi River Commission, Vicksburg, Mississippi.

(3042) (b) *Mississippi River below Baton Rouge, La., including South and Southwest Passes*–(1) *Supervision*. The use, administration, and navigation of the waterways to which this paragraph applies shall be under the supervision of the District Engineer, Corps of Engineers, New Orleans, Louisiana.

(3043) (2)–(3) (Reserved)

(3044) (4) *Cable and pipeline crossings*. Any cable or pipeline crossing or extending into the waterways shall be marked by large signs with 12-inch black letters on a white background readable from the waterway side, placed on each side of the river near the point where the cable or pipeline enters the water, and at a sufficient height to be readable above any obstructions normally

to be expected at the locality such as weeds or moored vessels.

(3045) (5) *Marine accidents*. Masters, mates, pilots, owners, or other persons using the waterway to which this paragraph applies shall notify the District Engineer by the most expeditious means available of all marine accidents, such as fire, collision, sinking, or stranding, where there is possible obstruction of the channel or interference with navigation or where damage to Government property is involved, furnishing a clear statement as to the name, address, and ownership of the vessel or vessels involved, the time and place, and the action taken. In all cases, the owner of the sunken vessel shall take immediate steps properly to mark the wreck.

§207.800 Collection of navigation statistics.

(3046) (a) *Definitions*. For the purpose of this regulation the following terms are defined:

(3047) (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.)

(3048) (2) *Offenses and Violations* mean:

(3049) (i) Failure to submit a required report.

(3050) (ii) Failure to provide a timely, accurate, and complete report.

(3051) (iii) Failure to submit monthly listings of idle vessels or vessels in transit.

(3052) (iv) Failure to submit a report required by the lockmaster or canal operator.

(3053) (3) *Leased or chartered vessel* means a vessel that is leased or chartered when the owner relinquishes control of the vessel through a contractual agreement with a second party for a specified period of time and/or for specified remuneration from the lessee. Commercial movements on an affreightment basis are not considered a lease or charter of a particular vessel.

(3054) (4) *Person* or *entity* means an individual, corporation, partnership, or company.

(3055) (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.

(3056) (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.

(3057) (7) *Reporting situation* means a vessel movement by an operator that is required to be reported. Typical examples are listed in the instructions on the various ENG Forms. Five typical movements that are required to be reported by vessel operating companies include the following examples: Company A is the barge owner, and the barge transports corn from Minneapolis, MN to New Orleans, LA with fleeting at Cairo, IL.

(3058) (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.

(3059) (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.

(3060) (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.

(3061) (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.

(3062) (v) *Fleeting:* Barge is deposited at a New Orleans Fleeting area by Company A and towed by Company B from fleeting area to New Orleans area dock for unloading. Company A, as barge owner, reports entire movements from Minneapolis to the unloading dock in New Orleans. Company B does not report any barge movements.

(3063) (b) Implementation of the waterborne commerce statistics provisions of the River and Harbor Act of 1922, as amended by the Water Resources Development Act of 1988 (Pub. L. 99-662), mandates the following.

(3064) (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.

(3065) (i) For vessels under lease/charter agreements, the lessee or charterer of any commercial vessel engaged in commercial transportation will be responsible for the filing of said reports until the lease/charter expires.

(3066) (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.

(3067) (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:

(3068) (i) Monthly Reports. These reports shall be made on ENG Forms furnished upon written request of the vessel operating companies to the Army Corps of Engineers. The forms are available at the following address: U.S. Army Corps of Engineers, Waterborne Commerce Statistics Center, Post Office Box 61280, New Orleans, Louisiana 70161-1280.

(3069) (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.

(3070) (B) Vessels idle during the month must also be reported.

(3071) (C) Notwithstanding the above requirements, the following waterborne vessel movements need not be reported:

(3072) (1) Movements of recreational vessels.

(3073) (2) Movements of fire, police, and patrol vessels.

(3074) (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.

(3075) (4) Movements of dredges to or from the dredging site. However, vessel movements of dredged material from the dredging site to the disposal site must be reported.

(3076) (5) Specific movements granted exemption in writing by the Waterborne Commerce Statistics Center.

(3077) (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.

(3078) (E) The vessel operating company may request a waiver from the Army Corps of Engineers, and upon written approval by the Waterborne Commerce Center, the company may be allowed to provide the requisite information of above paragraph (D), on computer printouts, magnetic tape, diskettes, or alternate medium approved by the Center.

(3079) (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).

(3080) (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.

(3081) (2) If a specific exemption applies to the shipper, the shipper should list the appropriate exemption code. The specific exemption codes are listed in the directions for ENG Forms 3925.

(3082) (3) Refer to 19 CFR part 24 for detailed information on exemptions and ports subject to the Harbor Maintenance Tax.

(3083) (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.

(3084) (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.

(3085) (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.

(3086) (c) *Penalties for Noncompliance*. The following penalties for noncompliance can be assessed for offenses and violations.

(3087) (1) Criminal Penalties. Every person or violating the provisions of this regulation shall, for each and every offenses, be liable to a fine of not more than $5,000, or imprisonment not exceeding two months, to be enforced in any district court in the United States within whose territorial jurisdiction such offense may have been committed.

(3088) (2) Civil Penalties. In addition, any person or entity that fails to provide timely, accurate, and complete statements or reports required to be submitted by this regulation may also be assessed a civil penalty of up to $2,500 per violation under 33 U.S.C. 555, as amended.

(3089) (3) Denial of Passage. In addition to these fines, penalties, and imprisonments, the lockmaster or canal operator can refuse to allow vessel passage.

(3090) (d) *Enforcement Policy*. Every means at the disposal of the Army Corps of Engineers will be utilized to monitor and enforce these regulations.

(3091) (1) To identify vessel operating companies that should be reporting waterborne commerce data, The

Corps will make use of, but it not limited to, the following sources.

(3092) (i) Data on purchase and sale of vessels.

(3093) (ii) U.S. Coast Guard vessel documentation and reports.

(3094) (iii) Data collected at Locks, Canals, and other facilities operated by the Corps.

(3095) (iv) Data provided by terminals on ENG Form 3926.

(3096) (v) Data provided by the other Federal agencies including the Internal Revenue Service, Customs Service, Maritime Administration Department of Transportation, and Department of Commerce.

(3097) (vi) Data provided by ports, local facilities, and State or local governments.

(3098) (vii) Data from trade journals and publications.

(3099) (viii) Site visits and inspections.

(3100) (2) Notice of Violation. Once a reporting violation is determined to have occurred, the Chief of the Waterborne Commerce Statistics Center will notify the responsible party and allow 30 days for the reports to be filed after the fact. If the reports are not filed within this 30-day notice period. then appropriate civil or criminal actions will be undertaken by the Army Corps of Engineers, including the proposal of civil or criminal penalties for noncompliance. Typical cases for criminal or civil action include, but are not limited to, those violations which are willful, repeated, or have a substantial impact in the opinion of the Chief of the Waterborne Commerce Statistics Center.

(3101) (3) Administrative Assessment of Civil Penalties. Civil penalties may be assessed in the following manner.

(3102) (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.

(3103) (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.

(3104) (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.

(3105) (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.

Part 334–Danger Zone and Restricted Area Regulations

§334.1 Purpose.

(3106) The purpose of this part is to:

(3107) (a) Prescribe procedures for establishing, amending and disestablishing danger zones and restricted areas;

(3108) (b) List the specific danger zones and restricted areas and their boundaries; and

(3109) (c) Prescribe specific requirements, access limitations and controlled activities within the danger zones and restricted areas.

§334.2 Definitions.

(3110) (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.

(3111) (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.

§334.3 Special policies.

(3112) (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.

(3113) (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).

(3114) (c) *Temporary, occasional or intermittent use*. If the use of the water area is desired for a short period of time, not to exceed thirty days in duration, and that planned operations can be conducted safely without imposing unreasonable restrictions on navigation, and without promulgating restricted area regulations in accordance with the regulations in this section, applicants may be informed that formal regulations are not required. Activities of this type shall not reoccur more often than biennially (every other year), unless danger zone/restricted area rules are promulgated under this part. Proper notices for mariners requesting that vessels avoid the area will be issued by the Agency requesting such use of the water area, or if appropriate, by the District Engineer, to all known interested persons. Copies will also be sent to appropriate State agencies, the Commandant, U.S. Coast Guard, Washington, DC 20590, and Director, National Geospatial-Intelligence Agency, Washington, DC 20390, ATTN: Code NS 12, Notification to all parties and Agencies shall be made at least two weeks prior to the planned event, or earlier, if required for distribution of Local Notice to Mariners by the Coast Guard.

§334.4 Establishment and amendment procedures.

(3115) (a) *Application*. Any request for the establishment, amendment or revocation of a danger zone or restricted area must contain sufficient information for the District Engineer to issue a public notice, and as minimum must contain the following:

(3116) (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.

(3117) (2) Name of waterway and if a small tributary, the name of a larger connecting waterbody.

(3118) (3) Name of closest city or town, country/parish and state.

(3119) (4) Location of proposed or existing danger zone or restricted area with a map showing the location, if possible.

(3120) (5) A brief statement of the need for the area, its intended use and detailed description of the times, dates and extent of restriction.

(3121) (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.

(3122) (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:

(3123) (i) Applicable statutory authority or authorities; (40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3)

(3124) (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.

(3125) (iii) The address of the District Engineer as the recipient of any comments received.

(3126) (iv) The identity of the applicant/proponent;

(3127) (v) The name or title, address and telephone number of the Corps employee from whom additional information concerning the proposal may be obtained;

(3128) (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.

(3129) (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:

(3130) (i) The Federal Aviation Administration (FAA) where the use of airspace is involved.

(3131) (ii) The Commander, Service Force, U.S. Atlantic Fleet, if a proposed action involves a danger zone off the U.S. Atlantic coast.

(3132) (iii) Proposed danger zones on the U.S. Pacific coast must be coordinated with the applicable commands as follows:

(3133) Alaska, Oregon and Washington:

(3134) Commander, Naval Base, Seattle, California:

(3135) Commander, Naval Base, San Diego, Hawaii, and Trust Territories:

(3136) Commander, Naval Base, Pearl Harbor

(3137) (c) *Public hearing*. The District Engineer may conduct a public hearing in accordance with 33 CFR part 327.

(3138) (d) *Environmental documentation*. The District Engineer shall prepare environmental documentation in accordance with appendix B to 33 CFR part 325.

(3139) (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**.

(3140) (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.

§334.5 Disestablishment of a danger zone.

(3141) (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.

(3142) (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.

§334.6 Datum.

(3143) (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.

(3144) (b) For further information on NAD 83 and National Service nautical charts please contact: Director, Coast Survey (N/CG2), National Ocean Service, NOAA, 1315 East-West Highway, Station 6417, Silver Spring, MD 20910-3282.

§334.610 Key West Harbor, at U.S. Naval Base, Key West, Fla.; naval restricted areas and danger zone.

(3145) (a) *The areas*. (1) All waters within 100 yards of the south shoreline of the Harry S. Truman Annex, beginning at a point on the shore at

(3146) 24°32'45.3"N., 81°47'51"W.; thence to a point 100 yards due south of the south end of Whitehead Street of

(3147) 24°32'42.3"N., 81°47'51"W.; thence extending westerly, paralleling the southerly shoreline of the Harry S. Truman Annex, to

(3148) 24°32'37.6"N., 81°48'32"W.; thence northerly to the shore at

(3149) 24°32'41"N., 81°48'31"W. (Area #1).

(3150) (2) All waters within 100 yards of the westerly shoreline of the Harry S. Truman Annex and all waters within a portion of the Truman Annex Harbor, as defined by a line beginning on the shore at

(3151) 24°33'00"N., 81°48'41.7"W.; thence to a point 100 yards due west at

(3152) 24°33'00"N., 81°48'45"W.; thence northerly, paralleling the westerly shoreline of the Harry S. Truman Annex, including a portion of the Truman Annex Harbor entrance, to

(3153) 24°33'23"N., 81°48'37"W.; thence southeasterly to the shore (sea wall) at

(3154) 24°33'19.3"N., 81°48'28.7"W. (Area #2).

(3155) (3) All waters within 100 yards of the U.S. Coast Guard Station and the westerly end of Trumbo Point Annex beginning at the shore at

(3156) 24°33'47.6"N., 81°47'55.6"W.; thence westerly to

(3157) 24°33'48"N., 81°48'00.9"W.; thence due south to

(3158) 24°33'45.8"N., 81°48'00.9"W.; thence westerly to

(3159) 24°33'47"N., 81°48'12"W.; thence northerly to

(3160) 24°34'06.2"N., 81°48'10"W.; thence easterly to a point joining the restricted area around Fleming Key at

(3161) 24°34'03.3"N., 81°47'55"W. (Area #3).

(3162) (4) Beginning at the last point designated in area 3 at

(3163) 24°34'03.3"N., 81°47'55"W.; proceed northwesterly, maintaining a distance of 100 yards from the shoreline of Fleming Key, except for a clearance of approximately 400 yards across the mouth of Fleming Cove near the southwesterly end of Fleming Key, continue around

Fleming Key to a point easterly of the southeast corner of Fleming Key at

(3164) 24°34'00.8"N., 81°47'37.5"W.; thence easterly to

(3165) 24°33'57.6"N., 81°47'20"W.; thence southerly to a point on the shore at

(3166) 24°33'54.7"N., 81°47'20.9"W. (Area #4).

(3167) (5) All waters contiguous to the southwesterly shoreline of Boca Chica Key beginning at a point on the southwest shoreline at

(3168) 24°33'24"N., 81°42'30"W.; proceed due south 100 yards to

(3169) 24°33'20.4"N., 81°42'30"W.; thence, maintaining a distance 100 yards from the shoreline, proceed westerly and northerly to

(3170) 24°34'03"N., 81°42'47"W.; thence due north to a point at the easterly end of the U.S. Highway 1 (Boca Chica Channel) bridge at

(3171) 24°34'39"N., 81°42'47"W. (Area #5).

(3172) (6) *Danger zone*. All waters within an area along the northeast side of the Naval Air Station on Boca Chica Key defined by a line beginning at

(3173) 24°35'27.2"N., 81°41'48.6"W.; thence a northerly to

(3174) 24°35'48"N., 81°41'49"W.; thence westerly to a point on the shore at

(3175) 24°35'49.1"N., 81°42'03"W. (Area #6).

(3176) (b) *The Regulations*: (1) Entering or crossing Restricted Areas #1 and #4 and the Danger Zone (Area #6) described in Paragraph (a) of this section is prohibited.

(3177) (2) Privately owned vessels, properly registered and bearing identification in accordance with Federal and/or State laws and regulations may transit the following portions of restricted areas #2, #3 and #5. NOTE: All vessels entering the areas at night must display lights as required by Federal laws and Coast Guard regulations or, if no constant lights are required, then the vessel must display a bright white light showing all around the horizon,

(3178) (i) The channel, approximately 75 yards in width, extending from the northwest corner of Pier D-3 of Trumbo Point Annex, eastward beneath the Fleming Key bridge and along the north shore of Trumbo Point Annex (area #3).

(3179) (ii) A channel of 150 feet in width which extends easterly from the main ship channel into Key West Bight, the northerly edge of which channel passes 25 feet south of the Trumbo Point Annex piers on the north side of the Bight. While the legitimate access of privately owned vessels to facilities of Key West Bight is unimpeded, it is prohibited to moor, anchor, or fish within 50 feet of any U.S. Government-owned pier or craft (area #3).

(3180) (iii) The dredged portion of Boca Chica channel from its seaward end to a point due south of the east end of the Boca Chica Bridge (area #5).

(3181) (iv) All of the portion of Restricted Area No. 2 that lies between the Truman Annex Mole and the Key West Harbor Range Channel. The transit zone extends to the northeasterly corner of the Truman Annex Mole, thence to the northwesterly end of the breakwater at 24°33'21.3"N., 81°48'32.7"W.

(3182) (3) Stopping or landing by other than Government-owed vessels and specifically authorized private craft in any of the restricted areas or danger zone described in Paragraph (a) of this section is prohibited.

(3183) (4) Vessels using the restricted channel areas described in paragraph (b)(2) (i), (ii), (iii), and (iv) of this section shall proceed at speeds commensurate with minimum wake.

(3184) (c) The regulations in this section shall be enforced by the Commanding Officer, Naval Air Station, Key West, Florida, and such agencies as he/she may designate.

§334.620 Straits of Florida and Florida Bay in vicinity of Key West, Fla.; operational training area, aerial gunnery range, and bombing and strafing target areas, Naval Air Station, Key West, Fla.

(3185) (a) *The danger zones.*–(1) *Operational training area*. Waters of the Straits of Florida and Gulf of Mexico southwest, west and northwest of Key West bounded as follows: Beginning at

(3186) 25°45'00"N., 82°07'00"W.; thence southeast to

(3187) 24°49'00"N., 81°55'00"W.; thence southwest to

(3188) 24°37'30"N., 82°00'30"W.; thence westerly to

(3189) 24°37'30"N., 82°06'00"W.; thence southerly to

(3190) 24°38'30"N., 82°06'00"W.; thence southerly to

(3191) 24°25'00"N., 82°06'30"W.; thence easterly to

(3192) 24°25'00"N., 81°57'00"W.; thence southwesterly to

(3193) 23°30'00"N., 82°19'00"W.; thence westerly to

(3194) 23°30'00"N., 82°46'00"W.; thence northwesterly to

(3195) 23°52'30"N., 83°11'00"W.; thence northerly to

(3196) 24°25'00"N., 83°11'00"W.; thence easterly to

(3197) 24°25'00"N., 83°08'00"W.; thence clockwise along the arc of a circle with a radius of 92 miles centered at

(3198) 24°35'00"N., 81°41'15"W. to

(3199) 25°45'05"N., 82°23'30"W.; thence east to point of beginning.

(3200) (2) *Bombing and strafing target areas*.

(3201) (i) A circular area immediately west of Marquesas Keys with a radius of two nautical miles having its center at latitude 24°33.4'N., and longitude 82°10.9'W., not to include land area and area within Marquesas Keys. The target located within this area, a grounded LSIL will be used for bombing and aircraft rocket exercises.

(3202) (ii) A circular area located directly west of Marquesas Keys with a radius of three statute miles having its center at

(3203) 24°35.6'N., 82°11.6'W., not to include land area within Marquesas Keys. The targets located within this area, pile-mounted platforms, will be used as high altitude horizontal bombing range utilizing live ordnance up to and including 1,800 pounds of high explosives. In general, these explosives will be of an air-burst type, above 1,500 feet.

(3204) (iii) A circular area located west of Marquesas Keys with a radius of two nautical miles having its center at

(3205) 24°34'30"N., 82°14'00"W.

(3206) (b) *The regulations*. (1) In advance of scheduled air or surface operations which, in the opinion of the enforcing agency, may be dangerous to watercraft, appropriate warnings will be issued to navigation interests through official government and civilian channels or in such other manner as the District Engineer, Corps of Engineers, Jacksonville, Florida, may direct. Such warnings will specify the location, type, time, and duration of operations, and give such other pertinent information as may be required in the interests of safety.

(3207) (2) Watercraft shall not be prohibited from passing through the operational training area except when the operations being conducted are of such nature that the exclusion of watercraft is required in the interest of safety or for accomplishment of the mission, or is considered important to the national security.

(3208) (3) When the warning to navigation interests states that bombing and strafing operations will take place over the designated target areas or that other operations hazardous to watercraft are proposed to be conducted in a specifically described portion of the overall area, all watercraft will be excluded from the target area or otherwise described zone of operations and no vessel shall enter or remain therein during the period operations are in progress.

(3209) (4) Aircraft and naval vessels conducting operations in any part of the operational training area will exercise caution in order not to endanger watercraft. Operations which may be dangerous to watercraft will not be conducted without first ascertaining that the zone of operations is clear. Any vessel in the zone of operations will be warned to leave and upon being so warned the vessel shall leave immediately.

(3210) (5) The regulations in this section shall be enforced by the Commandant, Sixth Naval District, Charleston, S.C., and such agencies as he may designate.

§334.630 Tampa Bay south of MacDill Air Force Base, Fla.; small arms firing range and aircraft jettison, United States Air Force, MacDill Air Force Base.

(3211) (a) *The danger zone*. Shoreward of a line beginning at

(3212) 27°49'27.38"N., 82°29'35.83"W.; thence to

(3213) 27°49'20.14"N., 82°29'42.78"W.; thence to

(3214) 27°48'44.82"N., 82°31'10.00"W.; thence to

(3215) 27°49'09.35"N., 82°32'24.56"W.; thence to

(3216) 27°49'38.62"N., 82°33'02.44"W.; thence to a point on the shore line of MacDill Air Force Base at

(3217) 27°50'28.57"N., 82°32'15.00"W. The area will be marked by suitable boundary signs or buoys.

(3218) (b) *The regulations*. (1) All persons, vessels and other watercraft are prohibited from entering to danger zone at all times.

(3219) (2) Advance notice will be given of the date on which the first firing practice shall begin. At intervals of not more than three months thereafter, notice will be sent out that firing practice is continuing. Such notices will appear in local newspapers and in "Notice to Mariners."

(3220) (3) The regulations in the section shall be enforced by the proper Air Force Authority at MacDill Air Force Base.

§334.640 Gulf of Mexico south of Apalachee Bay, Fla.; Air Force rocket firing range.

(3221) (a) *The danger zone*. An area about 45 statute miles wide and 60 statute miles long, approximately parallel to and about 30 miles off the west coast of Florida, south of Apalachee Bay. The area is bounded as follows: Beginning at

(3222) 29°42'30"N., 84°40'00"W.; thence east along

(3223) 29°42'30"N., 84°00'00"W.; thence southeast to

(3224) 28°56'00"N., 83°31'00"W.; thence southwest to

(3225) 28°37'00"N., 84°11'00"W.; thence northwest to

(3226) 29°17'30"N., 84°40'00"W.; thence northwest to

(3227) 29°32'00"N., 85°00'00"W.; thence northeast along a line three miles off the meanderings of the shore to the point of beginning.

(3228) (b) *The regulations.* (1) The fact that aerial rocket firing will be conducted over the danger zone will be advertised to the public through the usual media for the dissemination of information. Inasmuch as such firing is likely to be conducted during the day or night throughout the year without regard to season, such advertising of firing will be repeated at intervals not exceeding three months and at more frequent intervals when in the opinion of the enforcing agency, repetition is necessary in the interest of public safety.

(3229) (2) Prior to the conduct of rocket firing, the area will be patrolled by surface patrol boat and/or patrol aircraft to insure that no persons or watercraft are within the danger zone and to warn any such persons or watercraft seen in the vicinity that rocket firing is about to take place in the area. When aircraft is used to patrol the area, low flight of the aircraft across the bow will be used as a signal or warning.

(3230) (3) Any such person or watercraft shall, upon being so warned, immediately leave the area, and until the

conclusion of the firing shall remain at such a distance that they will be safe from the fallout resulting from such rocket firing.

(3231) (4) The regulations in this section shall not deny access to or egress from harbors contiguous to the danger zone in the case of regular passenger or cargo carrying vessels proceeding to or from such harbors. In the case of the presence of any such vessel in the danger zone the officer in charge shall cause the cessation or postponement of fire until the vessel shall have cleared that part of the area in which it might be endangered by the fallout. The vessel shall proceed on its normal course and shall not delay its progress unnecessarily. Masters are requested to avoid the danger zone whenever possible so that interference with firing training may be minimized.

(3232) (c) The regulations in this section shall be enforced by the Commander, Moody Air Force Base, Valdosta, Georgia, and such agencies as he may designate.

§334.650 Gulf of Mexico, south of St. George Island, Fla.; test firing range.

(3233) (a) *The danger zone*. A fanshaped area bounded as follows:

(3234) NW corner (29°35'15"N., 85°03'12"W.)

(3235) SW corner (29°31'18"N., 85°07'31"W.)

(3236) SE corner (29°30'18"N., 84°59'18"W.)

(3237) NE corner (29°35'09"N., 85°01'53"W.)

(3238) The seaward end of the area is an arc with a 10,500 meter radius with its center located on the south shore line of St. George Island 1,500 feet east of Cape St. George Light.

(3239) (b) *The regulations*. (1) The area shall be used from sunrise to sunset daily Mondays through Fridays for test firing helicopter armament.

(3240) (2) During firing, the entire area plus 5 miles beyond in all directions shall be kept under surveillance by one control helicopter equipped with FM and UHF communications to the Safety Office at range control to insure cease fire if an aircraft or surface vessel is observed approaching the area.

(3241) (3) The regulations in this section shall be enforced by the Commanding Officer, U.S. Army Aviation Test Board, Fort Rucker, Ala., and such agencies as he may designate.

§334.660 Gulf of Mexico and Apalachicola Bay south of Apalachicola, Florida, Drone Recovery Area, Tyndall Air Force Base, Florida.

(3242) (a) *The restricted area*. A rectangular area excluding St. George Island with the eastern boundary of the area west of the channel through St. George Island within the following co-ordinates: Beginning at a point designated as the northeast corner.

(3243) 29°38'20"N., 84°58'30"W.; thence southeast to

(3244) 29°35'23"N., 84°56'54"W.; thence southwest to

(3245) 29°34'15"N., 85°00'35"W.; thence northwest to

(3246) 29°37'10"N., 85°02'00"W.; thence northeast to point of beginning.

(3247) (b) *The regulations*. (1) The area will be used twice daily and during usage will be restricted to navigation for a period of one hour. It may be used freely at all other times.

(3248) (2) Patrol boats and aircraft will warn all persons and navigation out of the area before each testing period.

(3249) (3) The regulations in this section shall be enforced by the Commander, Headquarters 4756th Air Defense Wing (Weapons) U.S. Air Force, Tyndall Air Force Base, Florida, and such other agencies as he may designate.

§334.670 Gulf of Mexico south and west of Apalachicola, San Blas, and St. Joseph Bays; air-to-air firing practice range, Tyndall Air Force Base, Fla.

(3250) (a) *The danger zone*. Beginning at

(3251) 29°40'00", 85°21'30", in the vicinity of Cape San Blas; thence southeasterly to

(3252) 29°23'00", 84°39'00"; thence southwesterly to

(3253) 28°39'00", 84°49'00"; thence northwesterly to

(3254) 29°43'00", 85°53'00"; thence northeasterly to

(3255) 29°56'30", 85°38'30"; and thence southeasterly to the point of beginning.

(3256) (b) *The regulations*. (1) Air-to-air firing practice will ordinarily take place in the area during the hours of daylight, seven days per week. During periods of firing, passage through the area will not be denied to cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within the danger area, the officer in charge of firing practice operations will cause the cessation or postponement of fire until the vessel has cleared that part of the area within range of the weapons being used. The vessel shall proceed on its normal course and not delay its progress.

(3257) (2) All persons and vessels will be warned to leave the danger area during firing practice by surface patrol boat and/or patrol aircraft. When aircraft is used to patrol the area, low flight of the aircraft overhead and/or across the bow will be used as a signal or warning. Upon being so warned all persons and vessels shall clear the area immediately.

(3258) (3) The area will be open to all vessels whenever firing practice is not being conducted.

(3259) (4) The regulations in this section shall be enforced by the Commanding Officer, Tyndall Air Force Base, Florida, and such agencies as he may designate.

§334.680 Gulf of Mexico, southeast of St. Andrew Bay East Entrance, Small Arms Firing Range, Tyndall Air Force Base, Fla.

(3260) (a)–*The Danger Zones*–(1) *Area No. 1*. The waters of the Gulf of Mexico, southeast of St. Andrew Bay East Entrance within a rectangular area beginning at a point on shore at

(3261) 30°04'32"N., 85°37'07"W.; thence to

(3262) 30°03'03"N., 85°38'42"W.; thence to

(3263) 30°02'14"N., 85°37'15"W.; thence to a point on shore at

(3264) 30°04'13"N., 85°36'47"W.; thence along the shoreline to the point of beginning.

(3265) (2) *Area No. 2*. The waters of the Gulf of Mexico and St. Andrew Sound within an area described as follows, but excluding Crooked Island: Beginning at a point on shore at

(3266) 30°02'56"N., 85°34'35"W.; thence to

(3267) 30°02'18"N., 85°36'18"W.; thence to

(3268) 30°01'24"N., 85°35'40"W.; thence to

(3269) 30°00'45"N., 85°34'41"W.; thence to a point on shore at

(3270) 30°02'10"N., 85°33'42"W.; thence along the shore line to the point of beginning.

(3271) (b) *The regulations*. (1) No person, vessel or other watercraft shall enter or remain in the areas during periods of firing. Area No. 1 will be used for firing practice between 6:30 a.m. and 5:00 p.m., as scheduled, Monday through Friday, with possibly some sporadic firings on Saturdays and Sundays. A 10' x 18' red flag will be displayed on a pole at the shoreline whenever firing is in progress.

(3272) (2) Area No. 2 will be operated on a sporadic schedule, with firings likely each day including Saturdays, Sundays, and holidays, between the hours of 6:00 a.m. and 5:00 p.m. A 10' x 18' red flag will be displayed on a pole at the shore line whenever firing is in progress.

(3273) (3) The regulations in this section shall be enforced by the Commanding Officer, Tyndall Air Force Base, Florida, and such agencies as he may designate.

§334.700 Choctawhatchee Bay, Aerial Gunnery Ranges, Air Proving Ground Center, Air Research and Development Command, Eglin Air Force Base, Fla.

(3274) (a) *The danger zones*. (1) *Aerial gunnery range in west part of Choctawhatchee Bay*. The waters of Choctawhatchee Bay within an area described as follows: Beginning at a point on the west shore at

(3275) 30°28'30"N., 86°30'00"W.; thence southeasterly to

(3276) 30°25'30"N., 86°21'30"W.; thence southwesterly to a point on the south shore at

(3277) 30°23'30"N., 86°23'00"W.; thence northwesterly to a point on the south shore at

(3278) 30°24'00"N., 86°25'00"W.; and thence northwesterly to the point of beginning; excluding that part of the area included within the aerial gunnery range along the north shore of Choctawhatchee Bay (described in paragraph (a)(2) of this section).

(3279) (2) *Aerial gunnery range along north shore of Choctawhatchee Bay*. The waters of Choctawhatchee Bay within an area described as follows: Beginning at a point in the waters of Choctawhatchee Bay at

(3280) 30°26'00"N., 86°25'30"W.; thence north to the shore at 86°25'30"W.; thence southeasterly and northeasterly along the shore to 86°15'00"W.; thence south to

(3281) 30°26'29"N., 86°15'00"W.; thence southwesterly to

(3282) 30°26'12"N., 86°20'35"W.; thence north to

(3283) 30°26'57"N., 86°20'35"W.; thence southwesterly to the point of beginning.

(3284) (b) *The regulations*-(1) *Aerial gunnery ranges*. (i) The aerial gunnery ranges in the west part of Choctawhatchee Bay (described in paragraph (a)(1) of the section), may be used by persons and watercraft except during periods when firing is conducted. During these periods firing will be controlled by observation posts, and persons and watercraft will be warned by patrol boats. During periods of firing, traverse of this area shall not be denied to regular cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within the area, the officer in charge of gunnery operations will cause the cessation or postponement of fire until the vessel has cleared that part of the area within the range of the weapons being used. The vessel shall proceed on its normal course and shall not delay its progress.

(3285) (ii) No person, vessel or other craft shall enter or remain within the aerial gunnery range along the north shore of Choctawhatchee Bay (described in paragraph (a)(2) of this section) at any time.

(3286) (2) *Enforcing Agency*. The regulations in this section shall be enforced by the Commander, Air Proving Ground Center, Eglin AFB, and such agencies as he may designate.

§334.710 The Narrows and Gulf of Mexico adjacent to Santa Rosa Island, Air Force Proving Ground Command, Eglin Air Force Base, Florida.

(3287) (a) *The restricted area*. The waters of The Narrows and the Gulf of Mexico easterly of the periphery of a circular area 5 nautical miles in radius, centered at

(3288) 30°23'10.074"N., 86°48'25.433"W. (USC&GS Station Tuck 3), within the segment of a circle, 3 nautical miles in radius, centered at

(3289) 30°24'00"N., 86°41'47"W.

(3290) (b) *The regulations*. (1) The area will be used intermittently during daylight hours. During periods of use

entry into the area will be prohibited to all persons and navigation.

(3291) (2) The regulations in this section shall be enforced by the Commander, Air Force Proving Ground Command, Eglin Air Force Base, Florida, and such agencies as he may designate.

§334.720 Gulf of Mexico, south from Choctawhatchee Bay; guided missiles test operations area, Headquarters Air Proving Ground Command, United States Air Force, Eglin Air Force Base, Florida.

(3292) (a) *The danger zone*. The waters of the Gulf of Mexico south from Choctawhatchee Bay within an area described as follows: Beginning at a point five nautical miles southeasterly from USC&GS Station Tuck 3, at

(3293) 30°23'10.074"N., 86°48'25.433"W., 3 nautical miles offshore of Santa Rosa Island; thence easterly three nautical miles offshore and parallel to shore, to a point south of Apalachicola Bay, Florida,

(3294) 29°32'00"N., 85°00'00"W.; thence southeasterly to

(3295) 29°17'30"N., 84°40'00"W.; thence southwesterly to

(3296) 28°40'00"N., 84°49'00"W.; thence southeasterly to

(3297) 28°10'00"N., 84°30'00"W.; thence 270° true to longitude 86°48'00"W.; thence due north along longitude 86°48'00"W. to the intersection of the line with a circle of five nautical miles radius centered on USC&GS Station Tuck 3, at

(3298) 30°23'10.074"N., 86°48'25.433"W., thence northeasterly along the arc of the circle to the point of beginning.

(3299) (b) *The regulations*. (1) The area will be used intermittently during daylight hours for a week or 10 days at a time. Firing will take place once or twice a day for periods ordinarily of not more than one hour. Advance notice of such firings will be published in local newspapers and in such other manners as the District Engineer, Corps of Engineers, Mobile, Alabama, may direct.

(3300) (2) During periods of firing, passage through the area will not be denied to cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within the danger area, the officer in charge of firing operations will cause the cessation or postponement of fire until the vessel shall have cleared the portion of the danger area involved. The entire area involved will be under constant observation of both surface patrol vessels and air patrol planes prior to and during periods of firing and notice will be given to vessels and tows of intention to fire by buzzing low over the vessel, upon which signal vessels and tows shall proceed on their established course promptly and clear the area as soon as possible.

(3301) (3) All person and vessels exclusive of those identified in paragraph (b)(2) of this section will be warned to leave the immediate danger area during firing periods by surface patrol craft. Upon being so warned, such persons and vessels shall clear the area immediately. Such periods normally will not exceed two hours.

(3302) (4) The regulations in this section shall be enforced by the Commanding Officer, Air Force Proving Ground Command, Eglin Field, Florida, and such agencies as he may designate.

§334.730 Waters of Santa Rosa Sound and Gulf of Mexico adjacent to Santa Rosa Island, Air Force Proving Ground Command, Eglin Air Force Base, Florida.

(3303) (a) *The danger zones*–(1) Prohibited area. Waters of Santa Rosa Sound and Gulf of Mexico within a circle one nautical mile in radius, centered at

(3304) 30°23'10.074"N., 86°48'25.433"W. (USC&GS Station Tuck 3). The portion of the area in Santa Rosa Sound includes the Gulf Intracoastal Waterway between miles 209.6 and 211.4 from Harvey Lock, Louisiana.

(3305) (2) *Restricted area*. The waters of Santa Rosa Sound and Gulf of Mexico surrounding the prohibited area described in paragraph (a)(1) of this section, within a circle five nautical miles in radius centered at

(3306) 30°23'10.074"N., 86°48'25.433"W. (USC&GS Station Tuck 3). The portion of the area in Santa Rosa Sound includes the Gulf Intracoastal Waterway between miles 204.6 and 216.4 from Harvey Lock, Louisiana.

(3307) (b) *The regulations*. (1) Experimental test operations will be conducted by the United States Air Force within the prohibited area on an intermittent basis. Such test operations shall not exceed one hour, and shall not occur more than twice weekly.

(3308) (2) No person, vessel or other watercraft shall enter the prohibited area, except to navigate the Gulf Intracoastal Waterway. Such vessels and other watercraft shall confine their movements to the waters within the limits of the Intracoastal Waterway and shall make the passage as promptly as possible under normal vessel speed.

(3309) (3) During periods when experimental test operations are underway no person, vessel or other watercraft shall enter or navigate the waters of the restricted area.

(3310) (4) Warning signs will be erected on the shore lines of Santa Rosa Sound and the Gulf of Mexico to mark the limits of the respective areas.

(3311) (5) The regulations in this section shall be enforced by the Commander, Headquarters Air Proving Ground Command, Eglin Air Force Base, Florida, and such agencies as he may designate.

§334.740 Weekley Bayou, an arm of Boggy Bayou, Fla., at Eglin Air Force Base; restricted area.

(3312) (a) *The area*. All waters of Weekley Bayou west of a line drawn between

(3313) 30°28'57"N., 86°29'03"W., and

(3314) 30°28'58"N., 86°29'06"W., said line crossing the Bayou approximately 225 yards above its mouth.

(3315) (b) *The regulations*. (1) No person or vessel shall enter the area without the permission of the Commander, Eglin Air Force Base, Florida, or his authorized representative.

(3316) (2) The regulations in this section shall be enforced by the Commander, Eglin Air Force Base, Florida, or such agencies as he may designate.

§334.750 Bens Lake, a tributary of Choctawhatchee Bay, Fla., at Eglin Air Force Base; restricted area.

(3317) (a) *The area*. All waters of Bens Lake including the channel connecting it with Choctawhatchee Bay.

(3318) (b) *The regulations*. (1) No person or vessel shall enter the area or navigate therein, without the permission of the Commander, Eglin Air Force Base, Florida, or his authorized representative.

(3319) (2) These regulations shall be enforced by the Commander, Eglin Air Force Base, Florida, or such agencies as he may designate.

§334.760 Alligator Bayou, a tributary of St. Andrew Bay, Florida; restricted area.

(3320) (a) *The area*. All waters of Alligator Bayou from a line connecting points of

(3321) 30°10'21"N., 85°45'07"W. and

(3322) 30°10'16"N., 85°45'04"W. to State Road 392.

(3323) (b) *The regulation*. (1) No vessel or person shall enter the area or navigate therein without permission of the Commanding Officer, Naval Ship Research and Development Laboratory, Panama City, Fla., or her/his authorized representative.

(3324) (2) The regulation of this section shall be enforced by the Commanding Officer, Naval Ship Research and Development Laboratory, Panama City, Fla., or such agencies as he may designate.

§334.770 Gulf of Mexico and St Andrew Sound, south of East Bay, Florida, Tyndall Drone Launch Corridor, Tyndall Air Force Base, Florida, Restricted Area.

(3325) (a) *The area*. The waters of the Gulf of Mexico and St. Andrew Sound within an area described as follows, including Crooked Island: Beginning at a point on shore at

(3326) 30°01'30"N., 85°32'30"W., thence to

(3327) 30°00'58"N., 85°33'38"W., thence to

(3328) 29°56'38"N., 85°33'38"W., thence to

(3329) 29°55'15"N., 85°31'21"W., thence to a point on shore at

(3330) 30°00'58"N., 85°31'21"W., thence northwest to the point of beginning. This area will be referred to as the "Tyndall Drone Launch Corridor."

(3331) (b) *The regulations*. (1) Military usage of areas is Monday through Friday between the hours of 7 a.m. and 5 p.m.

(3332) (2) Vessels are allowed to enter and remain in this area provided they have operational communication equipment capable of monitoring VHF Marine frequency Channel 16, (156.80 MHz). In the event the Marine radio equipment is not installed on the vessel, CB equipment with Channel 13 (27.115 MHz) will be used as an alternate means of communications. Warnings will be broadcast by the Air Force on Channel 16 (156.80 MHz) and Channel 13 (27.115 MHz) using the following sequence:

(3333) (i) Announcement 90 minutes prior to drone launch.

(3334) (ii) Announcement 60 minutes prior to drone launch.

(3335) (iii) Announcement of drone launch or drone canceled, and the expected time of the drone launch. Upon receipt of the drone warning on either Channel 16 (156.80 MHz) or Channel 13 (27.115 MHz), vessels will take the necessary action to vacate the drone launch corridor not later than 60 minutes prior to expected drone launch.

(3336) (3) Vessels are authorized direct movement without stopping through this area at any time unless warned by helicopter or patrol boat.

(3337) (4) The area will be patrolled by helicopter/vessels during periods of hazardous military activity. Verbal warnings or instructions issued by these craft will be strictly adhered to.

(3338) (5) The regulations in this section shall be enforced by the Commanding Officer, Tyndall Air Force Base, Florida, and such agencies as he may designate.

§334.775 Pensacola Bay, Pensacola and Gulf Breeze, Florida; naval restricted area.

(3339) (a) *The area*. Bounded by a line drawn in the direction of 180°T from the position 30°28'44"N., 87°17'18"W. (near the Naval Air Station, due south of the Officer's Club) to position 30°20'09"N., 87°17'18"W. thence 094°T to position 30°20'07"N., 87°16'41"W., thence 048°T to position 30°20'37",N., 87°16'01"W. (southwest end of Lexington finger pier), thence along the shoreline to point of origin.

(3340) (b) *The restriction*. (1) The area will normally be in use Monday through Wednesday between 8 a.m. and 4 p.m. and one evening from 4 p.m. until 8 p.m. every other week.

(3341) (2) During those times that specific missions, exercises or training operations are being conducted, the U.S. Navy vessels and/or crafts designated as essential to the operation(s) by proper U.S. Navy authority shall have the rights-of-way. All other vessels and crafts are required to keep clear of and remain 300 yards from all naval vessels engaged in said operations. Approaching within 300 yards of vessels and/or crafts while they are engaged in operations and/or training exercises is prohibited.

(3342) (3) Vessel traffic through the restricted area will remain open during operations and/or exercises; however, mariners shall exercise extreme caution and be on the lookout for swimmers, small craft and helicopters when transiting the area. It should be presumed by all mariners that Navy operations and/or exercises are being conducted whenever military craft and/or helicopters are operating within the restricted area.

(3343) (4) Any problems encountered regarding Navy operations/exercises within the restricted area should be addressed to "Navy Pensacola Command" on Channel 16 (156.6 MHz) for resolution and/or clarification.

(3344) (5) The regulations in this section shall be enforced by the Commander of the Naval Air Station, Pensacola, Florida, and such agencies as he/she may designate.

§334.778 Pensacola Bay and waters contiguous to the Naval Air Station, Pensacola, FL; restricted area

(3345) (a) *The area*: Beginning at a point on the northerly shoreline of Grande (Big) Lagoon at Point 1,

(3346) 30°19'42"N., 87°21'06"W., proceed southeasterly to Point 2,

(3347) 30°19'27"N., 87°21'03"W.; thence, northeasterly, paralleling the shoreline at a minimum distance of 500 feet offshore, to Point 3,

(3348) 30°19'48"N., 87°19'35"W.; thence, maintaining a minimum distance of 500 feet offshore or along the northerly edge of the Gulf Intracoastal Waterway Channel (whichever is less), continue to Point 4,

(3349) 30°20'00"N., 87°19'03"W.; thence, maintaining a minimum distance of 500 feet offshore for the remainder of the area to: PT 5,

(3350) 30°20'31"N., 87°16'01"W.; thence to PT 6,

(3351) 30°21'11"N., 87°15'29"W.; thence to PT 7,

(3352) 30°22'26"N., 87°15'43"W.; thence to PT 8,

(3353) 30°22'39"N., 87°16'08"W.; thence to PT 9,

(3354) 30°22'17"N., 87°16'09"W.; thence to PT 10,

(3355) 30°22'18"N., 87°16'35"W.; thence to PT 11,

(3356) 30°22'09"N., 87°17'10"W.; thence to PT 12,

(3357) 30°22'15"N., 87°17'19"W.; thence to PT 13,

(3358) 30°22'07"N., 87°17'48"W.; thence to PT 14,

(3359) 30°22'25"N., 87°17'53"W.; thence to PT 15,

(3360) 30°22'13"N., 87°18'54"W.; thence to PT 16,

(3361) 30°21'57"N., 87°19'22"W.; thence to PT 17,

(3362) 30°21'57"N., 87°19'37"W.; thence to PT 18,

(3363) 30°21'49"N., 87°19'49"W. (a point on the southerly shoreline of Bayou Grande).

(3364) (b) *The regulations*: (1) All persons are prohibited from entering the waters for any reason and all vessels including pleasure (sailing, motorized, and or rowed), private and commercial fishing vessels, barges, and all other craft except United States military vessels are restricted from transiting, anchoring, or drifting within the above-described area when required by the Commanding Officer of the Naval Air Station Pensacola (N.A.S.), to safeguard the installation, its personnel and property in times of an imminent security threat, as required by a national emergency situation, natural disaster, or as directed by higher authority.

(3365) (2) All persons are prohibited from entering the water described in this section. All pleasure (sailing, motorized, and/or rowed), private and commercial fishing, and all other vessels, barges, and other craft except those owned by the United States Government's defense or law enforcement agencies are prohibited from transition, anchoring, or drifting within 500 feet of any quay, pier, wharf, or levee along the N.A.S. shoreline abutting Pensacola Bay nor may such vessels or person thereon approach within 500 feet or land on or beach such craft on the beaches extending along the eastern shore of the N.A.S., southerly to a point on the shore located at

(3366) 30°20'57"N., 87°15'52"W., nor may any above-described craft/vessel approach within 500 feet of any United States public vessel anchored or moored adjacent thereto without specific permission of the Commanding Officer, N.A.S. Pensacola or his/her designee or the Commanding Officer of the anchored/moored public vessel(s).

(3367) (3) The existing "Navy Channel" adjacent to the north shore of Magazine Point, by which vessels enter and egress Bayous Davenport and Grande into Pensacola Bay shall remain open to all craft except in those extraordinary circumstances where the Commanding Officer, N.A.S. or his/her designee determines that risk to the installation, its personnel, or property is so great and so imminent that closing the channel to all but designated military craft is required for security reasons, or as directed by higher authority. This section will not preclude the closure of the channel as part of a security exercise; however, such closures of said channel will be limited in duration and scope to the maximum extent so as not to interfere with the ability of private vessels to use the channel for navigation in public waters adjacent thereto not otherwise limited by this regulation.

(3368) (4) The regulations in this section shall be enforced by the Commanding Officer of the Naval Air Station,

Pensacola, Florida, and such agencies he/she may designate.

§334.780 Pensacola Bay, Fla.; seaplane restricted area.

(3369) (a) *The area*. Beginning at

(3370) 30°22'28", 87°16'00"; thence to

(3371) 30°21'02", 87°14'20"; thence to

(3372) 30°20'02", 87°15'16"; thence to

(3373) 30°20'11"; 87°17'58"; and thence to 272° true to the shore.

(3374) (b) *The regulations.* (1) This area is established as a naval seaplane landing area.

(3375) (2) All persons, vessels and small craft, except crash boats, plane rearming boats, and similar craft ordered into the area on specific missions in connection with the servicing of planes or patrol of the area, are prohibited from entering or being in the area at any time.

(3376) (3) The regulations in this section shall be enforced by the Chief of Naval Air Basic Training, U.S. Naval Air Station, Pensacola, Fla., and such agencies as he may designate.

§334.783 Arlington Channel, U.S. Coast Guard Base Mobile, Mobile, Alabama, Coast Guard Restricted Area.

(3377) (a) *The area*. The waters of Arlington Channel west of a line from

(3378) 30º39'09"N., 088º03'24"W. to

(3379) 30º38'54"N., 088º03'17"W.

(3380) (b) *The regulations*. The restricted area is open to U.S. Government vessels and transiting vessels only. U.S. Government vessels include U.S. Coast Guard vessels, Department of Defense vessels, state and local law enforcement and emergency services vessels and vessels under contract with the U.S. Government. Vessels transiting the restricted area shall proceed across the area by the most direct route and without unnecessary delay. Fishing, trawling, net-fishing and other aquatic activities are prohibited in the restricted area without prior approval from the Commanding Officer, U.S. Coast Guard Group Mobile or his designated representative.

(3381) (c) *Enforcement*. The regulations in this section shall be enforced by the Commanding Officer, U.S. Coast Guard Group Mobile or his designated representative.

§334.786 Pascagoula Naval Station, Pascagoula, Mississippi; restricted area.

(3382) (a) *The area*. The waters of Pascagoula Harbor beginning at a point at

(3383) 30°20'18.0"N., 88°34'50.3"W.; thence northerly to

(3384) 30°20'34.3"N., 88°34'51.8"W.; thence easterly to

(3385) 30°20'34.3"N., 88°34'09.6"W.; thence southerly to

(3386) 30°20'19.5"N., 88°34'09.6"W.; thence westerly along the shoreline to the point of beginning.

(3387) (b) *The regulations*. (1) All persons are prohibited from entering the waters within the restricted area for any reason. Mooring, anchoring, fishing or recreational boating shall not be allowed within the restricted area when required by the Commanding Officer of the Naval Station Pascagoula to safeguard the installation and its personnel and property in times of an imminent security threat; during special operations; during natural disasters; or as directed by higher authority.

(3388) (2) Mooring, anchoring, fishing, recreational boating or any activity involving persons in the water shall not be allowed at any time within 500 feet of any quay, pier, wharf, or levee along the Naval Station northern shoreline.

(3389) (3) Commercial vessels at anchor will be permitted to swing into the restricted area while at anchor and during tide changes.

(3390) (c) *Enforcement*. The regulations in this section shall be enforced by the Commanding Officer, naval station, Pascagoula and such agencies as he/she shall designate.

§334.790 Sabine River at Orange, Texas; restricted area in vicinity of the Naval and Marine Corps Reserve Center.

(3391) (a) *The area*: The berthing area of the Naval and Marine Corps Reserve Center and the waters adjacent thereto from the mean high tide shoreline to a line drawn parallel to, and 100 feet channelward from lines connecting the pierhead of Pier 10 and from a line drawn parallel to, and 200 feet upstream from, Pier 10 to a line drawn parallel to, and 100 feet downstream from Pier 10.

(3392) (b) *The regulations*. (1) No person, vessel or other craft, except personnel and vessels of the U.S. Government or those duly authorized by the Commanding Officer, Naval and Marine Corps Reserve Center, Orange, Texas, shall enter, navigate, anchor or moor in the restricted area.

(3393) (2) The regulations of this section shall be enforced by the Commanding Officer, Naval and Marine Corps Reserve Center, Orange, Texas, and such agencies as he may designate.

§334.800 Corpus Christi Bay, Tex.; seaplane restricted area, U.S. Naval Air Station, Corpus Christi.

(3394) (a) *The area*. The waters of Corpus Christi Bay within the area described as follows: Beginning at a point on the south shore of Corpus Christi Bay at the

"North Gate" of the U.S. Naval Air Station at longitude 97°17'15.0"W.; thence through points at:

(3395) 27°42'34.9"N., 97°17'09.6"W.

(3396) 27°41'46.8"N., 97°14'23.8"W.

(3397) 27°41'15.1"N., 97°14'35.4"W.

(3398) 27°41'27.0"N., 97°15'16.7"W.

(3399) 27°40'41.6"N., 97°15'33.3"W.; thence to a point on shore at latitude 27°40'44.9"N.; thence along the shore to the point of beginning.

(3400) (b) *The regulations*: (1) No person, vessel or watercraft shall enter or remain in the area at any time, day or night, except with express written approval of the enforcing agency or as a result of force majeure.

(3401) (2) The regulations in this section shall be enforced by the Chief of Naval Air Training, U.S. Naval Air Station, Corpus Christi, Tex., and such agencies as he may designate.

§334.802 Ingleside Naval Station, Ingleside, Texas; restricted area.

(3402) (a) *The area*. The waters of Corpus Christi Bay beginning at a point at

(3403) 27°49'15.0"N., 97°12'06.0"W.; thence southerly to

(3404) 27°49'07.3"N., 97°12'05.4"W.; thence south-southwesterly to

(3405) 27°49'01.0"N., 97°12'39.4"W.; thence west-northwesterly to

(3406) 27°49'02.4"N., 97°12'48.3"W.; thence north-northeasterly to

(3407) 27°49'16.5"N., 97°12'41.5"W.; thence easterly to

(3408) 27°49'17.0"N., 97°12'27.5"W.; thence easterly along the shoreline to the point of beginning.

(3409) (b) *The regulations*. Mooring, anchoring, fishing, recreational boating or any activity involving persons in the water shall not be allowed within the restricted area. Commercial vessels at anchor will be permitted to swing into the restricted area while at anchor and during tide changes.

(3410) (c) Enforcement. The regulations in this section shall be enforced by the Commanding Officer, Naval Station, Ingleside and such agencies as he/she shall designate.

§334.1450 Atlantic Ocean off north coast of Puerto Rico; practice firing areas, United States Army Forces Antilles.

(3411) (a) *The danger zones*–(1) *Westerly small-arms range*. The waters within the sector of a circle bounded by radii of 10,000 yards bearing 279° and 315° respectively, from latitude 18°28'31", longitude 66°25'37", and the included arc.

(3412) NOTE: All bearings in this section are referred to true meridian.

(3413) (2) *Camp Tortuguero artillery range*. The waters within the quadrant of a circle bounded by radii of 20,000 yards bearing 315° and 045°, respectively, from latitude 18°28'31", longitude 66°25'37", and the included arc.

(3414) (3) *Easterly small-arms range*. The waters within the sector of a circle bounded by radii of 7,210 yards bearing 45° and 70°, respectively, from a point on the southeast boundary of the artillery range 2,790 yards from its southerly end, and the included arc.

(3415) NOTE: The outer boundaries of the danger zones will not be marked, but signs will be posted along shore to warn against trespassing in the firing areas.

(3416) (b) *The regulations*. (1) The danger zones shall be open to navigation at all times except when practice firing is being conducted. When practice firing is being conducted, no person, vessel or other craft except those engaged in towing targets or patrolling the area shall enter or remain with the danger zones: Provided, that any vessel propelled by mechanical power at a speed greater than five knots may proceed through the Camp Totuguero artillery range at any time to and from points beyond, but not from one point to another in the danger zone between latitudes 18º31' and 18º32', at its regular rate of speed without stopping or altering its course, except when notified to the contrary.

(3417) (2) The fact that practice firing is to take place over the designated area will be advertised to the public through the usual media for the dissemination of such information. Factual information as to the dates, time, and characteristics of the firing will be advertised in advance of each session of firing but in no case less than one week nor more than four weeks before such firing is scheduled to take place.

(3418) (3) Prior to conducting each practice firing, the entire danger zone will be patrolled by aircraft or surface vessels to insure that no watercraft are within the danger zone. Any watercraft in the vicinity will be warned that practice firing is about to take place. Any such watercraft shall, upon being so warned, leave the danger zone immediately and shall not return until such practice shall have been terminated and notification to that effect shall have been given by the patrol craft, except that vessels proceeding on a regular course through the area will be allowed to proceed out of the area without warning, and firing will not commence until such vessels are clear of the area.

(3419) (4) This section shall be enforced by the Commanding General, United States Army Forces Antilles, and such agencies as he may designate.

§334.1460 Atlantic Ocean and Vieques Sound, in vicinity of Culebra Island, bombing and gunnery target area.

(3420) (a) *The danger zone*. From Punta Resaca on the north coast of Culebra at

(3421) 18°20'12"N., 65°17'29"W. to

(3422) 18°25'07"N., 65°12'07"W.; thence to

(3423) 18°26'31"N., 65°16'45"W.; thence to

(3424) 18°23'00"N., 65°24'30"W.; thence to the charted position of nun buoy "2" at

(3425) 18°20'19"N., 65°24'51"W.; thence to

(3426) 18°18'47"N., 65°24'35"W.; thence to

(3427) 18°15'30"N., 65°21'30"W.; thence to a point on the southeast coast of Cayo de Luis Pena at

(3428) 18°17'51"N., 65°19'41"W.; and thence to Punta Tamarindo on the west coast of Culebra at

(3429) 18°19'12"N., 65°19'22"W.

(3430) (b) *The regulations*. (1) The danger zone is subject to use as a target area for bombing and gunnery practice. It will be open to navigation at all times except when firing is being conducted. At such times, no person or surface vessels, except those patrolling the area, shall enter or remain within the danger area. Prior to conducting each firing or dropping of ordnance the danger area will be patrolled to insure that no watercraft are within the danger area. Any watercraft in the vicinity will be warned that practice firing is about to take place and advised to vacate the area.

(3431) (2) The regulations in this section shall be enforced by the Commander, Caribbean Sea Frontier, San Juan, Puerto Rico, and such agencies as he may designate.

§334.1470 Caribbean Sea and Vieques Sound in vicinity of Eastern Vieques, bombing and gunnery target area.

(3432) (a) *The danger zone*. From Punta Conejo on the south coast of Isla de Vieques at

(3433) 18°06'30"N., 65°22'33"W.; thence to

(3434) 18°03'00"N., 65°21'00"W.; thence to

(3435) 18°03'00"N., 65°15'30"W.; thence to

(3436) 18°11'30"N., 65°14'30"W.; thence to

(3437) 18°12'00"N., 65°20'00"W.; and thence to Cabellos Colorados on the north coast of Isla de Vieques at latitude 18°09'49", longitude 65°23'27".

(3438) (b) *Regulations*. (1) It will be open to navigation at all times except when firing is being conducted. At such times, no persons or surface vessels, except those patrolling the area, shall enter or remain within the danger area. Prior to conducting each firing or dropping of ordnance the danger area will be patrolled to insure that no watercraft are within the danger area. Any watercraft in the vicinity will be warned that practice firing is about to take place and advised to vacate the area.

(3439) (2) The regulations will be enforced by the Commander, U.S. Naval Forces Caribbean, U.S. Naval Station, Roosevelt Roads, Puerto Rico, and such agencies and subordinate commands as he/she may designate.

§334.1480 Vieques Passage and Atlantic Ocean, off east coast of Puerto Rico and coast of Vieques Island; naval restricted areas.

(3440) (a) *The restricted areas*. (1) A strip 1,500 yards wide, off the naval reservation shoreline along the east coast of Puerto Rico extending from Point Figuera south to Point Puerca, and thence west to Point Cascajo and the mouth of the Daguada River.

(3441) (2) A strip 1,500 yards wide, off the naval reservation shoreline along the west end of Vieques Island extending from Caballo Point on the north shore, west around the breakwater to Point Arenas, and thence south and east to a point on the shoreline one mile east of the site of the abandoned central at Playa Grande.

(3442) (3) A strip 1,500 yards wide, off the south coast of Vieques Island extending from the entrance to Port Mosquito east to Conejo Point.

(3443) (4) An area inclosed by an arc with a radius of 3,000 yards centered on Cabras Island Lighthouse and extending from Point Puerca to Point Cascajo.

(3444) (b) *The regulations*. No person or vessel shall enter or remain within the restricted areas at any time unless on official business. Fishing vessels are permitted to anchor in Playa Blanca, passing through the restricted area described in paragraph (a)(1) of this section, to and from anchorage on as near a north-south course as sailing conditions permit. Under no conditions will swimming, diving, snorkeling other water related activities or fishing, be permitted in the restricted area.

§334.1490 Caribbean Sea, at St. Croix, V.I.; restricted areas.

(3445) (a) *The areas*–(1) *Area "A"*. A triangular area bounded by the following coordinates:

(3446) 17°44'42"N., 64°54'18"W.

(3447) 17°43'06"N., 64°54'18"W.

(3448) 17°44'30"N., 64°53'30"W.

(3449) (2) *Area "B"*. A rectangular area bounded by the following coordinates:

(3450) 17°41'42"N., 64°54'00"W.

(3451) 17°41'42"N., 64°54'18"W.

(3452) 17°41'18"N., 64°54'00"W.

(3453) 17°41'18"N., 64°54'18"W.

(3454) (b) *The regulations*. (1) Anchoring in the restricted areas is prohibited with the exception of U.S. Government owned vessels and private vessels that have been specifically authorized to do so by the Commanding Officer, Atlantic Fleet Range Support Facility.

(3455) (2) The regulations in this paragraph shall be enforced by the Commanding Officer, Atlantic Fleet Range Support Facility, Roosevelt Roads, P.R., and such agencies as he may designate.

TITLE 40–PROTECTION OF ENVIRONMENT

Part 140–Marine Sanitation Device Standard

§140.1 Definitions.

(3456) For the purpose of these standards the following definitions shall apply:

(3457) (a) *Sewage* means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(3458) (b) *Discharge* includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(3459) (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;

(3460) (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;

(3461) (e) *New vessel* refers to any vessel on which construction was initiated on or after January 30, 1975;

(3462) (f) *Existing vessel* refers to any vessel on which construction was initiated before January 30, 1975;

(3463) (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.

§140.2 Scope of standard.

(3464) 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.

§140.3 Standard.

(3465) (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.

(3466) (2) In all other waters, Coast Guard-certified marine sanitation devices installed on all vessels shall be designed and operated to either retain, dispose of, or discharge sewage. If the device has a discharge, subject to paragraph (d) of this section, the effluent shall not have a fecal coliform bacterial count of greater than 1,000 per 100 milliliters nor visible floating solids. Waters where a Coast Guard-certified marine sanitation device permitting discharge is allowed include coastal waters and estuaries, the Great Lakes and inter-connected waterways, fresh-water lakes and impoundments accessible through locks, and other flowing waters that are navigable interstate by vessels subject to this regulation.

(3467) (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).

(3468) (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.

(3469) (d) After January 30, 1980, subject to paragraphs (e) and (f) of this section, marine sanitation devices on all vessels on waters that are not subject to a prohibition of the overboard discharge of sewage, treated or untreated, as specified in paragraph (a)(1) of this section, shall be designed and operated to either retain, dispose of, or discharge sewage, and shall be certified by the U.S. Coast Guard. If the device has a discharge, the effluent shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters, nor suspended solids greater than 150 mg/1.

(3470) (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.

(3471) (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.

(3472) (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.

§140.4 Complete prohibition.

(3473) (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

(3474) 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:

(3475) (1) A certification that the protection and enhancement of the waters described in the petition require greater environmental protection than the applicable Federal standard;

(3476) (2) A map showing the location of commercial and recreational pump-out facilities;

(3477) (3) A description of the location of pump-out facilities within waters designated for no discharge;

(3478) (4) The general schedule of operating hours of the pump-out facilities;

(3479) (5) The draught requirements on vessels that may be excluded because of insufficient water depth adjacent to the facility;

(3480) (6) Information indicating that treatment of wastes from such pump-out facilities is in conformance with Federal law; and

(3481) (7) Information on vessel population and vessel usage of the subject waters.

(3482) (b) Prohibition pursuant to CWA section 312(f)(4)(A): a State may make a written application to the Administrator, Environmental Protection Agency, under section 312(f)(4)(A) of the Act, for the issuance of a regulation completely prohibiting discharge from a vessel of any sewage, whether treated or not, into particular waters of the United States or specified portions thereof, which waters are located within the boundaries of such State. Such application shall specify with particularly the waters, or portions thereof, for which a complete prohibition is desired. The application shall include identification of water recreational areas, drinking water intakes, aquatic sanctuaries, identifiable fish-spawning and nursery areas, and areas of intensive boating activities. If, on the basis of the State's application and any other information available to him, the Administrator is unable to make a finding that the waters listed in the application require a complete prohibition of any discharge in the waters or portions thereof covered by the application, he shall state the reasons why he cannot make such a finding, and shall deny the application. If the Administrator makes a finding that the waters listed in the application require a complete prohibition of any discharge in all or any part of the waters or portions thereof covered by the State's application, he shall publish notice of such findings together with a notice of proposed rule making, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that applicable water quality standards require a complete prohibition covering a more restricted or more expanded area than that applied for by the State, he shall state the reasons why his finding differs in scope from that requested in the State's application.

(3483) (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):

(3484) (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.

(3485) (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/*.

(3486) (c)(1) Prohibition pursuant to CWA section 312(f)(4)(B): A State may make written application to the Administrator of the Environmental Protection

(3487) 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:

(3488) (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;

(3489) (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;

(3490) (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

(3491) (iv) Include a statement of basis justifying the size of the requested drinking water intake zone, for example, identifying areas of intensive boating activities.

(3492) (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.

(3493) (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.

(3494) (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):

(3495) (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.

(3496) (ii) [Reserved]

§140.5 Analytical procedures.

(3497) 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.

TITLE 50–WILDLIFE AND FISHERIES

Part 224–Endangered Marine and Anadromous Species

§224.103 Special prohibitions for endangered marine mammals.

(3498) (c) *Approaching right whales*—

(3499) (1) *Prohibitions*. Except as provided under paragraph (c)(3) of this section, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, to solicit another to commit, or cause to be committed any of the following acts:

(3500) (i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel, aircraft, or any other means;

(3501) (ii) Fail to undertake required right whale avoidance measures specified under paragraph (c)(2) of this section.

(3502) (2) *Right whale avoidance measures*. Except as provided under paragraph (c)(3) of this section, the following avoidance measures must be taken if within 500 yards (460 m) of a right whale:

(3503) (i) If underway, a vessel must steer a course away from the right whale and immediately leave the area at slow safe speed.

(3504) (ii) An aircraft must take a course away from the right whale and immediately leave the area at a constant airspeed.

(3505) (3) *Exceptions*. The following exceptions apply to this section, but any person who claims the applicability of an exception has the burden of proving that the exception applies:

(3506) (i) Paragraphs (c)(1) and (c)(2) of this section do not apply if a right whale approach is authorized by the National Marine Fisheries Service through a permit issued under part 222, subpart C, of this chapter (General Permit Procedures) or through a similar authorization.

(3507) (ii) Paragraphs (c)(1) and (c)(2) of this section do not apply where compliance would create an imminent and serious threat to a person, vessel, or aircraft.

(3508) (iii) Paragraphs (c)(1) and (c)(2)of this section do not apply when approaching to investigate a right whale entanglement or injury, or to assist in the disentanglement or rescue of a right whale, provided that permission is received from the National Marine Fisheries Service or designee prior to the approach.

(3509) (iv) Paragraphs (c)(1) and (c)(2) of this section do not apply to an aircraft unless the aircraft is conducting whale watch activities.

(3510) (v) Paragraph (c)(2) of this section does not apply to the extent that a vessel is restricted in her ability to

maneuver and, because of the restriction, cannot comply with paragraph (c)(2) of this section.

Part 226–Designated Critical Habitat

§226.101 Purpose and scope.

(3511) The regulations contained in this part identify those habitats designated by the Secretary of Commerce as critical under section 4 of the Act, for endangered and threatened species under the jurisdiction of the Secretary of Commerce. Those species are enumerated at §223.102 of this chapter, if threatened and at §224.101 of this chapter if endangered. For regulations pertaining to the designation of critical habitat, see part 424 of this title, and for regulations pertaining to prohibitions against the adverse modification or destruction of critical habitat, see part 402 of this title. Maps and charts identifying designated critical habitat that are not provided in this section may be obtained upon request to the Office of Protected Resources (see §222.102, definition of "Office of Protected Resources").

§226.208 Critical habitat for green turtle.

(3512) (a) Culebra Island, Puerto Rico—Waters surrounding the island of Culebra from the mean high water line seaward to 3 nautical miles (5.6 km). These waters include Culebra's outlying Keys including Cayo Norte, Cayo Ballena, Cayos Geniqui, Isla Culebrita, Arrecife Culebrita, Cayo de Luis Peña, Las Hermanas, El Mono, Cayo Lobo, Cayo Lobito, Cayo Botijuela, Alcarraza, Los Gemelos, and Piedra Steven.

(3513) (b) [Reserved]

§226.209 Critical habitat for hawksbill turtle.

(3514) (a) Mona and Monito Islands, Puerto Rico—Waters surrounding the islands of Mona and Monito, from the mean high water line seaward to 3 nautical miles (5.6 km).

(3515) (b) [Reserved]

Part 622—Fisheries of the Caribbean, Gulf, and South Atlantic

Subpart A—General Provisions

§622.1 Purpose and scope.

(3516) (a) The purpose of this part is to implement the FMPs prepared under the Magnuson Act by the CFMC, GMFMC, and/or SAFMC listed in Table 1 of this section.

(3517) (b) This part governs conservation and management of species included in the FMPs in or from the Caribbean, Gulf, Mid-Atlantic, South Atlantic, or Atlantic EEZ, as indicated in Table 1 of this section. For the FMPs noted in the following table, conservation and management extends to adjoining state waters for the purposes of data collection and monitoring:

§622.2 Definitions and acronyms.

(3518) In addition to the definitions in the Magnuson Act and in §600.10 of this chapter, and the acronyms in §600.15 of this chapter, the terms and acronyms used in this part have the following meanings:

(3519) *Allowable chemical* means a substance, generally used to immobilize marine life so that it can be captured alive, that, when introduced into the water, does not take Gulf and South Atlantic prohibited coral and is allowed by Florida for the harvest of tropical fish (e.g., quinaldine, quinaldine compounds, or similar substances).

(3520) *Allowable octocoral* means an erect, nonencrusting species of the subclass Octocorallia, except the seafans Gorgonia flabellum and G. ventalina, plus the attached substrate within 1 inch (2.54 cm) of an allowable octocoral.

(3521) **Note:** An erect, nonencrusting species of the subclass Octocorallia, except the seafans Gorgonia flabellum and G. ventalina, with attached substrate exceeding 1 inch (2.54 cm) is considered to be live rock and not allowable octocoral.

(3522) *Aquacultured live rock* means live rock that is harvested under a Federal aquacultured live rock permit, as required under §622.4(a)(3)(iii).

(3523) *Authorized statistical reporting agent means:*

(3524) (1) Any person so designated by the SRD; or

(3525) (2) Any person so designated by the head of any Federal or State agency that has entered into an agreement with the Assistant Administrator to collect fishery data.

(3526) *Automatic reel* means a reel that remains attached to a vessel when in use from which a line and attached hook(s) are deployed. The line is payed out from and retrieved on the reel electricity or hydraulically.

(3527) *Atlantic* means the North Atlantic, Mid-Atlantic, and South Atlantic.

(3528) *Bandit gear* means a rod and reel that remain attached to a vessel when in use from which a line and attached hook(s) are deployed. The line is payed out from and retrieved on the reel manually, electrically, or hydraulically.

(3529) *BRD* means bycatch reduction device.

(3530) *Buoy gear* means fishing gear consisting of a float and one or more weighted lines suspended therefrom, generally long enough to reach the bottom. A hook or

Table 1.—FMPs IMPLEMENTED UNDER PART 622

FMP title	Responsible fishery management council(s)	Geographical area
Atlantic Coast Red Drum FMP	SAFMC	Mid-Atlantic and South Atlantic.
FMP for Coastal Migratory Pelagic Resources	GMFMC/SAFMC	Gulf,[1] Mid-Atlantic[1,2] and South Atlantic.[1,3]
FMP for Coral and Coral Reefs of the Gulf of Mexico	GMFMC	Gulf.
FMP for Coral, Coral Reefs, and Live/Hard Bottom Habitats of the South Atlantic region.	SAFMC	South Atlantic
FMP for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.
FMP for the Dolphin and Wahoo Fishery off the Atlantic States	SAFMC	Atlantic
FMP for the Golden Crab Fishery of the South Atlantic Region.	SAFMC	South Atlantic
FMP for Pelagic Sargassum Habitat of the South Atlantic Region.	SAFMC	South Atlantic
FMP for Queen Conch Resources of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.
FMP for the Red Drum Fishery of the Gulf of Mexico	GMFMC	Gulf.[1]
FMP for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.
FMP for the Reef Fish Resources of the Gulf of Mexico	GMFMC	Gulf.[1]
FMP for the Shrimp Fishery of the Gulf of Mexico	GMFMC	Gulf.[1]
FMP for the Shrimp Fishery of the South Atlantic Region.	SAFMC	South Atlantic.
FMP for the Snapper-Grouper Fishery of South Atlantic Region.	SAFMC	South Atlantic.[1, 4]
FMP for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands.	CFMC	Caribbean.

[1] Regulated area includes adjoining state waters for purposes of data collection and quota monitoring.

[2] Only king and Spanish mackerel are managed under the FMP in the Mid-Atlantic.

[3] Bluefish are not managed under the FMP in the South Atlantic.

[4] Bank, rock, and black sea bass and scup are not managed by the FMP or regulated by this part north of 35°15.3'N. lat., the latitude of Cape Hatteras Light, NC.

hooks (usually 6 to 10) are on the lines at or near the end. The float and line(s) drift freely and are retrieved periodically to remove catch and rebait hooks.

(3531) *Carapace length* means the straight-line distance from the orbital notch inside the orbital spine, in a line parallel to the lateral rostral sulcus, to the posterior margin of the cephalothorax. (See Figure 1 in Appendix C of this part.)

(3532) *Caribbean* means the Caribbean Sea around Puerto Rico and the U.S. Virgin Islands.

(3533) Caribbean conch resource means one or more of the following species, or a part thereof:

(3534) (1) Atlantic triton's trumpet, *Charonia variegata*.

(3535) (2) Cameo helmet, *Cassis madagascarensis*.

(3536) (3) Caribbean helmet, *Cassis tuberosa*.

(3537) (4) Caribbean vase, *Vasum muricatum*.

(3538) (5) Flame helmet, *Cassis flammea*.

(3539) (6) Green star shell, *Astrea tuber*.

(3540) (7) Hawkwing conch, *Strombus raninus*.

(3541) (8) Milk conch, *Strombus costatus*.

(3542) (9) Queen conch, *Strombus gigus*.

(3543) (10) Roostertail conch, *Strombus gallus*.

(3544) (11) True tulip, *Fasciolaria tulipa*.

(3545) (12) West Indian fighting conch, *Strombus pugilis*.

(3546) (13) Whelk (West Indian top shell), *Cittarium pica*.

(3547) *Caribbean coral reef resource* means one or more of the species, or a part thereof, listed in Table 1 in Appendix A of this part, whether living or dead.

(3548) *Caribbean prohibited coral* means, in the Caribbean; a gorgonian, that is, a Caribbean coral reef

resource of the Class Anthozoa, Subclass Octocorallia, Order Gorgonacea; a live rock; or a stony coral, that is, a Caribbean coral reef resource of the Class Hydrozoa (fire corals and hydrocorals) or of the Class Anthozoa, Subclass Hexacorallia, Orders Scleractinia (stony corals) and Antipatharia (black corals); or a part thereof.

(3549) *Caribbean reef fish* means one or more of the species, or a part thereof, listed in Table 2 in Appendix A of this part.

(3550) *Caribbean spiny lobster* means the species Panulirus argus, or a part thereof.

(3551) *CFMC* means the Caribbean Fishery Management Council.

(3552) *Charter vessel* means a vessel less than 100 gross tons (90.8 mt) that meets the requirements of the USCG to carry six or fewer passengers for hire and that carries a passenger for hire at any time during the calendar year. A charter vessel with a commercial permit, as required under §622.4(a)(2), is considered to be operating as a charter vessel when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

(3553) *Coastal migratory pelagic fish* means one or more of the following species, or a part thereof:

(3554) (1) Bluefish, *Pomatomus saltatrix* (Gulf of Mexico only).

(3555) (2) Cero, *Scomberomorus regalis*.

(3556) (3) Cobia, *Rachycentron canadum*.

(3557) (4) Dolphin, *Coryphaena hippurus* (Gulf of Mexico only).

(3558) (5) King mackerel, *Scomberomorus cavalla*.

(3559) (6) Little tunny, *Euthynnus alletteratus*.

(3560) (7) Spanish mackerel, *Scomberomorus maculatus*.

(3561) *Coral area* means marine habitat in the Gulf or South Atlantic EEZ where coral growth abounds, including patch reefs, outer bank reefs, deep water banks, and hard bottoms.

(3562) *Dealer*, in addition to the definition specified in §600.10 of this chapter, means the person who first receives rock shrimp harvested from the EEZ or dolphin or wahoo harvested from the Atlantic EEZ upon transfer ashore.

(3563) *Dolphin* means the species *Coryphaena equiselis or C. hippurus*, or a part thereof, in the Atlantic. (See the definition of *Coastal migratory pelagic fish* for dolphin in the Gulf of Mexico.)

(3564) *Drift gillnet*, for the purposes of this part, means a gillnet, other than a run-around gillnet, that is unattached to the ocean bottom, whether or not attached to a vessel.

(3565) *Fish trap* means—

(3566) (1) In the Caribbean EEZ, a trap and its component parts (including the lines and buoys), regardless of the construction material, used for or capable of taking finfish.

(3567) (2) In the Gulf EEZ, a trap and its component parts (including the lines and buoys), regardless of the construction material, used for or capable of taking finfish, except a trap historically used in the directed fishery for crustaceans (that is, blue crab, stone crab, and spiny lobster).

(3568) (3) In the South Atlantic EEZ, a trap and its component parts (including the lines and buoys), regardless of the construction material, used for or capable of taking fish, except a sea bass pot, a golden crab trap, or a crustacean trap (that is, a type of trap historically used in the directed fishery for blue crab, stone crab, red crab, jonah crab, or spiny lobster and that contains at any time not more than 25 percent, by number, of fish other than blue crab, stone crab, red crab, jonah crab, and spiny lobster).

(3569) *Fork length* means the straight-line distance from the tip of the head (snout) to the rear center edge of the tail (caudal fin). (See Figure 2 in Appendix C of this part.)

(3570) *Golden crab* means the species Chaceon fenneri, or a part thereof.

(3571) *Golden crab trap* means any trap used or possessed in association with a directed fishery for golden crab in the South Atlantic EEZ, including any trap that contains a golden crab in or from the South Atlantic EEZ or any trap on board a vessel that possesses golden crab in or from the South Atlantic EEZ.

(3572) *GMFMC* means the Gulf of Mexico Fishery Management Council.

(3573) *Gulf* means the Gulf of Mexico. The line of demarcation between the Atlantic Ocean and the Gulf of Mexico is specified in §600.105(c) of this chapter.

(3574) *Gulf reef fish* means one or more of the species, or a part thereof, listed in Table 3 in Appendix A of this part.

(3575) *Gulf and South Atlantic prohibited coral* means, in the Gulf and South Atlantic, one or more of the following, or a part thereof:

(3576) (1) Coral belonging to the Class Hydrozoa (fire corals and hydrocorals).

(3577) (2) Coral belonging to the Class Anthozoa, Subclass Hexacorallia, Orders Scleractinia (stony corals) and Antipatharia (black corals).

(3578) (3) A seafan, Gorgonia flabellum or G. ventalina.

(3579) (4) Coral in a coral reef, except for allowable octocoral.

(3580) (5) Coral in an HAPC, including allowable octocoral.

(3581) *HAPC* means habitat area of particular concern.

(3582) *Headboat* means a vessel that holds a valid Certificate of Inspection issued by the USCG to carry passengers for hire. A headboat with a commercial vessel permit, as required under §622.4(a)(2), is considered to

be operating as a headboat when it carries a passenger who pays a fee or—

(3583) (1) In the case of persons aboard fishing for or possessing South Atlantic snapper-grouper, when there are more persons aboard than the number of crew specified in the vessel's Certificate of Inspection; or

(3584) (2) In the case of persons aboard fishing for or possessing coastal migratory pelagic fish or Gulf reef fish, when there are more than three persons aboard, including operator and crew.

(3585) *Headrope length* means the distance, measured along the forwardmost webbing of a trawl net, between the points at which the upper lip (top edge) of the mouth of the net are attached to sleds, doors, or other devices that spread the net.

(3586) *Live rock* means living marine organisms, or an assemblage thereof, attached to a hard substrate, including dead coral or rock (excluding individual mollusk shells).

(3587) *Long gillnet* means a gillnet that has a float line that is more than 1,000 yd (914 m) in length.

(3588) *Longline* means a line that is deployed horizontally to which gangions and hooks are attached. A longline may be a bottom longline, i.e., designed for use on the bottom, or a pelagic longline, i.e., designed for use off the bottom. The longline hauler may be manually, electrically, or hydraulically operated.

(3589) *MAFMC* means the Mid-Atlantic Fishery Management Council.

(3590) *Mid-Atlantic* means the Atlantic Ocean off the Atlantic coastal states from the boundary between the New England Fishery Management Council and the MAFMC, as specified in §600.105(a) of this chapter, to the boundary between the MAFMC and the SAFMC, as specified in §600.105(b) of this chapter.

(3591) *Migratory group*, for king and Spanish mackerel, means a group of fish that may or may not be a separate genetic stock, but that is treated as a separate stock for management purposes. King and Spanish mackerel are divided into migratory groups—the Atlantic migratory group and the Gulf migratory group. The boundaries between these groups are as follows:

(3592) (1) *King mackerel*—(i) Summer separation. From April 1 through October 31, the boundary separating the Gulf and Atlantic migratory groups of king mackerel is 25°48'N., which is a line directly west from the Monroe/Collier County, FL, boundary to the outer limit of the EEZ.

(3593) (ii) *Winter separation*. From November 1 through March 31, the boundary separating the Gulf and Atlantic migratory groups of king mackerel is 29°25'N., which is a line directly east from the Volusia/Flagler County, FL, boundary to the outer limit of the EEZ.

(3594) (2) *Spanish mackerel*. The boundary separating the Gulf and Atlantic migratory groups of Spanish mackerel is 25°20.4'N., which is a line directly east from the Dade/Monroe County, FL, boundary to the outer limit of the EEZ.

(3595) *North Atlantic* means the Atlantic Ocean off the Atlantic coastal states from the boundary between the United States and Canada to the boundary between the New England Fishery Management Council and the MAFMC, as specified in §600.105(a) of this chapter.

(3596) *Off Florida* means the waters in the Gulf and South Atlantic from 30°42'45.6"N., which is a line directly east from the seaward terminus of the Georgia/Florida boundary, to 87°31'06"W., which is a line directly south from the Alabama/Florida boundary.

(3597) *Off Georgia* means the waters in the South Atlantic from a line extending in a direction of 104° from true north from the seaward terminus of the South Carolina/Georgia boundary to 30°42'45.6"N., which is a line directly east from the seaward terminus of the Georgia/Florida boundary.

(3598) *Official sunrise* or *Official sunset* means the time of sunrise or sunset as determined for the date and location in The Nautical Almanac, prepared by the U.S. Naval Observatory.

(3599) *Pelagic longline* means a longline that is suspended by floats in the water column and that is not fixed to or in contact with the ocean bottom.

(3600) *Pelagic Sargassum* means the species Sargassum natans or S. fluitans, or a part thereof.

(3601) *Off Louisiana, Mississippi, and Alabama* means the waters in the Gulf other than off Florida and off Texas.

(3602) *Off North Carolina* means the waters in the South Atlantic from 36°34'55"N., which is a line directly east from the Virginia/North Carolina boundary, to a line extending in a direction of 135°34'55" from true north from the North Carolina/South Carolina boundary, as marked by the border station on Bird Island at 33°51'07.9"N., 78°32'32.6"W.

(3603) *Off South Carolina* means the waters in the South Atlantic from a line extending in a direction of 135°34'55" from true north from the North Carolina/South Carolina boundary, as marked by the border station on Bird Island at 33°51'07.9"N., 78°32'32.6"W., to a line extending in a direction of 104 from true north from the seaward terminus of the South Carolina/Georgia boundary.

(3604) *Off Texas* means the waters in the Gulf west of a rhumb line from 29°32.1'N., 93°47.7'W. to 26°11.4'N., 92°53'W., which line is an extension of the boundary between Louisiana and Texas.

(3605) *Pelagic Sargassum* means the species Sargassum natans or S. fluitans, or a part thereof.

(3606) *Penaeid shrimp trawler* means any vessel that is equipped with one or more trawl nets whose on-board or landed catch of brown, pink, or white shrimp (penaeid shrimp) is more than 1 percent, by weight, of all fish comprising its on-board or landed catch.

(3607) *Powerhead* means any device with an explosive charge, usually attached to a speargun, spear, pole, or stick, that fires a projectile upon contact.

(3608) *Processor* means a person who processes fish or fish products, or parts thereof, for commercial use or consumption.

(3609) *Purchase* means the act or activity of buying, trading, or bartering, or attempting to buy, trade, or barter.

(3610) *Red drum*, also called redfish, means *Sciaenops ocellatus*, or a part thereof.

(3611) *Red snapper* means *Lutjanus campechanus*, or a part thereof, one of the Gulf reef fish species.

(3612) *Regional Director (RD)*, for the purposes of this part, means the Director, Southeast Region, NMFS (see Table 1 of §600.502 of this chapter).

(3613) *Run-around gillnet* means a gillnet with a float line 1,000 yards (914 m) or less in length that, when used, encloses an area of water.

(3614) *SAFMC* means the South Atlantic Fishery Management Council.

(3615) *Sale or sell* means the act or activity of transferring property for money or credit, trading, or bartering, or attempting to so transfer, trade, or barter.

(3616) *Science and Research Director (SRD), for the purposes of this part*, means the Science and Research Director, Southeast Fisheries Science Center, NMFS (see Table 1 of Sec. 600.502 of this chapter).

(3617) *Sea bass pot* means a trap has six rectangular sides and does not exceed 25 inches (63.5 cm) in height, width, or depth.

(3618) *Shrimp* means one or more of the following species, or a part thereof:

(3619) (1) Brown shrimp, *Penaeus aztecus*.

(3620) (2) Pink shrimp, *Penaeus duorarum*.

(3621) (3) Rock shrimp, *Sicyonia brevirostris*.

(3622) (4) Royal red shrimp, *Pleoticus robustus*.

(3623) (5) Seabob shrimp, *Xiphopenaeus kroyeri*.

(3624) (6) White shrimp, *Penaeus setiferus*.

(3625) *Shrimp trawler* means any vessel that is equipped with one or more trawl nets whose on-board or landed catch of shrimp is more than 1 percent, by weight, of all fish comprising its on-board or landed catch.

(3626) *SMZ* means special management zone.

(3627) *South Atlantic* means the Atlantic Ocean off the Atlantic coastal states from the boundary between the MAFMC and the SAFMC, as specified in §600.105(b) of this chapter, to the line of demarcation between the Atlantic Ocean and the Gulf of Mexico, as specified in §600.105(c) of this chapter.

(3628) *South Atlantic snapper-grouper* means one or more of the species, or a part thereof, listed in Table 4 in Appendix A of this part.

(3629) *Stab net* means a gillnet, other than a long gillnet, or trammel net whose weight line sinks to the bottom and submerges the float line.

(3630) *Total length (TL)*, for the purposes of this part, means the straight-line distance from the tip of the snout to the tip of the tail (caudal fin), excluding any caudal filament, while the fish is lying on its side. The mouth of the fish may be closed and/or the tail may be squeezed together to give the greatest overall measurement. (See Figure 2 in Appendix C of this part.)

(3631) *Toxic chemical* means any substance, other than an allowable chemical, that, when introduced into the water, can stun, immobilize, or take marine life.

(3632) *Trammel net* means two or more panels of netting, suspended vertically in the water by a common float line and a common weight line, with one panel having a larger mesh size than the other(s), to entrap fish in a pocket of netting.

(3633) *Trip* means a fishing trip, regardless of number of days duration, that begins with departure from a dock, berth, beach, seawall, or ramp and that terminates with return to a dock, berth, beach, seawall, or ramp.

(3634) *Try net*, also called test net, means a net pulled for brief periods by a shrimp trawler to test for shrimp concentrations or determine fishing conditions (e.g., presence or absence of bottom debris, jellyfish, bycatch, seagrasses).

(3635) *Wahoo* means the species Acanthocybium solandri, or a part thereof, in the Atlantic.

(3636) *Wild live rock* means live rock other than aquacultured live rock.

(3637) *Wreckfish* means the species Polyprion americanus, or a part thereof, one of the South Atlantic snapper-grouper species.

§622.3 Relation to other laws and regulations.

(3638) (a) The relation of this part to other laws is set forth in §600.705 of this chapter and paragraphs (b) and (c) of this section.

(3639) (b) Except for regulations on allowable octocoral, Gulf and South Atlantic prohibited coral, and live rock, this part is intended to apply within the EEZ portions of applicable National Marine Sanctuaries and National Parks, unless the regulations governing such Sanctuaries or Parks prohibit their application. Regulations on allowable octocoral, Gulf and South Atlantic prohibited coral, and live rock do not apply within the EEZ portions of the following National Marine Sanctuaries and National Parks:

(3640) (1) Everglades National Park (36 CFR 7.45).

(3641) (2) Looe Key National Marine Sanctuary (15 CFR part 937).

(3642) (3) Fort Jefferson National Monument (36 CFR 7.27).

(3643) (4) Key Largo Coral Reef National Marine Sanctuary (15 CFR part 929).

(3644) (5) Biscayne National Park (16 U.S.C. 410gg).

(3645) (6) Gray's Reef National Marine Sanctuary (15 CFR Part 938).

(3646) (7) Monitor Marine Sanctuary (15 CFR part 924).

(3647) (c) For allowable octocoral, if a state has a catch, landing, or gear regulation that is more restrictive than a catch, landing, or gear regulation in this part, a person landing in such state allowable octocoral taken from the Gulf or South Atlantic EEZ must comply with the more restrictive state regulation.

(3648) (d) General provisions on facilitation of enforcement, penalties, and enforcement policy applicable to all domestic fisheries are set forth in §§600.730, 600.735, and §600.740 of this chapter, respectively.

(3649) (e) An activity that is otherwise prohibited by this part may be conducted if authorized as scientific research activity, exempted fishing, or exempted educational activity, as specified in §600.745 of this chapter.

§622.4 Permits and fees.

(3650) (a) *Permits required*. To conduct activities in fisheries governed in this part, valid Federal permits are required as follows:

(3651) (1) *Charter vessel/headboat permits*. (i) For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess, in or from the EEZ, species in any of the following species groups, a valid charter vessel/headboat permit for the species group must have been issued to the vessel and must be on board–

(3652) (A) Gulf coastal migratory pelagic fish.

(3653) (B) South Atlantic coastal migratory pelagic fish.

(3654) (C) Gulf reef fish.

(3655) (D) South Atlantic snapper-grouper.

(3656) (ii) See paragraph (r) of this section regarding a moratorium on Gulf charter vessel/headboat permits and the associated provisions.

(3657) (iii) See paragraph (r)(12) of this section for an explanation of the requirement for the new charter vessel/headboat permit for South Atlantic coastal migratory pelagic fish and for procedures for initial application and issuance of that permit.

(3658) (iv) A charter vessel or headboat may have both a charter vessel/headboat permit and a commercial vessel permit. However, when a vessel is operating as a charter vessel or headboat, a person aboard must adhere to the bag limits. See the definitions of "Charter vessel" and "Headboat" in §622.2 for an explanation of when vessels are considered to be operating as a charter vessel or headboat, respectively.

(3659) (E) Atlantic dolphin and wahoo. (See paragraph (a)(5) of this section for the requirements for operator permits in the dolphin and wahoo fishery.)

(3660) (2) *Commercial vessel permits and endorsements*—(i) *Fish traps in the Gulf*. For a person to possess or use a fish trap in the EEZ in the Gulf of Mexico, a commercial vessel permit for Gulf reef fish with a fish trap endorsement must have been issued to the vessel and must be on board. See paragraph (n) of this section regarding fish trap endorsements.

(3661) (ii) *Gillnets for king mackerel in the southern Florida west coast subzone*. For a person aboard a vessel to use a run-around gillnet for king mackerel in the southern Florida west coast subzone (see §622.42(c)(1)(i)(A)(3)), a commercial vessel permit for king mackerel with a gillnet endorsement must have been issued to the vessel and must be on board. See paragraph (o) of this section regarding a moratorium on endorsements for the use of gillnets for king mackerel in the southern Florida west coast subzone and restrictions on transferability of king mackerel gillnet endorsements.

(3662) (iii) *King mackerel*. For a person aboard a vessel to be eligible for exemption from the bag limits and to fish under a quota for king mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, a commercial vessel permit for king mackerel must have been issued to the vessel and must be on board. To obtain or renew a commercial vessel permit for king mackerel valid after April 30, 1999, at least 25 percent of the applicant's earned income, or at least $10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the 3 calendar years preceding the application. See paragraph (q) of this section regarding a moratorium on commercial vessel permits for king mackerel, initial permits under the moratorium, transfers of permits during the moratorium, and limited exceptions to the earned income or gross sales requirement for a permit..

(3663) (iv) *Spanish mackerel*. For a person aboard a vessel to be eligible for exemption from the bag limits and to fish under a quota for Spanish mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, a commercial vessel permit for Spanish mackerel must have been issued to the vessel and must be on board. To obtain or renew a commercial vessel permit for Spanish mackerel valid after April 30, 1999, at least 25 percent of the applicant's earned income, or at least $10,000, must have been derived from commercial fishing (i.e., harvest and first sale of fish) or from charter fishing during one of the 3 calender years preceding the application.

(3664) (v) *Gulf reef fish*. For a person aboard a vessel to be eligible for exemption from the bag limits, to fish under a quota, or to sell Gulf reef fish in or from the Gulf EEZ, a commercial vessel permit for Gulf reef fish must have been issued to the vessel and must be on board. To obtain or renew a commercial vessel permit for Gulf reef fish, more than 50 percent of the applicant's earned income must have been derived from commercial fishing, that is, sale of fish harvested from the applicant's vessels, or from charter or headboat operations during either of the 2 calendar years preceding the application. See paragraph (m) of this section regarding a moratorium on commercial vessel permits for Gulf reef fish and limited exceptions to the earned income requirement for a permit.

(3665) (vi) *South Atlantic snapper-grouper*. For a person aboard a vessel to be eligible for exemption from the bag limits for South Atlantic snapper-grouper in or from the South Atlantic EEZ, to engage in the directed fishery for tilefish in the South Atlantic EEZ, to use a longline to fish for South Atlantic snapper-grouper in the South Atlantic EEZ, or to use a sea bass pot in the South Atlantic EEZ between 35°15.3'N. lat. (due east of Cape Hatteras Light, NC) and 28°35.1'N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL), a commercial vessel permit for South Atlantic snapper-grouper must have been issued to the vessel and must be on board. A vessel with longline gear and more than 200 lb (90.7 kg) of tilefish on board is considered to be in the directed fishery for tilefish. It is a rebuttable presumption that a fishing vessel with more than 200 lb (90.7 kg) of tilefish on board harvested such tilefish in the EEZ. See §622.18 for limitations on the use, transfer, and renewal of a commercial vessel permit for South Atlantic snapper-grouper.

(3666) (vii) *Wreckfish*. For a person aboard a vessel to fish for wreckfish in the South Atlantic EEZ, possess wreckfish in or from the South Atlantic EEZ, offload wreckfish from the South Atlantic EEZ, or sell wreckfish in or from the South Atlantic EEZ, a commercial vessel permit for wreckfish must have been issued to the vessel and must be on board. To obtain a commercial vessel permit for wreckfish, the applicant must be a wreckfish shareholder; and either the shareholder must be the vessel owner or the owner or operator must be an employee, contractor, or agent of the shareholder. (See §622.15 for information on wreckfish shareholders.)

(3667) (viii) *South Atlantic rock shrimp*. (A) For a person aboard a vessel to fish for rock shrimp in the South Atlantic EEZ or possess rock shrimp in or from the South Atlantic EEZ, a commercial vessel permit for rock shrimp must be issued to the vessel and must be on board. (See paragraph (a)(5) of this section for the requirements for operator permits for the South Atlantic rock shrimp fishery.)

(3668) (B) In addition, effective July 15, 2003, for a person aboard a vessel to fish for rock shrimp in the South Atlantic EEZ off Georgia or off Florida or possess rock shrimp in or from the South Atlantic EEZ off Georgia or off Florida, a limited access endorsement for South Atlantic rock shrimp must be issued to the vessel and must be on board. See §622.19 for limitations on the issuance, transfer, renewal, and reissuance of a limited access endorsement for South Atlantic rock shrimp.

(3669) (ix) *Gulf red snapper*. For a person aboard a vessel for which a commercial vessel permit for Gulf reef fish has been issued to retain red snapper under the trip limits specified in §622.44(d)(1) or (2), a Class 1 or Class 2 Gulf red snapper license must have been issued to the vessel and must be on board. See paragraph (p) of ths section regarding initial issue of red snapper licenses.

(3670) (x) *South Atlantic golden crab*. For a person aboard a vessel to fish for golden crab in the South Atlantic EEZ, possess golden crab in or from the South Atlantic EEZ, off-load golden crab from the South Atlantic EEZ, or sell golden crab in or from the South Atlantic EEZ, a commercial vessel permit for golden crab must be issued to the vessel and must be on board. It is a rebuttable presumption that a golden crab on board a vessel in the South Atlantic or off-loaded from a vessel in a port adjoining the South Atlantic was harvested from the South Atlantic EEZ. See §622.17 for limitations on the use, transfer, and renewal of a commercial vessel permit for golden crab.

(3671) (xi) *Gulf Shrimp*. For a person aboard a vessel to fish for shrimp in the Gulf EEZ or possess shrimp in or from the Gulf EEZ, a valid commercial vessel permit for Gulf shrimp must have been issued to the vessel and must be on board.

(3672) (xii) *Atlantic dolphin and wahoo*. (A) For a person aboard a vessel to be eligible for exemption from the bag and possession limits for dolphin or wahoo in or from the Atlantic EEZ or to sell such dolphin or wahoo, a commercial vessel permit for Atlantic dolphin and wahoo must be issued to the vessel and must be on board, except as provided in paragraph (a)(2)(xii)(B) of the section. (See paragraph (a)(5) of this section for the requirements for operator permits in the Atlantic dolphin and wahoo fishery).

(3673) (B) The provisions of paragraph (a)(2)(xii)(A) of this section notwithstanding, a fishing vessel, except a vessel operating as a charter vessel or headboat, that does not have a commercial vessel permit for Atlantic dolphin and wahoo but has a Federal commercial vessel permit in any other fishery, is exempt from the bag and possession limits for dolphin and wahoo and may sell

dolphin and wahoo, subject to the trip and geographical limits specified in §622.44(f)(2). (A charter vessel/headboat permit is not a commercial vessel permit.)

(3674) (3) *Coral permits*—(i) *Allowable chemical*. For an individual to take or possess fish or other marine organisms with an allowable chemical in a coral area, other than fish or other marine organisms that are landed in Florida, a Federal allowable chemical permit must have been issued to the individual. Such permit must be available when the permitted activity is being conducted and when such fish or other marine organisms are possessed, through landing ashore.

(3675) (ii) *Allowable octocoral*. For an individual to take or possess allowable octocoral in the Gulf or South Atlantic EEZ, other than allowable octocoral that is landed in Florida, a Federal allowable octocoral permit must have been issued to the individual. Such permit must be available for inspection when the permitted activity is being conducted and when allowable octocoral is possessed, through landing ashore.

(3676) (iii) *Aquacultured live rock*. For a person to take or possess aquacultured live rock in the Gulf or South Atlantic EEZ, a Federal aquacultured live rock permit must have been issued for the specific harvest site. Such permit, or a copy, must be on board a vessel depositing or possessing material on an aquacultured live rock site or harvesting or possessing live rock from an aquacultured live rock site.

(3677) (iv) *Prohibited coral*. A Federal permit may be issued to take or possess Gulf and South Atlantic prohibited coral or Caribbean prohibited coral only as scientific research activity, exempted fishing, or exempted educational activity. See §600.745 of this chapter for the procedures and limitations for such activities and fishing.

(3678) (v) *Florida permits*. Appropriate Florida permits and endorsements are required for the following activities, without regard to whether they involve activities in the EEZ or Florida's waters:

(3679) (A) Landing in Florida fish or other marine organisms taken with an allowable chemical in a coral area.

(3680) (B) Landing allowable octocoral in Florida.

(3681) (C) Landing live rock in Florida..

(3682) (4) *Dealer permits*. For a dealer to receive Gulf reef fish, golden crab harvested from the South Atlantic EEZ, South Atlantic snapper-grouper, rock shrimp harvested from the South Atlantic EEZ, dolphin or wahoo harvested from the Atlantic EEZ, or wreckfish, a dealer permit for Gulf reef fish, golden crab, South Atlantic snapper-grouper, rock shrimp, Atlantic dolphin and wahoo, or wreckfish, respectively, must be issued to the dealer. To obtain a dealer permit, the applicant must have a valid state wholesaler's license in the state(s) where the dealer operates, if required by such states(s), and must have physical facility at a fixed location in such state(s).

(3683) (5) *Operator permits*. (i) The following persons are required to have operator permits:

(3684) (A) An operator of a vessel that has or is required to have a valid permit for South Atlantic rock shrimp issued under this section.

(3685) (B) An operator of a vessel that has or is required to have a charter vessel/headboat or commercial permit for Atlantic dolphin and wahoo issued under this section.

(3686) (ii) A person required to have an operator permit under paragraph (a)(5)(i) of this section must carry on board such permit and one other form of personnel identification that includes a picture (driver's license, passport, etc.).

(3687) (iii) An owner of a vessel that is required to have a permitted operator under paragraph (a)(5)(i) of this section must ensure that at least one person with a valid operator permit is aboard while the vessel is at sea or offloading.

(3688) (iv) An owner of a vessel that is required to have a permitted operator under paragraph (a)(5)(i) of this section and the operator of such vessel are responsible for ensuring that a person whose operator permit is suspended, revoked, or modified pursuant to subpart D of 15 CFR part 904 is not aboard that vessel.

(3689) (b) *Applications for permits*. Application forms for all permits are available from the RA. Completed application forms and all required supporting documents must be submitted to the RA at least 30 days prior to the date on which the applicant desires to have the permit made effective. All vessel permits are mailed to owners, whether the applicant is an owner or an operator.

(3690) (1) *Coral permits*. (i) The applicant for a coral permit must be the individual who will be conducting the activity that requires the permit. In the case of a corporation or partnership that will be conducting live rock aquaculture activity, the applicant must be the principal shareholder or a general partner.

(3691) (ii) An applicant must provide the following:

(3692) (A) Name, address, telephone number, and other identifying information of the applicant.

(3693) (B) Name and address of any affiliated company, institution, or organization.

(3694) (C) Information concerning vessels, harvesting gear/methods, or fishing areas, as specified on the application form.

(3695) (D) Any other information that may be necessary for the issuance or administration of the permit.

(3696) (E) If applying for an aquacultured live rock permit, identification of each vessel that will be depositing material on or harvesting aquacultured live rock from

the proposed aquacultured live rock site, specification of the port of landing of aquacultured live rock, and a site evaluation report prepared pursuant to generally accepted industry standards that—

(3697) (1) Provides accurate coordinates of the proposed harvesting site so that it can be located using LORAN or Global Positioning System equipment;

(3698) (2) Shows the site on a chart in sufficient detail to determine its size and allow for site inspection;

(3699) (3) Discusses possible hazards to safe navigation or hindrance to vessel traffic, traditional fishing operations, or other public access that may result from aquacultured live rock at the site;

(3700) (4) Describes the naturally occurring bottom habitat at the site; and

(3701) (5) Specifies the type and origin of material to be deposited on the site and how it will be distinguishable from the naturally occurring substrate.

(3702) (2) *Dealer permits*. (i) The application for a dealer permit must be submitted by the owner (in the case of a corporation, an officer or shareholder; in the case of a partnership, a general partner).

(3703) (ii) An applicant must provide the following:

(3704) (A) A copy of each state wholesaler's license held by the dealer.

(3705) (B) Name, address, telephone number, date the business was formed, and other identifying information of the business.

(3706) (C) The address of each physical facility at a fixed location where the business receives fish.

(3707) (D) Name, address, telephone number, other identifying information, and official capacity in the business of the applicant.

(3708) (E) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(3709) (3) *Vessel permits*. (i) The application for a commercial vessel permit, other than for wreckfish, or for a charter vessel/headboat permit must be submitted by the owner (in the case of a corporation, an officer or shareholder; in the case of a partnership, a general partner) or operator of the vessel. A commercial vessel permit that is issued based on the earned income qualification of an operator is valid only when that person is the operator of the vessel. The applicant for a commercial vessel permit for wreckfish must be a wreckfish shareholder.

(3710) (ii) An applicant must provide the following:

(3711) (A) A copy of the vessel's valid USCG certificate of documentation or, if not documented, a copy of its valid state registration certificate.

(3712) (B) Vessel name and official number.

(3713) (C) Name, address, telephone number, and other identifying information of the vessel owner and of the applicant, if other than the owner.

(3714) (D) Any other information concerning the vessel, gear characteristics, principal fisheries engaged in, or fishing areas, as specified on the application form.

(3715) (E) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(3716) (F) If applying for a commercial vessel permit, documentation, as specified in the instructions accompanying each application form, showing that applicable eligibility requirements of paragraph (a)(2) of this section have been met.

(3717) (G) If a fish trap or sea bass pot will be used, the number, dimensions, and estimated cubic volume of the traps/pots that will be used and the applicant's desired color code for use in identifying his or her vessel and buoys (white is not an acceptable color code).

(3718) (4) *Operator permits*. An applicant for an operator permit must provide the following:

(3719) (i) Name, address, telephone number, and other identifying information specified on the application.

(3720) (ii) Two recent (no more than 1-yr old), color, passport-size photographs.

(3721) (iii) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(3722) (c) *Change in application information*. The owner or operator of a vessel with a permit, a person with a coral permit, a person with an operator permit, or a dealer with a permit must notify the RA within 30 days after any change in the application information specified in paragraph (b) of this section. The permit is void if any change in the information is not reported within 30 days.

(3723) (d) *Fees*. A fee is charged for each permit application submitted under paragraph (b) of this section or under §622.17(d) and for each fish trap or sea bass pot identification tag required under §622.6(b)(1)(i). The amount of each fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the RA, for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application or request for fish trap/sea bass pot identification tags.

(3724) (e) *Initial issuance*. (1) The RA will issue an initial permit at any time to an applicant if the application is complete and the specific requirements for the requested permit have been met. An application is complete when all requested forms, information, and documentation have been received.

(3725) (2) Upon receipt of an incomplete application, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the RA's letter of notification, the application will be considered abandoned.

(3726) (f) *Duration*. A permit remains valid for the period specified on it unless it is revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904 or, in the case of a vessel or dealer permit, the vessel or dealership is sold.

(3727) (g) *Transfer*–(1) *Vessel permits, licenses, and endorsements and dealer permits*. A vessel permit, license, or endorsement or a dealer permit issued under this section is not transferable or assignable, except as provided in paragraph (m) of this section for a commercial vessel permit for Gulf reef fish, in paragraph (n) of this section for a fish trap endorsement, in paragraph (o) of this section for a Gulf king mackerel gillnet endorsement, in paragraph (p) of this section for a red snapper license, in paragraph (q) of this section for a king mackerel permit, in paragraph ®) of this section for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish, in §622.17(c) for a commercial vessel permit for golden crab, in §622.18(e) for a commercial vessel permit for South Atlantic snapper-grouper, or in §622.19(e) for a commercial vessel permit for South Atlantic rock shrimp. A person who acquires a vessel or dealership who desires to conduct activities for which a permit, license, or endorsement is required must apply for a permit, license, or endorsement in accordance with the provisions of this section. If the acquired vessel or dealership is currently permitted, the application must be accompanied by the original permit and a copy of a signed bill of sale or equivalent acquisition papers.

(3728) (2) *Operator permits*. An operator permit is not transferable.

(3729) (h) *Renewal*–(1) *Vessel permits, licenses, and endorsements and dealer permits*. Although a vessel permit, license, or endorsement or a dealer permit required by this section is issued on an annual basis, an application for its renewal is required only every 2 years. In the interim years, renewal is automatic (without application) for a vessel owner or a dealer who has met the specific requirements for the requested permit, license, or endorsement; who has submitted all reports required under the Magnuson-Stevens Act; and who is not subject to a sanction or denial under paragraph (j) of this section. An owner or dealer whose permit, license, or endorsement is expiring will be mailed a notification by the RA approximately 2 months prior to its expiration. That notification will advise the status of the renewal. That is, the notification will advise that the renewal will be issued without further action by the owner or dealer (automatic renewal); that the permit, license, or endorsement is ineligible for automatic renewal; or that a new application is required.

(3730) (i) *If eligible for automatic renewal*. If the RA's notification indicates that the owner's or dealer's permit, license, or endorsement is eligible for automatic renewal, the RA will mail the automatically renewed permit, license, or endorsement approximately 1 month prior to expiration of the old permit, license, or endorsement. An operator of a vessel in a fishery in which an operator permit is required must present his/her operator permit and one other form of personal identification that includes a picture (driver's license, passport, etc.) for inspection upon the request of an authorized officer.

(3731) (ii) *If ineligible for automatic renewal*. If the RA's notification indicates that the owner's or dealer's permit, license, or endorsement is ineligible for automatic renewal, the notification will specify the reasons and will provide an opportunity for correction of any deficiencies. If the owner or dealer does not correct such deficiencies within 60 days after the date of the RA's notification, the renewal will be considered abandoned. A permit, license, or endorsement that is not renewed with the applicable deadline will not be reissued.

(3732) (iii) *If new application is required*. If the RA's notification indicates that a new application is required, the notification will include a preprinted renewal application. If the RA receives an incomplete application, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the RA's letter of notification, the application will be considered abandoned. A permit, license, or endorsement that is not renewed within the applicable deadline will not be reissued.

(3733) (iv) *If notification is not received*. A vessel owner or dealer must contact the RA if he/she does not receive a notification from the RA regarding status of renewal of a permit, license, or endorsement by 45 days prior to expiration of the current permit.

(3734) (2) *Operator permits*. An operator permit required by this section is issued for a period not longer than 3 years. A permit not renewed immediately upon its expiration would expire at the end of the operator's birth month that is between 2 and 3 years after issuance. For renewal, a new application must be submitted in accordance with paragraph (b)(4) of this section.

(3735) (i) *Display*. A vessel permit, license, or endorsement issued under this section must be carried on board the vessel. A dealer permit issued under this section, or a copy thereof, must be available on the dealer's premises. In addition, a copy of the dealer's permit must accompany each vehicle that is used to pick up from a fishing vessel reef fish harvested from the Gulf

EEZ. The operator of a vessel must present the vessel permit, license, or endorsement for inspection upon the request of an authorized officer. A dealer or a vehicle operator must present the permit or a copy for inspection upon the request of an authorized officer. An operator of a vessel in the South Atlantic rock shrimp fishery must present his/her operator permit and one other form of personal identification that includes a picture (driver's license, passport, etc.) for inspection upon the request of an authorized officer.

(3736) (j) *Sanctions and denials*. (1) A permit, license, or endorsement issued pursuant to this section may be revoked, suspended, or modified, and a permit, license, or endorsement application may be denied, in accordance with the procedures governing enforcement-related permit sanctions and denials found at subpart D of 15 CFR part 904.

(3737) (2) A person whose operator permit is suspended, revoked, or modified may not be aboard any fishing vessel subject to Federal fishing regulations in any capacity, if so sanctioned by NOAA, while the vessel is at sea or offloading. The vessel's owner and operator are responsible for compliance with this measure. A list of operators whose permits are revoked or suspended may be obtained from the RA.

(3738) (k) *Alteration*. A permit that is altered, erased, or mutilated is invalid.

(3739) (1) *Replacement*. A replacement permit, license, or endorsement may be issued. An application for a replacement permit, license, or endorsement is not considered a new application. An application for a replacement operator permit must include two new photographs, as specified in paragraph (b)(4)(ii) of this section.

(3740) (m) *Moratorium on commercial vessel permits for Gulf reef fish*. The provisions of this paragraph (m) are applicable through December 31, 2005.

(3741) (1) No applications for additional commercial vessel permits for Gulf reef fish will be accepted. Existing vessel permits may be renewed, are subject to the restrictions on transfer or change in paragraphs (m)(2) through (5) of this section, and are subject to the requirement for timely renewal in paragraph (m)(6) of this section.

(3742) (2) An owner of a permitted vessel may transfer the commercial vessel permit for Gulf reef fish to another vessel owned by the same entity.

(3743) (3) An owner whose earned income qualified for the commercial vessel permit for Gulf reef fish may transfer the permit to the owner of another vessel, or to the new owner when he or she transfers ownership of the permitted vessel. Such owner of another vessel, or new owner, may receive a commercial vessel permit for Gulf reef fish for his or her vessel, and renew it through April 15 following the first full calendar year after obtaining it, without meeting the earned income requirement of paragraph (a)(2)(v) of this section. However, to further renew the commercial vessel permit, the owner of the other vessel, or new owner, must meet the earned income requirement not later than the first full calendar year after the permit transfer takes place.

(3744) (4) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may transfer the permit to the income qualifying operator when such operator becomes an owner of a vessel.

(3745) (5) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may have the operator qualification on the permit removed, and renew it without such qualification through April 15 following the first full calendar year after removing it, without meeting the earned income requirement of paragraph (a)(2)(v) of this section. However, to further renew the commercial vessel permit, the owner must meet the earned income requirement not later than the first full calendar year after the operator qualification is removed. To have an operator qualification removed from a permit, the owner must return the original permit to the RA with an application for the changed permit.

(3746) (6) A commercial vessel permit for Gulf reef fish that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal is not received by the RA within 1 year of the expiration date of the permit.

(3747) (n) *Endorsements for fish traps in the Gulf*. The provisions of this paragraph (n) are applicable through February 7, 2007. After February 7, 2007, no fish trap endorsements are valid.

(3748) (1) Only those fish trap endorsements that are valid on February 7, 1997, may be renewed. Such endorsements are subject to the restrictions on transfer in paragraphs (n)(2) and (3) of this section and are subject to the requirement for timely renewal in paragraph (n)(5) of this section.

(3749) (2) Through February 7, 1999, a fish trap endorsement may be transferred only to a vessel that has a commercial permit for reef fish.

(3750) (3) After February 7, 1999, a fish trap endorsement is not transferable except as follows:

(3751) (i) An owner of a vessel with a fish trap endorsement may transfer the endorsement to another vessel owned by the same entity.

(3752) (ii) A fish trap endorsement is transferable upon a change of ownership of a permitted vessel with such endorsement from one to another of the following:

Husband, wife, son, daughter, brother, sister, mother, or father.

(3753) (iii) When a change of ownership of a vessel with a fish trap endorsement is directly related to the disability or death of the owner, the RA may issue such endorsement, temporarily or permanently, with the commercial vessel permit for Gulf reef fish that is issued for the vessel under the new owner. Such new owner will be the person specified by the owner or his/her legal guardian, in the case of a disabled owner, or by the will or executor/administrator of the estate, in the case of a deceased owner. (Paragraphs (m)(3) and (4) of this section apply for the transfer of a commercial vessel permit for Gulf reef fish upon disability or death of an owner.)

(3754) (iv) A fish trap endorsement may be transferred to a vessel with a commercial vessel permit for Gulf reef fish whose owner has a record of landings of reef fish from fish traps in the Gulf EEZ, as reported on fishing vessel logbooks received by the SRD, from November 20, 1992, through February 6, 1994, and who was unable to obtain a fish trap endorsement for the vessel with the reported landings.

(3755) (4) The owner of a vessel that is to receive a transferred endorsement must return the originals of the endorsed commercial vessel permit for Gulf reef fish and the unendorsed permit to the RA with an application for a fish trap endorsement for his or her vessel.

(3756) (5) A fish trap endorsement that is not renewed or that is revoked will not be reissued. Such endorsement is considered to be not renewed when an application for renewal is not received by the RA within 1 year of the expiration date of the permit.

(3757) (o) *Moratorium on endorsements for the use of gillnets for king mackerel in the southern Florida west coast subzone.* (1) An initial king mackerel gillnet endorsement will be issued only if—

(3758) (i) The vessel owner was the owner of a vessel with a commercial mackerel permit with a gillnet endorsement on or before October 16, 1995; and

(3759) (ii) The vessel owner was the owner of a vessel that had gillnet landings of Gulf migratory group king mackerel in one of the two fishing years, July 1, 1995, through June 30, 1996, or July 1, 1996, through June 30, 1997. Such landings must have been documented by NMFS or by the Florida Department of Environmental Protection trip ticket system as of December 31, 1997. Only landings when a vessel had a valid commercial permit for king mackerel with a gillnet endorsement and only landings that were harvested, landed, and sold in compliance with state and Federal regulations may be used to establish eligibility.

(3760) (2) Paragraphs (o)(1)(i) and (o)(1)(ii) of this section notwithstanding, the owner of a vessel that received a commercial king mackerel permit through transfer, between March 4, 1998, and March 28, 2000, from a vessel that met the eligibility requirements in paragraphs (o)(1)(i) and (o)(1)(ii) also qualifies for an initial king mackerel gillnet endorsement.

(3761) (3) To obtain an initial king mackerel gillnet endorsement under the moratorium, an owner or operator of a vessel that does not have a king mackerel gillnet endorsement on March 28, 2000, must submit an application to the RA, postmarked or hand delivered not later than June 26, 2000. Except for applications for renewals of king mackerel gillnet endorsements, no applications for king mackerel gillnet endorsements will be accepted after June 26, 2000. Application forms are available from the RA.

(3762) (4) The RA will not issue an owner more initial king mackerel gillnet endorsements under the moratorium than the number of vessels with king mackerel gillnet endorsements that the owner owned simultaneously on or before October 16, 1995.

(3763) (5) An owner of a vessel with a king mackerel gillnet endorsement issued under this moratorium may transfer that endorsement upon a change of ownership of a permitted vessel with such endorsement from one to another of the following: Husband, wife, son, daughter, brother, sister, mother, or father. Such endorsement also may be transferred to another vessel owned by the same entity.

(3764) (6) A king mackerel gillnet endorsement that is not renewed or that is revoked will not be reissued. An endorsement is considered to be not renewed when an application for renewal is not received by the RA within 1 year after the expiration date of the permit that includes the endorsement.

(3765) (p) *Gulf red snapper licenses*—(1) *Class 1 licenses*. To be eligible for the 2,000-lb (907-kg) trip limit for Gulf red snapper specified in §622.44(e)(1), a vessel must have been issued both a valid commercial vessel permit for Gulf reef fish and a valid Class 1 Gulf red snapper license, and such permit and license must be on board.

(3766) (2) *Class 2 licenses*. To be eligible for the 200-lb (91-kg) trip limit for Gulf red snapper specified in §622.44(e)(2), a vessel must have been issued both a valid commercial vessel permit for Gulf reef fish and a valid Class 2 Gulf red snapper license, and such permit and license must be on board.

(3767) (3) *Operator restriction*. An initial Gulf red snapper license that is issued for a vessel based on the qualification of an operator or historical captain is valid only when that operator or historical captain is the operator of the vessel. When applicable, this operator restriction is shown on the license.

(3768) (4) *Transfer of Gulf red snapper licenses*. A red snapper license may be transferred independently of a commercial vessel permit for Gulf reef fish. To request the transfer of a red snapper license, complete the transfer information on the reverse of the license and return it to the RA.

(3769) (5) *Initial issue of Gulf red snapper licenses*—(i) *Class 1 licenses*. (A) An initial Class 1 license will be issued for the vessel specified by the holder of a valid red snapper endorsement on March 1, 1997, and to a historical captain. In the event of death or disability of such holder between March 1, 1997, and the date Class 1 licenses are issued, a Class 1 license will be issued for the vessel specified by the person to whom the red snapper endorsement was transferred.

(3770) (B) Status as a historical captain is based on information collected under Amendment 9 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) (59 FR 39301, August 2, 1994). A historical captain is an operator who—

(3771) (1) From November 6, 1989, through 1993, fished solely under verbal or written share agreements with an owner, and such agreements provided for the operator to be responsible for hiring the crew, who was paid from the share under his or her control;

(3772) (2) Landed from that vessel at least 5,000 lb (2,268 kg) of red snapper per year in 2 of the 3 years 1990, 1991, and 1992;

(3773) (3) Derived more than 50 percent of his or her earned income from commercial fishing, that is, sale of the catch, in each of the years 1989 through 1993; and

(3774) (4) Landed red snapper prior to November 7, 1989.

(3775) (ii) *Class 2 licenses*. (A) An initial Class 2 license will be issued for the vessel specified by an owner or operator whose income qualified for a commercial vessel permit for reef fish that was valid on March 1, 1997, and such owner or operator was the person whose earned income qualified for a commercial vessel permit for reef fish that had a landing of red snapper during the period from January 1, 1990, through February 28, 1997.

(3776) (B) For the purpose of paragraph (p)(5)(ii)(A) of this section, landings of red snapper are as recorded in the information collected under Amendment 9 to the FMP (59 FR 39301, August 2, 1994) for the period 1990 through 1992 and in fishing vessel logbooks, as required under §622.5(a)(1)(ii), received by the SRD not later than March 31, 1997, for the period from January 1, 1993, through February 28, 1997.

(3777) (C) A vessel's red snapper landings record during the period from January 1, 1990, through February 28, 1997, is retained by the owner at the time of the landings if the vessel's permit was transferred to another vessel owned by him or her. When a vessel has had a change of ownership and concurrent transfer of its permit, the vessel's red snapper landings record is credited to the owner of that vessel on March 1, 1997, unless there is a legally binding agreement under which a previous owner retained the landings record. An owner who claims such retention of a landings record must submit a copy of the agreement to the RA postmarked or hand delivered not later than January 30, 1998. However, an owner who submits a copy of such agreement after January 6, 1998, is not assured that a red snapper license will be issued before the opening of the commercial fishery for red snapper on February 1, 1998.

(3778) (6) *Implementation procedures*—(i) *Initial notification*. The RA will notify each owner of a vessel that had a valid permit for Gulf reef fish on March 1, 1997, each operator whose earned income qualified for a valid permit on that date, and each potential historical captain of his or her eligibility for a Class 1 or Class 2 red snapper license. Initial determinations of eligibility will be based on NMFS' records of red snapper endorsements, red snapper landings during the period from January 1, 1990, through February 28, 1997, and applications for historical captain status under Amendment 9 to the FMP (59 FR 39301, August 2, 1994). An owner, operator, or potential historical captain who concurs with NMFS' initial determination of eligibility need take no further action. Each owner, operator, and historical captain who is initially determined to be eligible will be issued an appropriate license not later than January 23, 1998.

(3779) (ii) *Reconsideration*. (A) An owner, operator, or potential historical captain who does not concur with NMFS' initial determination of eligibility for historical captain status or for a Class 2 red snapper license may request reconsideration of that initial determination by the RA.

(3780) (B) A written request for reconsideration must be submitted to the RA postmarked or hand delivered not later than February 10, 1998, and must provide written documentation supporting the basis for reconsideration. However, an owner who submits such request after January 13, 1998, is not assured that a red snapper license will be issued before the opening of the commercial fishery for red snapper on February 1, 1998. Upon request by the owner, operator, or potential historical captain, the RA will forward the initial determination, the request for reconsideration, and pertinent records to a committee consisting of the principal state officials who are members of the GMFMC, or their designees. An owner, operator, or potential historical captain may request to make a personal appearance before the committee in his or her request for reconsideration. If an owner, operator, or potential historical

captain requests that his or her request be forwarded to the committee, such a request constitutes the applicant's written authorization under section 402(b)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) for the RA to make available to the committee members such confidential catch and other records as are pertinent to the matter under reconsideration.

(3781) (C) Members of the committee will provide their individual recommendations for each application for reconsideration referred to the committee to the RA. The committee may only deliberate whether the eligibility criteria specified in paragraph (p)(5) of this section were applied correctly in the applicant's case, based solely on the available record, including documentation submitted by the applicant. Neither the committee nor the RA may consider whether a person should have been eligible for historical captain status or a Class 2 license because of hardship or other factors. The RA will make a final decision based on the initial eligibility criteria in paragraph (p)(5) of this section and the available record, including documentation submitted by the applicant, and, if the request is considered by the committee, the recommendations and comments from each member of the committee. The RA will notify the applicant of the decision and the reason therefore, in writing, within 15 days of receiving the recommendations of the committee members. If the application is not considered by the committee, the RA will provide such notification within 15 days of the RA's receipt of the request for reconsideration. The RA's decision will constitute the final administrative action by NMFS on an application for reconsideration.

(3782) (q) Moratorium on commercial vessel permits for king mackerel. This paragraph (q) is effective through October 15, 2005.

(3783) (1) No applications for additional commercial vessel permits for king mackerel will be accepted. Existing vessel permits may be renewed, are subject to the restrictions on transfer or change in paragraphs (q)(2) through (q)(5) of this section, and are subject to the requirement for timely renewal in paragraph (q)(6) of this section.

(3784) (2) An owner of a permitted vessel may transfer the commercial vessel permit for king mackerel issued under this moratorium to another vessel owned by the same entity.

(3785) (3) An owner whose percentage of earned income or gross sales qualified him/her for the commercial vessel permit for king mackerel issued under the moratorium may request that NMFS transfer that permit to the owner of another vessel, or to the new owner when he or she transfers ownership of the permitted vessel. Such owner of another vessel, or new owner, may receive a commercial vessel permit for king mackerel for his or her vessel, and renew it through April 15 following the first full calendar year after obtaining it, without meeting the percentage of earned income or gross sales requirement of paragraph (a)(2)(iii) of this section. However, to further renew the commercial vessel permit, the owner of the other vessel, or new owner, must meet the earned income or gross sales requirement not later than the first full calendar year after the permit transfer takes place.

(3786) (4) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may request that NMFS transfer the permit to the income-qualifying operator when such operator becomes an owner of a vessel.

(3787) (5) An owner of a permitted vessel, the permit for which is based on an operator's earned income and, thus, is valid only when that person is the operator of the vessel, may have the operator qualification on the permit removed, and renew it without such qualification through April 15 following the first full calendar year after removing it, without meeting the earned income or gross sales requirement of paragraph (a)(2)(iii) of this section. However, to further renew the commercial vessel permit, the owner must meet the earned income or gross sales requirement not later than the first full calendar year after the operator qualification is removed. To have an operator qualification removed from a permit, the owner must return the original permit to the RA with an application for the changed permit.

(3788) (6) NMFS will not reissue a commercial vessel permit for king mackerel if the permit is revoked or if the RA does not receive an application for renewal within 1 year of the permit's expiration date.

(3789) (r) *Moratorium on charter vessel/headboat permits for Gulf coastal migratory pelagic fish and Gulf reef fish*. The provisions of this paragraph (r) are applicable through June 16, 2006. Notwithstanding the other provisions of this paragraph (r), the expiration dates of all charter vessel/headboat permits for Gulf reef fish or Gulf coastal migratory pelagic fish that were not issued under the provision of this paragraph ®) and that were valid or renewable as of December 17, 2002, will be extended through November 13, 2003, provided that a permit has not been issued under this paragraph ®) for the applicable vessel.

(3790) (1) *Applicability*. Beginning November 13, 2003, the only valid charter vessel/headboat permits for Gulf coastal migratory pelagic fish or Gulf reef fish are those that have been issued under the moratorium criteria in this paragraph (r). No applications for additional charter vessel/headboat permits for these fisheries will be

accepted. Existing permits may be renewed, are subject to the transferability provisions in paragraph (r)(9) of this section, and are subject to the requirement for timely renewal in paragraph (r)(10) of this section.

(3791) (2) *Initial eligibility*. Initial eligibility for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish is limited to the following:

(3792) (i) An owner of a vessel that had a valid charter vessel/headboat permit for Gulf reef fish or coastal migratory pelagic fish on March 29, 2001, or held such a permit during the preceding year or whose application for such permit had been received by NMFS, by March 29, 2001, and was being processed or awaiting processing.

(3793) (ii) Any person who can provide NMFS with documentation verifying that, prior to March 29, 2001, he/she had a charter vessel or head/boat under construction and that the associated expenditures were at least $5,000 as of that date. If the vessel owner was constructing the vessel, the vessel owner must provide NMFS with receipts for the required expenditures. If the vessel was being constructed by someone other than the owner, the owner must provide NMFS with a copy of the contract and/or receipts for the required expenditures.

(3794) (iii) A historical captain, defined for the purposes of paragraph (r) of this section as a person who provides NMFS with documentation verifying that

(3795) (A) Prior to March 29, 2001, he/she was issued either a USCG Operator of Uninspected Passenger Vessel license (commonly referred to as a 6–pack license) or a USCG Masters license; operated, as a captain, a federally permitted charter vessel or headboat in the Gulf reef fish and /or coastal migratory pelagic fisheries; but does not have a fishery permit issued in their name; and

(3796) (B) At least 25 percent of his/her earned income was derived from charter vessel or headboat fishing in one of the years, 1997, 1998, 1999, or 2000.

(3797) (3) *Special conditions applicable to eligibility based on historical captain status*. A person whose eligibility is based on historical captain status will be issued a letter of eligibility by the RA. The letter of eligibility may be redeemed through the RA for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish, with a historical captain endorsement. The letter of eligibility is valid for the duration of the moratorium; is valid only for a vessel of the same or lesser authorized passenger capability as the vessel used to document earned income in paragraph (r)(2)(iii)(B) of this section; and is valid only for the fisheries certified on the application under paragraph (r)(2)(iii)(A) of this section. A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish with a historical captain endorsement is valid only on a vessel that the historical captain operates as a captain.

(3798) (4) *Determination of eligibility based on permit history*. NMFS' permit records are the sole basis for determining eligibility based on permit or application history. An owner of a currently permitted vessel who believes he/she meets the permit or application history criterion based on ownership of a vessel under a different name, as may have occurred when ownership has changed from individual to corporate or vice versa, must document his/her continuity of ownership. An owner will not be issued initial charter vessel/headboat permits for Gulf coastal migratory pelagic fish or Gulf reef fish under the moratorium in excess of the number of federally permitted charter vessels and/or headboats that he/she owned simultaneously at some time during the period March 29, 2000 through March 29, 2001.

(3799) (5) *Application requirements and procedures*–(i) *General*. An applicant who desires a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish must submit an application for such permit to the RA postmarked or hand-delivered not later than September 15, 2003. Application forms are available from the RA. The information requested on the application form varies according to the eligibility criterion that the application is based upon as indicated in paragraphs (r)(5)(ii), (r)(5)(iii), and (r)(5)(iv) of this section; however, all applicants must provide a copy of the applicable, valid USCG Operator of Uninspected Passenger Vessel license or Masters license and valid USCG Certificate of Inspection. Failure to apply in a timely manner will preclude permit issuance even when the applicant meets the eligibility criteria for such permit.

(3800) (ii) *Application based on the prior permit/application history criterion*. On or about June 16, 2003, the RA will mail an application for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish to each owner of a vessel who, according to NMFS' permit records, is eligible based on the permit or application history criterion in paragraph (r)(2)(i) of this section. Information requested on the application is consistent with the standard information required in paragraph (b)(3)(ii) of this section. The RA will also mail each such owner a notice that his/her existing charter vessel/headboat permit(s) for coastal migratory pelagic fish and/or Gulf reef fish will expire November 13, 2003, and that the new permit(s) required under this moratorium will be required as of that date. A vessel owner who believes he/she qualifies for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on permit or application history, but who does not receive an application from the RA, must request

an application from the RA and provide documentation of eligibility. The RA will mail applications and notifications to vessel owner addresses as indicated in NMFS' permit records.

(3801) (iii) *Application based on a charter vessel/headboat under construction prior to March 29, 2001*. A person who intends to obtain a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on the vessel-under-construction eligibility criterion in paragraph (r)(2)(ii) of this section must obtain an application from the RA Information requested on the application includes the standard information required in paragraph (b)(3)(ii) of this section and the documentation of construction and associated costs as specified in paragraph (r)(2)(ii) of this section.

(3802) (iv) *Application based on historical captain status*. A person who intends to obtain a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on historical captain status must obtain an application from the RA. Information requested on the application includes the standard information required in paragraph (b)(3)(ii) of this section and documentation of the criteria specified in paragraphs (r)(2)(iii)(A) and (B) of this section. Such documentation includes income tax records pertinent to verifying earned income; a copy of the applicable USCG license and/or Certificate of Inspection; and a notarized affidavit signed by a vessel owner certifying the period the applicant served as captain of a charter vessel or headboat permitted for Gulf reef fish and/or coastal migratory pelagic fish whether the charter vessel or headboat was permitted for Gulf reef fish or coastal migratory pelagic fish or both, and whether the charter vessel or headboat was uninspected (i.e., 6–pack) or had a USCG Certificate of Inspection.

(3803) (v) *Incomplete applications*. If an application that is postmarked or hand-delivered in a timely manner is incomplete, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 20 days of the date of the RA's notification, the application will be considered abandoned.

(3804) (6) *Issuance of initial permits*. If a complete application is submitted in a timely manner and the applicable eligibility requirements specified in paragraph (r)(2) of this section are met, the RA will issue a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish or a letter of eligibility for such fisheries, as appropriate, and mail it to the applicant not later than November 3, 2003.

(3805) (7) *Notification of ineligibility*. If the applicant does not meet the applicable eligibility requirements of paragraph (r)(2) of this section, the RA will notify the applicant, in writing, of such determination and the reasons for it not later than October 14, 2003.

(3806) (8) *Appeal process*. (i) An applicant may request an appeal of the RA's determination regarding initial permit eligibility, as specified in paragraph (r)(2) of this section, by submitting a written request for reconsideration to the RA with copies of the appropriate records for establishing eligibility. Such request must be postmarked or hand-delivered within 45 days after the date of the RA's notification of ineligibility and may include a request for an oral hearing. If an oral hearing is granted, the RA will notify the applicant of the place and date of the hearing and will provide the applicant a maximum of 45 days prior to the hearing to provide information in support of the appeal.

(3807) (ii) A request for an appeal constitutes the appellant's authorization under section 402(b)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et. Seq.) for the RA to make available to the appellate officer(s) such confidential records as are pertinent to the appeal.

(3808) (iii) The RA may independently review the appeal or may appoint one or more appellate officers to review the appeal and make independent recommendations to the RA. The RA will make the final determination regarding granting or denying the appeal.

(3809) (iv) The RA and appellate officer(s) are empowered only to deliberate whether the eligibility criteria in paragraph (r)(2) of this section were applied correctly. Hardship or other factors will not be considered in determining eligibility.

(3810) (v) The RA will notify the applicant of the decision regarding the appeal within 45 days after receipt of the request for appeal or within 45 days after the conclusion of the oral hearing, if applicable. The RA's decision will constitute the final administrative action by NMFS.

§622.5 Recordkeeping and reporting.

(3811) Participants in fisheries governed in this part are required to keep records and report as follows.

(3812) (a) *Commercial vessel owners and operators*—(1) *Requirements by species*—(i) *Coastal migratory pelagic fish*. The owner or operator of a vessel that fishes for or lands coastal migratory pelagic fish for sale in or from the Gulf or South Atlantic EEZ or adjoining state waters, or whose vessel is issued a commercial permit for king and Spanish mackerel, as required under §622.4(a)(2) or (iv), who is selected to report by the SRD must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(3813) (ii) *Gulf reef fish*. The owner or operator of a vessel for which a commercial permit for Gulf reef fish has been issued, as required under §622.4(a)(2)(v), or whose vessel fishes for or lands reef fish in or from state

waters adjoining the Gulf EEZ, who is selected to report by the SRD must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(3814) (A) *Fish traps*. In addition to the other reporting requirements in paragraph (a)(1)(ii) of this section, the owner or operator of a vessel for which a fish trap endorsement has been issued, as required under §622.4(a)(2)(i), must comply with the following requirements.

(3815) (1) *Inspection*. The RA will establish a 1-month period for mandatory inspection of all fish trap gear, permits, and vessels. The RA will provide written notification of the inspection period to each owner of a vessel for which a fish trap endorsement has been issued as required under §622.4(a)(2)(i). Each such owner or operator must contact the Special Agent-in-Charge, NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL (SAC) or his designee by telephone (727-570-5344) to schedule an inspection during the 1-month period. Requests for inspection must be made between 8:00 a.m. and 4:30 p.m. Monday through Friday and must be made at least 72 hours in advance of the desired inspection date. Inspections will be conducted Monday through Friday between 8:00 a.m. and 4:30 p.m. only. On the inspection date, the owner or operator must make all fish trap gear with attached trap tags and buoys and all applicable permits available for inspection on land. Vessels must also be made available for inspection as directed by the SAC or his designee. Upon completion of the inspection and a determination that all fish trap gear, permits, and vessels are in compliance, an owner or operator may resume fishing with the lawful gear. However, an owner or operator who fails to comply with the inspection requirements during the 1-month inspection period or during any other random inspection may not use or possess a fish trap in the Gulf EEZ until the required inspection or reinspection, as directed by the SAC, has been completed and all fish trap gear, permits, and vessels are determined to be in compliance with all applicable regulations.

(3816) (2) *Trip reports*. For each fishing trip on which a fish trap will be used or possessed, an owner or operator of a vessel for which a fish trap endorsement has been issued, as required under §622.4(a)(2)(i), must submit a trip initiation report and a trip termination report to the SAC or his designee, by telephone, using the following 24-hour toll-free number–800-305-0697.

(3817) (i) *Trip initiation report*. The trip initiation report must be submitted before beginning the trip and must include: vessel name; official number; number of traps to be deployed; sequence of trap tag numbers; date, time, and point of departure; and intended time and date of trip termination.

(3818) (ii) *Trip termination report*. The trip termination report must be submitted immediately upon returning to port and prior to any offloading of catch or fish traps. The trip termination report must include: vessel name; official number; name and address of dealer where catch will be offloaded and sold; the time offloading will begin; notification of any lost traps; and notification of any traps left deployed for any reason.

(3819) (B) [Reserved]

(3820) (iii) *Gulf shrimp*. The owner or operator of a vessel that fishes for shrimp in the Gulf EEZ or in adjoining state waters, or that lands shrimp in an adjoining state, must provide information for any fishing trip, as requested by the SRD, including, but not limited to, vessel identification, gear, effort, amount of shrimp caught by species, shrimp condition (heads on/heads off), fishing areas and depths, and person to whom sold.

(3821) (iv) *South Atlantic snapper-grouper*. (A) The owner or operator of a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued, as required under §622.4(a)(2)(vi), or whose vessel fishes for or lands South Atlantic snapper-grouper in or from state waters adjoining the South Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(3822) (B) The wreckfish shareholder under §622.15, or operator of a vessel for which a commercial permit for wreckfish has been issued, as required under §622.4(a)(2)(vii), must maintain a fishing record on a form available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(3823) (C) The wreckfish shareholder under §622.15, or operator of a vessel for which a commercial permit for wreckfish has been issued, as required under §622.4(a)(2)(vii), must make available to an authorized officer upon request all records of offloadings, purchases, or sales of wreckfish.

(3824) (v) *South Atlantic golden crab*. The owner or operator of a vessel for which a commercial permit for golden crab has been issued, as required under §622.4(a)(2)(x), who is selected to report by the SRD must maintain a fishing record on a form available from the SRD.

(3825) (vi) *Atlantic dolphin and wahoo*. The owner or operator of a vessel for which a commercial permit for Atlantic dolphin and wahoo has been issued, as required under §622.4 (a)(2)(xii), or whose vessel fishes for or lands Atlantic dolphin or wahoo in or from state waters adjoining the Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record on a form

available from the SRD and must submit such record as specified in paragraph (a)(2) of this section.

(3826) (2) *Reporting deadlines*.(i) Completed fishing records required by paragraphs (a)(1)(i), (ii), (iv), and (vi) of this section must be submitted to the SRD postmarked not later than 7 days after the end of each fishing trip. If no fishing occurred during a calendar month, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(3827) (ii) Reporting forms required in paragraph (a)(1)(v) of this section must be submitted to the SRD postmarked not later than 30 days after sale of the golden crab offloaded from a trip. If no fishing occurred during a calendar month, a report so stating must be submitted on one of the forms postmarked not later than 7 days after the end of that month. Information to be reported is indicated on the form and its accompanying instructions.

(3828) (b) *Charter vessel/headboat owners and operators*—(1) *Coastal migratory pelagic fish, reef fish, snapper-grouper, and Atlantic dolphin and wahoo*. The owner or operator of a vessel for which a charter vessel/headboat permit for Gulf coastal migratory pelagic fish, South Atlantic coastal migratory pelagic fish, Gulf reef fish, South Atlantic snapper-grouper, or Atlantic dolphin and wahoo has been issued, as required under §622.4(a)(1), or whose vessel fishes for or lands such coastal migratory pelagic fish, reef fish, snapper-grouper, or Atlantic dolphin or wahoo in or from state waters adjoining the applicable Gulf, South Atlantic, or Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record for each trip, or a portion of such trips as specified by the SRD, on forms provided by the SRD and must submit such record as specified in paragraph (b)(2) of this section.

(3829) (2) *Reporting deadlines*—(i) *Charter vessels*. Completed fishing records required by paragraph (b)(1) of this section for charter vessels must be submitted to the SRD weekly, postmarked not later than 7 days after the end of each week (Sunday). Information to be reported is indicated on the form and its accompanying instructions.

(3830) (ii) *Headboats*. Completed fishing records required by paragraph (b)(1) of this section for headboats must be submitted to the SRD monthly and must either be made available to an authorized statistical reporting agent or be postmarked not later than 7 days after the end of each month. Information to be reported is indicated on the form and its accompanying instructions.

(3831) (c) *Dealers*—(1) *Coastal migratory pelagic fish*. (i) A person who purchases coastal migratory pelagic fish from a fishing vessel, or person, that fishes for or lands such fish in or from the EEZ or adjoining state waters who is selected to report by the SRD must submit information on forms provided by the SRD. This information must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of each month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no coastal migratory pelagic fish were received during a calendar month, a report so stating must be submitted on one of the forms, in accordance with the instructions on the form, and must be postmarked not later than 5 days after the end of the month. The information to be reported is as follows:

(3832) (A) Dealer's or processor's name and address.

(3833) (B) County where fish were landed.

(3834) (C) Total poundage of each species received during that month, or other requested interval.

(3835) (D) Average monthly price paid for each species.

(3836) (E) Proportion of total poundage landed by each gear type.

(3837) (ii) *Alternate SRD*. For the purposes of paragraph (c)(1)(i) of this section, in the states from New York through Virginia, or in the waters off those states, "SRD" means the Science and Research Director, Northeast Fisheries Science Center, NMFS (see Table 1 of §600.502 of this chapter), or a designee.

(3838) (2) *Gulf red drum*. A dealers or processor who purchases red drum harvested from the Gulf who is selected to report by the SRD must report to the SRD such information as the SRD may request and in the form and manner as the SRD may require. The information required to be submitted must include, but is not limited to, the following:

(3839) (i) Dealer's or processor's name and address.

(3840) (ii) State and county where red drum were landed.

(3841) (iii) Total poundage of red drum received during the reporting period, by each type of gear used for harvest.

(3842) (3) *Gulf reef fish*. A person who purchases Gulf reef fish from a fishing vessel, or person, that fishes for or lands such fish in or from the EEZ or adjoining state waters must maintain records and submit information as follows:

(3843) (i) A dealer must maintain at his/her principal place of business a record of Gulf reef fish that he/she receives. The record must contain the name of each fishing vessel from which reef fish were received and the date, species, and quantity of each receipt. A dealer must retain such record for at least 1 year after receipt date and must provide such record for inspection upon the request of an authorized officer or the SRD.

(3844) (ii) When requested by the SRD, a dealer must provide information from his/her record of Gulf reef fish received the total poundage of each species received

during the month, average monthly price paid for each species by market size, and proportion of total poundage landed by each gear type. This information must be provided on forms available from the SRD and must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of the month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no reef fish were received during a calendar month, a report so stating must be submitted on one of the forms, postmarked not later than 5 days after the end of the month.

(3845) (iii) The operator of a car or truck that is used to pick up from a fishing vessel reef fish harvested from the Gulf must maintain a record containing the name of each fishing vessel from which reef fish on the car or truck have been received. The vehicle operator must provide such record for inspection upon the request of an authorized officer.

(3846) (4) *Gulf shrimp*. A person who purchases shrimp from a vessel, or person, that fishes for shrimp in the Gulf EEZ or in adjoining state waters, or that lands shrimp in an adjoining state, must provide the following information when requested by the SRD:

(3847) (i) Name and official number of the vessel from which shrimp were received or the name of the person from whom shrimp were received, if received from other than a vessel.

(3848) (ii) Amount of shrimp received by species and size category for each receipt.

(3849) (iii) Exvessel value, by species and size category, for each receipt.

(3850) (5) *South Atlantic snapper-grouper*. (i) A person who purchases South Atlantic snapper-grouper that were harvested from the EEZ or from adjoining state waters and who is selected to report by the SRD and a dealer who has been issued a dealer permit for wreckfish, as required under §622.4(a)(4), must provide information on receipts of South Atlantic snapper-grouper and prices paid, by species, on forms available from the SRD. The required information must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of the month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no South Atlantic snapper-grouper were received during a calendar month, a report so stating must be submitted on one of the forms, postmarked not later than 5 days after the end of the month. However, during complete months encompassed by the wreckfish spawning-season closure (that is, February and March), a wreckfish dealer is not required to submit a report stating that no wreckfish were received.

(3851) (ii) A dealer reporting South Atlantic snapper-grouper other than wreckfish may submit the information required in paragraph (c)(5)(i) of this section via facsimile (fax).

(3852) (iii) A dealer who has been issued a dealer permit for wreckfish, as required under §622.4(a)(4), must make available to an authorized officer upon request all records of offloadings, purchases, or sales of wreckfish.

(3853) (6) *South Atlantic golden crab*. A dealer who receives from a fishing vessel golden crab harvested from the South Atlantic EEZ and who is selected by the SRD must provide information on receipts of, and prices paid for, South Atlantic golden crab to the SRD at monthly intervals, postmarked not later than 5 days after the end of each month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD.

(3854) (7) *South Atlantic rock shrimp*. (i) A dealer who has been issued a permit for rock shrimp, as required under §622.4(a)(4), and who is selected by the SRD must provide information on receipts of rock shrimp and prices paid on forms available from the SRD. The required information must be submitted to the SRD at monthly intervals postmarked not later than 5 days after the end of each month. Reporting frequencies and reporting deadlines may be modified upon notification by the SRD.

(3855) (ii) On demand, a dealer who has been issued a dealer permit for rock shrimp, as required under §622.4(a)(4), must make available to an authorized officer all records of offloadings, purchases, or sales of rock shrimp.

(3856) (8) *Atlantic dolphin and wahoo*. (i) A dealer who has been issued a permit for Atlantic dolphin and wahoo, as required under §622.4(a)(4), and who is selected by the SRD must provide information on receipts of Atlantic dolphin and wahoo and prices paid on forms available from the SRD. The required information must be submitted to the SRD at monthly intervals postmarked not later than 5 days after the end of each month. Reporting frequencies and reporting deadlines may be modified upon notification by the SRD.

(3857) (ii) For the purposes of paragraph (c)(8)(i) of this section, in the states from Maine through Virginia, or in the waters off those states, "SRD" means the Science and Research Director, Northeast Fisheries Science Center, NMFS, (see Table 1 of §600.502 of this chapter), or a designee.

(3858) (iii) On demand, a dealer who has been issued a dealer permit for Atlantic dolphin and wahoo, as required under §622.4(a)(4), must make available to an authorized officer all records of offloadings, purchases, or sales of dolphin and wahoo.

(3859) (d) *Individuals with coral or live rock permits*. (1) An individual with a Federal allowable octocoral permit must submit a report of harvest to the SRD. Specific reporting requirements will be provided with the permit.

(3860) (2) A person with a Federal aquacultured live rock permit must report to the RA each deposition of material on a site. Such reports must be postmarked not later than 7 days after deposition and must contain the following information:

(3861) (i) Permit number of site and date of deposit.

(3862) (ii) Geological origin of material deposited.

(3863) (iii) Amount of material deposited.

(3864) (iv) Source of material deposited, that is, where obtained, if removed from another habitat, or from whom purchased.

(3865) (3) A person who takes aquacultured live rock must submit a report of harvest to the RA. Specific reporting requirements will be provided with the permit. This reporting requirement is waived for aquacultured live rock that is landed in Florida.

(3866) (e) *Additional data and inspection*. Additional data will be collected by authorized statistical reporting agents and by authorized officers. A person who fishes for or possesses species in or from the EEZ governed in this part is required to make the applicable fish or parts thereof available for inspection by the SRD or an authorized officer upon request.

(3867) (f) *Commercial vessel, charter vessel, and headboat inventory.* The owner or operator of a commercial vessel, charter vessel, or headboat operating in a fishery governed in this part who is not selected to report by the SRD under paragraph (a) or (b) of this section must provide the following information when interviewed by the SRD:

(3868) (1) Name and official number of vessel and permit number, if applicable.

(3869) (2) Length and tonnage.

(3870) (3) Current home port.

(3871) (4) Fishing areas.

(3872) (5) Ports where fish were offloaded during the last year.

(3873) (6) Type and quantity of gear.

(3874) (7) Number of full- and part-time fishermen or crew members.

§622.6 Vessel and gear identification.

(3875) (a) *Vessel identification*—(1) *Applicability*—(i) *Official number*. A vessel for which a permit has been issued under §622.4, and a vessel that fishes for or possesses *pelagic sargassum* in the Atlantic EEZ, must display its official number—

(3876) (A) On the port and starboard sides of the deckhouse or hull and, for vessels over 25 ft (7.6 m) long, on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft.

(3877) (B) In block arabic numerals permanently affixed to or painted on the vessel in contrasting color to the background.

(3878) (C) At least 18 inches (45.7 cm) in height for vessels over 65 ft (19.8 m) long; at least 10 inches (25.4 cm) in height for vessels over 25 ft (7.6 m) long; and at least 3 inches (7.6 cm) in height for vessels 25 ft (7.6 m) long or less.

(3879) (ii) *Official number and color code*. The following vessels must display their official number as specified in paragraph (a)(1)(i) of this section and, in addition, must display their assigned color code: A vessel for which a fish trap endorsement has been issued, as required under §622.4(a)(2)(i); a vessel for which a permit has been issued to fish with a sea bass pot, as required under §622.4(a)(2)(vi); a vessel in the commercial Caribbean reef fish fishery fishing with traps; and a vessel in the Caribbean spiny lobster fishery. Color codes required for the Caribbean reef fish fishery and Caribbean spiny lobster fishery are assigned by Puerto Rico or the U.S. Virgin Islands, whichever is applicable; color codes required in all other fisheries are assigned by the RA. The color code must be displayed—

(3880) (A) On the port and starboard sides of the deckhouse or hull and, for vessels over 25 ft (7.6 m) long, on an appropriate weather deck, so as to be clearly visible from an enforcement vessel or aircraft.

(3881) (B) In the form of a circle permanently affixed to or painted on the vessel.

(3882) (C) At least 18 inches (45.7 cm) in diameter for vessels over 65 ft (19.8 m) long; at least 10 inches (25.4 cm) in diameter for vessels over 25 ft (7.6 m) long; and at least 3 inches (7.6 cm) in diameter for vessels 25 ft (7.6 m) long or less.

(3883) (2) *Duties of operator.* The operator of a vessel specified in paragraph (a)(1) of this section must keep the official number and the color code, if applicable, clearly legible and in good repair and must ensure that no part of the fishing vessel, its rigging, fishing gear, or any other material on board obstructs the view of the official number or the color code, if applicable, from an enforcement vessel or aircraft.

(3884) (b) *Gear identification*—(1) *Traps/pots and associated buoys*—(i) *Traps or pots*—(A) *Caribbean EEZ*. A fish trap or spiny lobster trap used or possessed in the Caribbean EEZ must display the official number specified for the vessel by Puerto Rico or the U.S. Virgin Islands so as to be easily identified.

(3885) (B) *Gulf and South Atlantic EEZ*. A fish trap used or possessed in the Gulf EEZ and a sea bass pot used or possessed in the South Atlantic EEZ between 35°15.3'N. lat. (due east of Cape Hatteras Light, NC)

and 28°35.1'N. lat. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL), or a fish trap or sea bass pot on board a vessel with a commercial permit for Gulf reef fish or South Atlantic snapper-grouper, must have a valid identification tag issued by the RA attached. A golden crab trap used or possessed in the South Atlantic EEZ or on board a vessel with a commercial permit for golden crab must have the commercial vessel permit number permanently affixed so as to be easily distinguished, located, and identified; an identification tag issued by the RA may be used for this purpose but is not required.

(3886) (ii) *Associated buoys*. A buoy that is attached to a trap or pot must display the official number and assigned color code so as to be easily distinguished, located, and identified as follows:

(3887) (A) *Caribbean EEZ*. Each buoy must display the official number and color code specified for the vessel by Puerto Rico or the U.S. Virgin Islands, whichever is applicable.

(3888) (B) *Gulf and South Atlantic EEZ*. Each buoy must display the number and color code assigned by the RA. In the Gulf EEZ, a buoy must be attached to each trap, or each end trap if traps are connected by a line. In the South Atlantic EEZ, buoys are not required to be used, but, if used, each buoy must display the number and color code. However, no color code is required on a buoy attached to a golden crab trap.

(3889) (iii) *Presumption of ownership*. A Caribbean spiny lobster trap, a fish trap, a golden crab trap, or a sea bass pot in the EEZ will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to such traps and pots that are lost or sold if the owner reports the loss or sale within 15 days to the RA.

(3890) (iv) *Unmarked traps, pots, or buoys*. An unmarked Caribbean spiny lobster trap, a fish trap, a golden crab trap, a sea bass pot, or a buoy deployed in the EEZ is illegal and may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

(3891) (2) *Gillnet buoys*. On board a vessel with a valid Spanish mackerel permit that is fishing for Spanish mackerel in, or that possesses Spanish mackerel in or from, the South Atlantic EEZ off Florida north of 25°20.4'N., which is a line directly east from the Dade/Monroe County, FL, boundary, the float line of each gillnet possessed, including any net in use, must have a maximum of nine distinctive floats, i.e., different from the usual net buoys, spaced uniformly at a distance of 100 yd (91.4 m) or less. Each such distinctive float must display the official number of the vessel.

§622.7 Prohibitions.

(3892) In addition to the general prohibitions in §600.725 of this chapter, it is unlawful for any person to do any of the following:

(3893) (a) Engage in an activity for which a valid Federal permit is required under §622.4 without such permit, license, or endorsement.

(3894) (b) Falsify information on an application for a permit, license, or endorsement or submitted in support of such application, as specified in §622.4(b), (g), (p), (q), or (r) in §§622.18 or 622.19.

(3895) (c) Fail to display a permit, license, or endorsement, or other required identification, as specified in §622.4(i).

(3896) (d) Falsify or fail to maintain, submit, or provide information or fail to comply with inspection requirements or restrictions, as specified in §622.5(a) through (f).

(3897) (e) Fail to make a fish, or parts thereof, available for inspection, as specified in §622.5(e).

(3898) (f) Falsify or fail to display and maintain vessel and gear identification, as specified in §622.6 (a) and (b).

(3899) (g) Fail to comply with any requirement or restriction regarding ITQ coupons, as specified in §622.15(c)(3), (c)(5), (c)(6), or (c)(7).

(3900) (h) Possess wreckfish as specified in §622.15(c)(4), receive wreckfish except as specified in §622.15(c)(7), or offload a wreckfish except as specified in §622.15 (d)(3) and (d)(4).

(3901) (i) Transfer—

(3902) (1) A wreckfish, as specified in §622.15(d)(1);

(3903) (2) A limited-harvest species, as specified in §622.32(c) introductory text;

(3904) (3) A species/species group subject to a bag limit, as specified §622.39(a)(1);

(3905) (4) South Atlantic snapper-grouper from a vessel with unauthorized gear on board, as specified in §622.41(d)(2)(iii); or

(3906) (5) A species subject to a commercial trip limit, as specified in §622.44.

(3907) (j) Use or possess prohibited gear or methods or possess fish in association with possession or use of prohibited gear, as specified in §622.31.

(3908) (k) Fish for, harvest, or possess a prohibited species, or a limited-harvest species in excess of its limitation, sell or purchase such species, fail to comply with release requirements, or molest or strip eggs from a Caribbean spiny lobster, as specified in §622.32.

(3909) (l) Fish in violation of the prohibitions, restrictions, and requirements applicable to seasonal and/or area closures, including but not limited to: Prohibition of all fishing, gear restrictions, restrictions on take or retention of fish, fish release requirements, and restrictions on use of an anchor or grapple, as specified in

§622.33, §622.34, or §622.35, or as may be specified under §622.46 (b) or (c).

(3910) (m) Harvest, possess, offload, sell, or purchase fish in excess of the seasonal harvest limitations, as specified in §622.36.

(3911) (n) Except as allowed under §622.37(c) (2) and (3) for king and Spanish mackerel, possess undersized fish, fail to release undersized fish, or sell or purchase undersized fish, as specified in §622.37.

(3912) (o) Fail to maintain a fish intact through offloading ashore, as specified in §622.38.

(3913) (p) Exceed a bag or possession limit, as specified in §622.39.

(3914) (q) Fail to comply with the limitations on traps and pots, including but not limited to: Tending requirements, constructions requirements, and area specific restrictions, as specified in §622.40.

(3915) (r) Fail to comply with the species-specific limitations, as specified in §622.41.

(3916) (s) Fail to comply with the restrictions that apply after closure of a fishery, as specified in §622.43.

(3917) (t) Possess on board a vessel or land, purchase, or sell fish in excess of the commercial trip limits, as specified in §622.44.

(3918) (u) Fail to comply with the restrictions on sale/purchase, as specified in §622.45.

(3919) (v) Interfere with fishing or obstruct or damage fishing gear or the fishing vessel of another, as specified in §622.46(a).

(3920) (w) Fail to comply with the requirements for observer coverage as specified in §622.10.

(3921) (x) Assault, resist, oppose, impede, intimidate, or interfere with a NMFS-approved observer aboard a vessel.

(3922) (y) Prohibit or bar by command, impediment, threat, coercion, or refusal of reasonable assistance, an observer from conducting his or her duties aboard a vessel.

(3923) (z) Fish for or possess golden crab in or from a fishing zone or sub-zone of the South Atlantic EEZ other than the zone or sub-zone for which the vessel is permitted or authorized, as specified in §622.17(b).

(3924) (aa) Falsify information submitted regarding an application for testing a BRD, testing of a BRD, or the results of such testing, as specified in §622.41(g)(3)(i) or (h)(3).

(3925) (bb) Make a false statement, oral or written, to an authorized officer regarding the installation, use, operation, or maintenance of a vessel monitoring system (VMS) unit or communication service provider.

(3926) (cc) Operator or own a vessel that is required to have a permitted operate aboard when the vessel is at sea or offloading without such operator aboard, as specified in §622.4(a)(5)(i) and (ii).

(3927) (dd) When a vessel that is subject to Federal fishing regulations is at sea or offloading, own or operate such vessel with a person aboard whose operator permit is revoked, suspended, or modified.

(3928) (ee) Fail to comply with any provision related to a vessel monitoring system as specified in §622.9, including but not limited to, requirements for use, installation, activation, access to data, procedures related to interruption of VMS operation, and prohibitions on interference with the VMS.

§622.8 At-sea observer coverage.

(3929) (a) *Required coverage*–(1) Pelagic sargassum. A vessel that harvests or possesses pelagic sargassum on any trip in the South Atlantic EEZ must carry a NMFS-approved observer.

(3930) (2) *Golden Crab*. A vessel for which a Federal commercial permit for golden crab has been issued must carry a NMFS-approved observer, if the vessel's trip is selected by the SRD for observer coverage.

(3931) (b) *Notification to the SRD*. When observer coverage is required, an owner or operator must advise the SRD in writing not less than 5 days in advance of each trip of the following:

(3932) (1) Departure information (port, dock, date, and time).

(3933) (2) Expected landing information (port, dock, and date).

(3934) (c) *Observer accommodations and access*. An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

(3935) (1) Provide accommodations and food that are equivalent to those provided to the crew.

(3936) (2) Allow the observer access to and use of the vessel's communications equipment and personnel upon request for the transmission and receipt of messages related to the observer's duties.

(3937) (3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position.

(3938) (4) Allow the observer free and unobstructed access to the vessel's bridge, working decks, holding bins, weight scales, holds, and any other space used to hold, process, weigh, or store golden crab.

(3939) (5) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of golden crab for that trip.

§622.9 Vessel monitoring systems (VMSs).

(3940) (a) *Requirement for use*. As of October 14, 2003 or 90 days after NMFS publishes in the **Federal Register**, the list of approved transmitting units and associated communications service providers, whichever is later,

an owner or operator of a vessel that has been issued a limited access endorsement for South Atlantic rock shrimp must ensure that such vessel has a NMFS-approved, operating VMS on board when on a trip in the South Atlantic. An operating VMS includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and NMFS as provided by a NMFS-approved communication service provider.

(3941) (b) *Installing and activating the VMS*. Only a VMS that has been approved by NMFS for use in the South Atlantic rock shrimp fishery may be used. When installing and activating the NMFS-approved VMS, or when reinstalling and reactivating such VMS, the vessel owner or operator must–

(3942) (1) Follow procedures indicated on an installation and activation checklist, which is available from NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL; phone 727-570-5344; and

(3943) (2) Submit to NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL, a statement certifying compliance with the checklist, as prescribed on the checklist.

(3944) (c) Interference with the VMS. No person may interfere with, tamper with, alter, damage, disable, or impede the operation of the VMS, or attempt any of the same.

(3945) (d) *Interruption of operation of the VMS*. When a vessel's VMS is not operating properly, the owner or operator must immediately contact NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL, and follow instructions from that office. If notified by NMFS that a vessel's VMS is not operating properly, the owner and operator must follow instructions from that office. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by NMFS the vessel's positions or returning to port until the VMS is operable.

(3946) (e) *Access to position data*. As a condition of authorized fishing for or possession of South Atlantic rock shrimp in or from the South Atlantic EEZ, a vessel owner or operator subject to the requirements for a VMS in this section must allow NMFS, the USCG, and their authorized officers and designees access to the vessel's position data obtained from the VMS.

Subpart B–Effort Limitations

§622.15 Wreckfish individual transferable quota (ITQ) system.

(3947) The provisions of this section apply to wreckfish in or from the South Atlantic EEZ.

(3948) (a) *Percentage shares*. (1) In accordance with the procedure specified in the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region, percentage shares of the quota for wreckfish have been assigned. Each person has been notified by the RA of his or her percentage share and shareholder certificate number.

(3949) (2) All or a portion of a person's percentage shares may be transferred to another person. Transfer of shares must be reported on a form available from the RA. The RA will confirm, in writing, each transfer of shares. The effective date of each transfer is the confirmation date provided by the RA. The confirmation date will normally be not later than 3 working days after receipt of a properly completed transfer form. A fee is charged for each transfer of shares. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook, available from the RA, for determining the administrative costs of each special product or service provided by NOAA to non-Federal recipients. The fee may not exceed such costs and is specified with each transfer form. The appropriate fee must accompany each transfer form.

(3950) (b) *Lists of wreckfish shareholders and permitted vessels*. Annually, on or about March 1, the RA will provide each wreckfish shareholder with a list of all wreckfish shareholders and their percentage shares, reflecting share transactions on forms received through February 15. Annually by April 15, the RA will provide each dealer who holds a dealer permit for wreckfish, as required under §622.4(a)(4), with a list of vessels for which wreckfish permits have been issued, as required under §622.4(a)(2)(vii). Annually, by April 15, the RA will provide each wreckfish shareholder with a list of dealers who have been issued dealer permits for wreckfish. From April 16 through January 14, updated lists will be provided when required. Updated lists may be obtained at other times or by a person who is not a wreckfish shareholder or wreckfish dealer permit holder by written request to the RA.

(3951) (c) *ITQs*. (1) Annually, as soon after March 1 as the TAC for wreckfish for the fishing year that commences April 16 is known, the RA will calculate each wreckfish shareholder's ITQ. Each ITQ is the product of the wreckfish TAC, in round weight, for the ensuing fishing year, the factor for converting round weight to eviscerated weight, and each wreckfish shareholder's percentage share, reflecting share transactions reported on forms received by the RA through February 15. Thus, the ITQs will be in terms of eviscerated weight of wreckfish.

(3952) (2) The RA will provide each wreckfish shareholder with ITQ couponsin various denominations, the total of which equals his or her ITQ, and a copy of the

calculations used in determining his or her ITQ. Each coupon will be coded to indicate the initial recipient.

(3953) (3) An ITQ coupon may be transferred from one wreckfish shareholder to another by completing the sale endorsement thereon (that is, the signature and shareholder certificate number of the buyer). An ITQ coupon may be possessed only by the shareholder to whom it has been issued, or by the shareholder's employee, contractor, or agent, unless the ITQ coupon has been transferred to another shareholder. An ITQ coupon that has been transferred to another shareholder may be possessed only by the shareholder whose signature appears on the coupon as the buyer, or by the shareholder's employee, contractor, or agent, and with all required sale endorsements properly completed.

(3954) (4) Wreckfish may not be possessed on board a fishing vesse—l

(3955) (i) In an amount exceeding the total of the ITQ coupons on board the vessel;

(3956) (ii) That does not have on board a commercial vessel permit for wreckfish, as required under §622.4(a)(2)(vii); or

(3957) (iii) That does not have on board logbook forms for that fishing trip, as required under §622.5(a)(1)(iv)(B).

(3958) (5) Prior to termination of a trip, a signature and date signed must be affixed in ink to the "Fisherman" part of ITQ coupons in denominations equal to the eviscerated weight of the wreckfish on board. The "Fisherman" part of each such coupon must be separated from the coupon and submitted with the logbook forms required by §622.5(a)(1)(iv)(B) for that fishing trip.

(3959) (6) The "Fish House" part of each such coupon must be given to the dealer to whom the wreckfish are transferred in amounts totaling the eviscerated weight of the wreckfish transferred to that dealer. A wreckfish may be transferred only to a dealer who holds a dealer permit for wreckfish, as required under §622.4(a)(4).

(3960) (7) A dealer may receive a wreckfish only from a vessel for which a commercial permit for wreckfish has been issued, as required under §622.4(a)(2)(vii). A dealer must receive the "Fish House" part of ITQ coupons in amounts totaling the eviscerated weight of the wreckfish received; enter the permit number of the vessel from which the wreckfish were received, enter the date the wreckfish were received, enter the dealer's permit number, and sign each such "Fish House" part; and submit all such parts with the dealer reports required by §622.5(c)(5)(i).

(3961) (8) An owner or operator of a vessel and a dealer must make available to an authorized officer all ITQ coupons in his or her possession upon request.

(3962) (d) *Wreckfish limitations*. (1) A wreckfish taken in the South Atlantic EEZ may not be transferred at sea, regardless of where the transfer takes place; and a wreckfish may not be transferred in the South Atlantic EEZ.

(3963) (2) A wreckfish possessed by a fisherman or dealer shoreward of the outer boundary of the South Atlantic EEZ or in a South Atlantic coastal state will be presumed to have been harvested from the South Atlantic EEZ unless accompanied by documentation that it was harvested from other than the South Atlantic EEZ.

(3964) (3) A wreckfish may be offloaded from a fishing vessel only between 8 a.m. and 5 p.m., local time.

(3965) (4) If a wreckfish is to be offloaded at a location other than a fixed facility of a dealer who holds a dealer permit for wreckfish, as required under §622.4(a)(4), the wreckfish shareholder or the vessel operator must advise the NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL, by telephone (1-800-853-1964), of the location not less than 24 hours prior to offloading.

§622.16 Red snapper individual transferable quota (ITQ) system.

(3966) The ITQ system established by this section will remain in effect through March 31, 2000, during which time NMFS and the GMFMC will evaluate the effectiveness of the system. Based on the evaluation, the system may be modified, extended, or terminated.

(3967) (a) *Percentage shares*. (1) Initial percentage shares of the annual quota of red snapper are assigned to persons in accordance with the procedure specified in Amendment 8 to the Fishery Management Plan for the Reef Fish Fishery of the Gulf of Mexico (FMP) and in paragraphs (c)(1) through (c)(4) of this section. Each person is notified by the RA of his or her initial percentage shares. If additional shares become available to NMFS, such as by forfeiture pursuant to subpart F of 15 CFR part 904 for rule violations, such shares will be proportionately reissued to shareholders based on their shares as of November 1, after the additional shares become available. If NMFS is required to issue additional shares, such as may be required in the resolution of disputes, existing shares will be proportionately reduced. This reduction of shares will be based on shares as of November 1 after the required addition of shares.

(3968) (2) All or a portion of a person's percentage shares may be transferred to another person who is a U.S. citizen or permanent resident alien. (See paragraph (c)(5) of this section for restrictions on the transfer of shares in the initial months under the ITQ system.) Transfer of shares must be reported on a form available from the RA. The RA will confirm, in writing, the registration of each transfer. The effective date of each transfer is the confirmation date provided by the RA. The confirmation of registration date will normally be not later than

3 working days after receipt of a properly completed transfer form. However, reports of share transfers received by the RA from November 1 through December 31 will not be recorded or confirmed until after January 1. A fee is charged for each transfer of percentage shares. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service provided by NOAA to non-Federal recipients. The fee may not exceed such costs and is specified with each transfer form. The appropriate fee must accompany each transfer form.

(3969) (3) On or about January 1 each year, the RA will provide each red snapper shareholder with a list of all red snapper shareholders and their percentage shares, reflecting share transfers as indicated on properly completed transfer forms received through October 31. Updated lists may be obtained at other times, and by persons who are not red snapper shareholders, by written request to the RA.

(3970) (b) *ITQs*. (1) Annually, as soon after November 15 as the following year's red snapper quota is established, the RA will calculate each red snapper shareholder's ITQ in terms of eviscerated weight. Each ITQ is the product of the red snapper quota, in round weight, for the ensuing fishing year, the factor for converting round weight to eviscerated weight, and each red snapper shareholder's percentage share, reflecting share transfers reported on forms received by the RA through October 31.

(3971) (2) The RA will provide each red snapper shareholder with ITQ coupons in various denominations, the total of which equals his or her ITQ, and a copy of the calculations used in determining his or her ITQ. Each coupon will be coded to indicate the initial recipient.

(3972) (3) An ITQ coupon may be transferred. If the transfer is by sale, the seller must enter the sale price on the coupon.

(3973) (4) Except when the red snapper bag limit applies, red snapper in or from the EEZ or on board a vessel that has been issued a commercial permit for Gulf reef fish, as required under §622.4(a)(2)(v), may not be possessed in an amount, in eviscerated weight, exceeding the total of ITQ coupons on board. (See §622.39(a) for applicability of the bag limit.)

(3974) (5) Prior to termination of a trip, the operator's signature and the date signed must be written in ink on the "Vessel" part of ITQ coupons totaling at least the eviscerated weight of the red snapper on board. An owner or operator of a vessel must separate the "Vessel" part of each such coupon, enter thereon the permit number of the dealer to whom the red snapper are transferred, and submit the "Vessel" parts with the logbook forms for that fishing trip. An owner or operator of a vessel must make available to an authorized officer all ITQ coupons in his or her possession upon request.

(3975) (6) Red snapper harvested from the EEZ or possessed by a vessel with a commercial permit for Gulf reef fish, as required under §622.4(a)(2)(v), may be transferred only to a dealer with a Gulf reef fish permit, as required under §622.4(a)(4). The "Fish House" part of each ITQ coupon must be given to such dealer, or the agent or employee of such dealer, in amounts totaling at least the eviscerated weight of the red snapper transferred to that dealer.

(3976) (7) A dealer with a Gulf reef fish permit may receive red snapper only from a vessel that has on board a commercial permit for Gulf reef fish. A dealer, or the agent or employee of a dealer, must receive the "Fish House" part of ITQ coupons totaling at least the eviscerated weight of the red snapper received. Immediately upon receipt of red snapper, the dealer, or the agent or employee of the dealer, must enter the permit number of the vessel received from and date and sign each such "Fish House" part. The dealer must submit all such parts as required by paragraph (d)(6) of this section. A dealer, agent, or employee must make available to an authorized officer all ITQ coupons in his or her possession upon request.

(3977) (c) *Procedures for implementation*—(1) *Initial shareholders*. The following persons are initial shareholders in the red snapper ITQ system:

(3978) (i) Either the owner or operator of a vessel with a valid permit on August 29, 1995, provided such owner or operator had a landing of red snapper during the period 1990 through 1992. If the earned income of an operator was used to qualify for the permit that is valid on August 29, 1995, such operator is the initial shareholder rather than the owner. In the case of an owner, the term "person" includes a corporation or other legal entity; and

(3979) (ii) A historical captain. A historical captain means an operator who meets all of the following qualifications:

(3980) (A) From November 6, 1989, through 1993, fished solely under verbal or written share agreements with an owner, and such agreements provided for the operator to be responsible for hiring the crew, who was paid from the share under his or her control.

(3981) (B) Landed from that vessel at least 5,000 lb (2,268 kg) of red snapper per year in 2 of the 3 years 1990, 1991, and 1992.

(3982) (C) Derived more than 50 percent of his or her earned income from commercial fishing, that is, sale of the catch, in each of the years 1989 through 1993.

(3983) (D) Landed red snapper prior to November 7, 1989.

(3984) (2) *Initial shares*. (i) Initial shares are apportioned to initial shareholders based on each shareholder's average of the top 2 years landings in 1990, 1991, and 1992. However, no person who is an initial shareholder under paragraph (c)(1) of this section will receive an initial percentage share that will amount to less than 100 lb (45.36 kg), round weight, of red snapper (90 lb (41 kg), eviscerated weight).

(3985) (ii) The percentage shares remaining after the minimum shares have been calculated under paragraph (c)(2)(i) of this section are apportioned based on each remaining shareholder's average of the top 2 years' landings in 1990, 1991, and 1992. In a case where a landing is associated with an owner and a historical captain, such landing is apportioned between the owner and historical captain in accordance with the share agreement in effect at the time of the landing.

(3986) (iii) The determinations of landings of red snapper during the period 1990 through 1992 and historical captain status are made in accordance with the data collected under Amendment 9 to the FMP. Those data identify each red snapper landing during the period 1990 through 1992. Each landing is associated with an owner and, when an operator's earned income was used to qualify for the vessel permit at the time of the landing, with such operator. Where appropriate, a landing is also associated with a historical captain. However, a red snapper landings record during that period that is associated solely with an owner may be retained by that owner or transferred as follows:

(3987) (A) An owner of a vessel with a valid commercial permit for Gulf reef fish on August 29, 1995, who transferred a vessel permit to another vessel owned by him or her will retain the red snapper landings record for the previous vessel.

(3988) (B) An owner of a vessel with a valid commercial permit for Gulf reef fish on August 29, 1995, will retain the landings record of a permitted vessel if the vessel had a change of ownership to another entity without a substantive change in control of the vessel. It will be presumed that there was no substantive change in control of a vessel if a successor in interest received at least a 50 percent interest in the vessel as a result of the change of ownership whether the change of ownership was—

(3989) (1) From a closely held corporation to its majority shareholder;

(3990) (2) From an individual who became the majority shareholder of a closely held corporation receiving the vessel;

(3991) (3) Between closely held corporations with a common majority shareholder; or

(3992) (4) From one to another of the following: Husband, wife, son, daughter, brother, sister, mother, or father.

(3993) (C) In other cases of transfer of a permit through change of ownership of a vessel, an owner of a vessel with a valid commercial permit for Gulf reef fish on August 29, 1995, will receive credit for the landings record of the vessel before his or her ownership only if there is a legally binding agreement for transfer of the landings record.

(3994) (iv) Requests for transfers of landings records must be submitted to the RA and must be postmarked not later than December 14, 1995. The RA may require documentation supporting such request. After considering requests for transfers of landings records, the RA will advise each initial shareholder or applicant of his or her tentative allocation of shares.

(3995) (3) *Notification of status*. The RA will advise each owner, operator, and historical captain for whom NMFS has a record of a red snapper landing during the period 1990 through 1992, including those who submitted such record under Amendment 9 to the FMP, of his or her tentative status as an initial shareholder and the tentative landings record that will be used to calculate his or her initial share.

(3996) (4) *Appeals*. (i) A special advisory panel, appointed by the GMFMC to function as an appeals board, will consider written requests from persons who contest their tentative status as an initial shareholder, including historical captain status, or tentative landings record. In addition to considering written requests, the board may allow personal appearances by such persons before the board.

(3997) (ii) The panel is only empowered to consider disputed calculations or determinations based on documentation submitted under Amendment 9 to the FMP regarding landings of red snapper during the period 1990 through 1992, including transfers of such landings records, or regarding historical captain status. In addition, the panel may consider applications and documentation of landings not submitted under Amendment 9 if, in the board's opinion, there is justification for the late application and documentation. The board is not empowered to consider an application from a person who believes he or she should be eligible because of hardship or other factors.

(3998) (iii) A written request for consideration by the board must be submitted to the RA, postmarked not later than December 27, 1995, and must contain documentation supporting the allegations that form the basis for the request.

(3999) (iv) The board will meet as necessary to consider each request that is submitted in a timely manner. Members of the appeals board will provide their individual recommendations for each appeal to the GMFMC, which will in turn submit its recommendation to the RA. The board and the GMFMC will

recommend whether the eligibility criteria, specified in Amendment 8 to the FMP and paragraphs (c)(1) and (c)(2) of this section, were correctly applied in each case, based solely on the available record including documentation submitted by the applicant. The GMFMC will also base its recommendation on the recommendations of the board. The RA will decide the appeal based on the above criteria and the available record, including documentation submitted by the applicant and the recommendation of the GMFMC. The RA will notify the appellant of his decision and the reason therefor, in writing, normally within 45 days of receiving the GMFMC's recommendation. The RA's decision will constitute the final administrative action by NMFS on an appeal.

(4000) (v) Upon completion of the appeal process, the RA will issue share certificates to initial shareholders.

(4001) (5) *Transfers of shares*. The following restrictions apply to the transfer of shares:

(4002) (i) The transfer of shares is prohibited through September 30, 1996.

(4003) (ii) From October 1, 1996, through September 30, 1997, shares may be transferred only to other persons who are initial shareholders and are U.S. citizens or permanent resident aliens.

(4004) (d) *Exceptions/additions to general measures*. Other provisions of this part notwithstanding—

(4005) (1) Management of the red snapper ITQ system extends to adjoining state waters in the manner stated in paragraphs (d)(2) and (d)(3) of this section.

(4006) (2) For a dealer to receive red snapper harvested from state waters adjoining the Gulf EEZ by or possessed on board a vessel with a commercial permit for Gulf reef fish, the dealer permit for Gulf reef fish specified in §622.4(a)(4) must have been issued to the dealer.

(4007) (3) A copy of the dealer's permit must accompany each vehicle that is used to pick up from a fishing vessel red snapper from adjoining state waters harvested by or possessed on board a vessel with a commercial permit for Gulf reef fish.

(4008) (4) As a condition of a commercial vessel permit for Gulf reef fish, without regard to where red snapper are harvested or possessed, a vessel with such permit must comply with the red snapper ITQ requirements of paragraph (b) of this section; may not transfer or receive red snapper at sea; and must maintain red snapper with head and fins intact through landing, and the exceptions to that requirement contained in §622.38(d) do not apply to red snapper. Red snapper may be eviscerated, gilled, and scaled but must otherwise be maintained in a whole condition.

(4009) (5) As a condition of a dealer permit for Gulf reef fish, as required under §622.4(a)(4) or under paragraph (d)(2) of this section, without regard to where red snapper are harvested or possessed, a permitted dealer must comply with the red snapper ITQ requirements of paragraph (b) of this section.

(4010) (6) In any month that a red snapper is received, a dealer must submit the report required under §622.5(c)(3)(ii). The "Fish House" parts of red snapper individual transferable coupons, received during the month in accordance with paragraph (b) of this section, must be submitted to the SRD with the report.

(4011) (7) It is unlawful for a person to do any of the following:

(4012) (i) Receive red snapper from a fishing vessel without a dealer permit for Gulf reef fish.

(4013) (ii) Fail to carry a copy of the dealer's permit, as specified in paragraph (d)(3) of this section.

(4014) (iii) Fail to comply with a condition of a permit, as specified in paragraph (d)(4) or (d)(5) of this section.

(4015) (iv) Fail to report red snapper received, as specified in paragraph (d)(6) of this section.

§622.17 South Atlantic golden crab controlled access.

(4016) (a) *General*. In accordance with the procedures specified in the Fishery Management Plan for the Golden Crab Fishery of the South Atlantic Region, initial vessel permits have been issued for the fishery. No additional permits may be issued.

(4017) (b) *Fishing zones*. (1) The South Atlantic EEZ is divided into three fishing zones for golden crab. A permitted vessel may fish for golden crab only in the zone shown on its permit. A vessel may possess golden crab only in that zone, except that other zones may be transited if the vessel notifies NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL, by telephone (727-570-5344) in advance and does not fish in an unpermitted zone. The designated fishing zones are as follows:

(4018) (i) Northern zone–the South Atlantic EEZ north of 28°N. lat.

(4019) (ii) Middle zone–the South Atlantic EEZ from 25°N. Lat. to 28°N. lat.

(4020) (iii) Southern zone–the South Atlantic EEZ south of 25°N. lat.

(4021) (2) An owner of a permitted vessel may request that NMFS change the zone specified on a permit from the middle or southern zone to the northern zone. A request for such change and the existing permit must be submitted form an owner of a permitted vessel to the RA.

(4022) (c) *Transfer*. (1) An owner of a vessel with a valid golden crab permit may request that NMFS transfer the permit to another vessel by returning the existing permit(s) to the RA with an application for a permit for the replacement vessel.

(4023) (2) To obtain a commercial vessel permit via transfer, the owner of the replacement vessel must submit to the RA a valid permit for a vessel with a documented length overall, or permits for vessels with documented aggregate lengths overall, of at least 90 percent of the documented length overall of the replacement vessel.

(4024) (3) In addition to the provisions of paragraph (c)(2) of this section, the owner of a permitted vessel who has requested that NMFS transfer that permit to a smaller vessel (i.e., downsized) may subsequently request NMFS transfer that permit to a vessel of a length calculated from the length of the permitted vessel immediately prior to downsizing.

(4025) (d) *Renewal*. In addition to the procedures and requirements of §622.4(h) for commercial vessel permit renewals, for a golden crab permit to be renewed, the SRD must have received reports for the permitted vessel, as required by §622.5(a)(1)(v), documenting that at least 5,000 lb (2,268 kg) of golden crab were landed from the South Atlantic EEZ by the permitted vessel during at least one of the two 12-month periods immediately prior to the expiration date of the vessel permit.

§622.18 South Atlantic snapper-grouper limited access.

(4026) (a) *Applicability*. Beginning December 14, 1998, the only valid commercial vessel permits for South Atlantic snapper-grouper are those that have been issued under the limited access criteria in this section. A vessel may have either a transferable commercial permit or a trip-limited commercial permit for South Atlantic snapper-grouper.

(4027) (b) *Initial eligibility*. A vessel is eligible for an initial limited access commercial permit for South Atlantic snapper-grouper if the owner owned a vessel with a commercial vessel permit for South Atlantic snapper-grouper at any time from February 11, 1996, through February 11, 1997, and owned a permitted vessel that had at least one landing of snapper-grouper from the South Atlantic from January 1, 1993, through August 20, 1996, as reported on fishing vessel logbooks received by the SRD on or before August 20, 1996. An owner whose permitted vessels had landings of snapper-grouper from the South Atlantic of at least 1,000 lb (453.6 kg), whole weight, in any one of the years 1993, 1994, or 1995, or in 1996 through August 20, as reported on fishing vessel logbooks received by the SRD on or before August 20, 1996, is eligible for an initial transferable permit. All other qualifying owners are eligible for an initial trip-limited permit.

(4028) (c) *Determinations of eligibility*—(1) *Permit history*. The sole basis for determining whether a vessel had a commercial vessel permit for South Atlantic snapper-grouper at any time from February 11, 1996, through February 11, 1997, is NMFS' permit records. An owner of a currently permitted vessel who believes he/she meets the February 11, 1996, through February 11, 1997, permit history criterion based on ownership of a vessel under a different name, as may have occurred when ownership has changed from individual to corporate or vice versa, must document his/her continuity of ownership. No more than one owner of a currently permitted vessel will be credited with meeting the permit history criterion based on a vessel's permit history.

(4029) (2) *Landings*. (i) Landings of snapper-grouper from the South Atlantic during the qualifying period are determined from fishing vessel logbooks received by the SRD on or before August 20, 1996. State trip ticket data may be considered in support of claimed landings provided such trip ticket data were received by the state on or before September 20, 1996.

(4030) (ii) Only landings when a vessel had a valid commercial permit for snapper-grouper and only landings that were harvested, landed, and sold in compliance with state and Federal regulations may be used to establish eligibility.

(4031) (iii) For the purpose of eligibility for a limited access commercial permit for snapper-grouper, the owner of a vessel that had a commercial snapper-grouper permit during the qualifying period retains the snapper-grouper landings record of that vessel during the time of his/her ownership unless a sale of the vessel included a written agreement that credit for such landings was transferred to the new owner. Such transfer of credit must be for the vessel's entire record of landings of snapper-grouper from the South Atlantic.

(4032) (d) *Implementation procedures*—(1) *Notification of status*. On or about July 27, 1998, the RA will notify each owner of a vessel that had a commercial permit for South Atlantic snapper-grouper at any time from February 11, 1996, through February 11, 1997, and each owner of a vessel that has a commercial permit for South Atlantic snapper-grouper on July 16, 1998, of NMFS' initial determination of eligibility for either a transferable or a trip-limited, limited access commercial permit for South Atlantic snapper-grouper. Each notification will include an application for such permit. Addresses for such notifications will be based on NMFS' permit records. A vessel owner who believes he/she qualifies for a limited access commercial permit for South Atlantic snapper-grouper and who does not receive such notification must obtain an application from the RA.

(4033) (2) *Applications*. (i) An owner of a vessel who desires a limited access commercial permit for South Atlantic snapper-grouper must submit an application for

such permit postmarked or hand-delivered not later than October 14, 1998. Failure to apply in a timely manner will preclude permit issuance even when the vessel owner meets the eligibility criteria for such permit.

(4034) (ii) A vessel owner who agrees with NMFS' initial determination of eligibility, including type of permit (transferable or trip-limited), need provide no documentation of eligibility with his/her application.

(4035) (iii) A vessel owner who disagrees with the initial determination of eligibility or type of permit must specify the type of permit applied for and provide documentation of eligibility. Documentation and other information submitted on or with an application are subject to verification by comparison with state, Federal, and other records and information. Submission of false documentation or information may disqualify an owner from initial participation in the limited access commercial South Atlantic snapper-grouper fishery and is a violation of the regulations in this part.

(4036) (iv) If an application that is postmarked or hand delivered in a timely manner is incomplete, the RA will notify the vessel owner of the deficiency. If the owner fails to correct the deficiency within 20 days of the date of the RA's notification, the application will be considered abandoned.

(4037) (3) *Issuance*. (i) If a complete application is submitted in a timely manner and the eligibility requirements specified in paragraph (b) of this section are met, the RA will issue an initial commercial vessel permit, transferable or trip-limited, as appropriate, and mail it to the vessel owner not later than December 3, 1998.

(4038) (ii) If the eligibility requirements specified in paragraph (b) of this section are not met, the RA will notify the vessel owner, in writing, not later than November 13, 1998 of such determination and the reasons for it.

(4039) (4) *Reconsideration*. (i) A vessel owner may request reconsideration of the RA's determination regarding initial permit eligibility by submitting a written request for reconsideration to the RA. Such request must be postmarked or hand delivered within 20 days of the date of the RA's notification denying initial permit issuance and must provide written documentation supporting permit eligibility.

(4040) (ii) Upon receipt of a request for reconsideration, the RA will forward the initial application, the RA's response to that application, the request for reconsideration, and pertinent records to an Application Oversight Board consisting of state directors (or their designees) from each state in the Council's area of jurisdiction. Upon request, a vessel owner may make a personal appearance before the Application Oversight Board.

(4041) (iii) If reconsideration by the Application Oversight Board is requested, such request constitutes the vessel owner's written authorization under section 402(b)(1)(F) of the Magnuson-Stevens Act for the RA to make available to the Application Oversight Board members such confidential catch and other records as are pertinent to the matter under reconsideration.

(4042) (iv) The Application Oversight Board may only deliberate whether the eligibility criteria specified in paragraph (b) of this section were applied correctly in the vessel owner's case, based solely on the available record, including documentation submitted by the owner. The Application Oversight Board may not consider whether an owner should have been eligible for a commercial vessel permit because of hardship or other factors. The Application Oversight Board members will provide individual recommendations for each application for reconsideration to the RA.

(4043) (v) The RA will make a final decision based on the eligibility criteria specified in paragraph (b) of this section and the available record, including documentation submitted by the vessel owner, and the recommendations and comments from members of the Application Oversight Board. The RA may not consider whether a vessel owner should have been eligible for a commercial vessel permit because of hardship or other factors. The RA will notify the owner of the decision and the reason for it, in writing, within 15 days of receiving the recommendations from the Application Oversight Board members. The RA's decision will constitute the final administrative action by NMFS.

(4044) (e) *Transfers of permits*. A snapper-grouper limited access permit is valid only for the vessel and owner named on the permit. To change either the vessel or the owner, an application for transfer must be submitted to the RA.

(4045) (1) *Transferable permits*. (i) An owner of a vessel with a transferable permit may request that the RA transfer the permit to another vessel owned by the same entity.

(4046) (ii) A transferable permit may be transferred upon a change of ownership of a permitted vessel with such permit from one to another of the following: Husband, wife, son, daughter, brother, sister, mother, or father.

(4047) (iii) A transferable permit may be transferred to a vessel whose owner had, as of August 20, 1996, a written contract for the purchase of a vessel that included a provision transferring to the new owner the rights to any limited access permit to which the former owner might become entitled under the provisions for initial issue of limited access permits. To be considered, any such written contract must be submitted to the RA postmarked or hand-delivered on or before December 14, 1998.

(4048) (iv) Except as provided in paragraphs (e)(1)(i), (ii), and (iii) of this section, a person desiring to acquire a

limited access, transferable permit for South Atlantic snapper-grouper must obtain and exchange two such permits for one new permit.

(4049) (v) A transfer of a permit that is undertaken under paragraph (e)(1)(ii), (e)(1)(iii), or (e)(1)(iv) of this section will constitute a transfer of the vessel's entire catch history to the new owner.

(4050) (2) *Trip-limited permits*. An owner of a vessel with a trip-limited permit may request that the RA transfer the permit to another vessel owned by the same entity provided the length and gross tonnage of the replacement vessel are equal to or less than the length and gross tonnage of the replaced vessel.

(4051) (f) *Renewal*. NMFS will not reissue a commercial vessel permit for South Atlantic snapper-grouper if the permit is revoked or if the RA does not receive an application for renewal within 60 days of the permit's expiration date.

§622.19 South Atlantic rock shrimp limited access.

(4052) (a) *Applicability*. Effective July 15, 2003, for a person aboard a vessel to fish for rock shrimp in the South Atlantic EEZ off Georgia or off Florida or possess rock shrimp in or from the South Atlantic EEZ off Georgia or off Florida, a limited access endorsement for South Atlantic rock shrimp must be issued to the vessel and must be on board.

(4053) (b) *Initial eligibility*. A vessel is eligible for an initial limited access endorsement for South Atlantic rock shrimp if the owner–

(4054) (1) Owned a vessel with a Federal permit for South Atlantic rock shrimp on or before December 31, 2000, and

(4055) (2) Landed at least 15,000 lbs (6,804 kg) of South Atlantic rock shrimp in any one of the calendar years 1996 through 2000 from a vessel that he/she owned.

(4056) (c) *Determinations of eligibility*–(1) *Permit history*. The sole basis for determining whether a vessel had a Federal permit for South Atlantic rock shrimp, and that vessel's owner during the time it was permitted, is the RA's permit records. A person who believes he/she meets the permit history criterion based on ownership of a vessel under a different name, as may have occurred when ownership changed from individual to corporate or vice versa, must document his/her ownership.

(4057) (2) *Landings*. (i) Landings of rock shrimp from the South Atlantic EEZ during the qualifying period are verified from landings data that were submitted on or before January 31, 2001 and are in state on Federal database systems; no additional landings data will be accepted.

(4058) (ii) Only landings when a vessel had a valid Federal permit for rock shrimp, that were harvested from the South Atlantic EEZ, and that were landed and sold in compliance with state and Federal regulations will be used to establish eligibility.

(4059) (iii) For the purpose of eligibility for an initial limited access endorsement for South Atlantic rock shrimp, the owner of a vessel that had a permit for South Atlantic rock shrimp during the qualifying period retains the rock shrimp landings record of that vessel during the time of his/her ownership, unless, prior to January 16, 2003, a sale of the vessel includes a written agreement that credit for qualifying landings is transferred to the new owner. Qualifying landings are landings of at least 15,000 lb (6,804 kg) of rock shrimp harvested from the South Atlantic EEZ in any one of the calendar years 1996 through 2000. Such transfer of credit must be for the vessel's entire record of landings of rock shrimp from the South Atlantic during the time of the seller's ownership; no partial transfers are allowed.

(4060) (d) *Implementation procedures*–(1) *Notification of status*. On or about March 17, 2003, the RA will notify each owner of a vessel that had a permit for South Atlantic rock shrimp on or before December 31, 2000, and each owner of a vessel currently permitted for South Atlantic rock shrimp, of the RA's initial determination of eligibility for a limited access endorsement for South Atlantic rock shrimp. The notification will include a determination regarding the 15,000–lb (6,804–kg) threshold level for endorsement. If the landings in the combined state and Federal databases do not meet the 15,000–lb (6,804–kg) threshold for any of the qualifying years, the landings in each of the qualifying years, as shown in those databases, will be included. Each notification will include an application for such endorsement. Addresses for notifications will be based on the RA's permit records. Each owner of a vessel that had a permit for South Atlantic rock shrimp on or before December 31, 2000, and each owner of a currently permitted vessel, who does not receive notification by April 1, 2003 must advise the RA of non-receipt within 15 days thereafter.

(4061) (2) *Applications*. (i) An owner of a vessel who desires a limited access endorsement for South Atlantic rock shrimp must submit an application for such endorsement postmarked or hand-delivered not later than May 16, 2003. Failure to apply in a timely manner will preclude issuance of an endorsement even if the vessel owner meets the eligibility criteria for the endorsement.

(4062) (ii) An applicant who agrees with the RA's initial determination of eligibility does not need to provide documentation of eligibility with his/her application.

(4063) (iii) An applicant who disagrees with the RA's initial determination of eligibility must provide documentation

of eligibility with his/her application. Such documentation must include the name and official number of the vessel permitted for South Atlantic rock shrimp and the dates, quantities, trip tickets, and purchasing dealers for specific landings claimed for the vessel. In addition, if an owner's application for a limited access endorsement is based on qualifying landings that were transferred to him/her through a written agreement, as discussed in paragraph (c)(2)(iii) of this section, the application must be accompanied by a copy of that agreement and a statement of the cost associated with obtaining the catch history. Documentation and other information submitted on or with an application are subject to verification by comparison with state or Federal records and information. If such documentation and information cannot be verified from state or Federal records and information, the documentation and other information will be rejected. Submission of false documentation or information may disqualify an owner from obtaining an initial limited access endorsement for South Atlantic rock shrimp and is a violation of the regulations in this part.

(4064) (iv) If an application that is postmarked or hand delivered in a timely manner is incomplete, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 20 days of the date of the RA's notification, the application will be considered abandoned.

(4065) (3) *Issuance*. If a complete application is submitted in a timely manner and the eligibility requirements specified in paragraph (b) of this section are met, the RA will take action as follows:

(4066) (i) If a qualified applicant owns a vessel that has a valid permit for South Atlantic rock shrimp, the RA will issue an initial limited access endorsement for South Atlantic rock shrimp and mail it to the vessel owner prior to July 15, 2003.

(4067) (ii) If a qualified applicant does not currently own a vessel, the RA will inform him/her of qualification, but no endorsement will be issued. Such qualified applicant must apply for a permit and endorsement for a vessel that he/she owns, or transfer the rights to the endorsement to an owner of a vessel, prior to July 15, 2005. After that date, the rights to an initial limited access endorsement for South Atlantic rock shrimp that were based on the qualification will expire. A qualified applicant who desires to transfer the rights to an initial endorsement to the owner of a vessel must submit an application requesting such transfer to the RA. Such transfer of rights will include transfer of credit for the vessel's entire record of landings of rock shrimp from the South Atlantic during the time of the qualified applicant's ownership.

(4068) (4) *Reconsideration*. (i) If the eligibility requirements specified in paragraph (b) of this section are not met, the RA will notify applicant, in writing, not later than July 16, 2003. The notification will include the reason for the determination that the eligibility requirements were not met. An applicant may request reconsideration of the RA's determination regarding initial endorsement eligibility by submitting a written request for reconsideration to the RA. Such request must be postmarked or hand-delivered not later than September 15, 2003 and must provide additional written documentation supporting eligibility for the endorsement.

(4069) (ii) Upon receipt of a request for reconsideration, the RA will forward the initial application, the RA's response to that application, the request for reconsideration, and pertinent records to an Application Oversight Board consisting of state directors (or their designees) from each state in the Council's area of jurisdiction. Upon request, a vessel owner may make a personal appearance before the Application Oversight Board.

(4070) (iii) If reconsideration by the Application Oversight Board is requested, such request constitutes the applicant's written authorization under section 402(b)(1)(F) of the Magnuson-Stevens Act for the RA to make available to the members of the Application Oversight Board such confidential catch and other records as are pertinent to the matter under reconsideration.

(4071) (iv) The Application Oversight Board may only deliberate whether the eligibility criteria specified in paragraph (b) of this section were applied correctly in the applicant's case, based solely on the available record, including documentation submitted by the applicant. The Application Oversight Board may not consider whether an applicant should have been eligible for a vessel permit because of hardship or other factors. The Application Oversight Board members will provide individual recommendations for each application for reconsideration to the RA.

(4072) (v) The RA will make a final decision based on the eligibility criteria specified in paragraph (b) of this section and the available record, including documentation submitted by the applicant, and the recommendations and comments from members of the Application Oversight Board. The RA may not consider whether an applicant should have been eligible for a vessel permit because of hardship or other factors. The RA will notify the applicant of the decision and the reason for it, in writing, within 15 days of receiving the recommendations from the Application Oversight Board members. The RA's decision will constitute the final administrative action by NMFS.

(4073) (e) *Transfer of an endorsement*. A limited access endorsement for South Atlantic rock shrimp is valid

only for the vessel and owner named on the permit/endorsement. To change either the vessel or the owner, an application for transfer must be submitted to the RA. An owner of a vessel with an endorsement may request that the RA transfer the endorsement to another vessel owned by the same entry, to the same vessel owned by another entity, or to another vessel with another owner. A transfer of an endorsement under this paragraph will include the transfer of the vessel's entire catch history of South Atlantic rock shrimp to a new owner; no partial transfers are allowed.

(4074) (f) *Renewal.* The RA will not reissue a limited access endorsement for South Atlantic rock shrimp if the endorsement is revoked or if the RA does not receive a complete application for renewal of the endorsement within 1 year after the endorsement's expiration date.

(4075) (g) *Non-renewal of inactive endorsements*. In addition to the sanctions and denials specified in §622.4(j)(1), a limited access endorsement for South Atlantic rock shrimp that is inactive for a period of 4 consecutive calendar years will not be renewed. For the purpose of this paragraph, "inactive" means that the vessel with the endorsement has not landed at least 15,000 lb (6,804 kg) of rock shrimp from the South Atlantic EEZ is a calender year.

(4076) (h) *Reissuance of non-renewed permits*. A permit that is not renewed under paragraph (g) of this section will be made available to a vessel owner randomly selected from a list of owners who had documented landings of rock shrimp from the South Atlantic EEZ prior to 1996 but who did not qualify for an initial limited access endorsement. To be placed on the list, an owner must submit a written request to the RA postmarked or hand-delivered not later than January 16, 2004. The written request must contain documentation of each specific landing claimed, i.e., date, quantity of rock shrimp, name and official number of the harvesting vessel, ownership of the vessel at the time of landing, and name and address of the purchasing dealer. Claimed landings that are not verified by comparison with state trip ticket or dealer records will not be recognized.

Subpart C–Management Measures

§622.30 Fishing years.

(4077) The fishing year for species or species groups governed in this part is January1 through December 31 except for the following:

(4078) (a) *Allowable octocoral*—October 1 through September 30.

(4079) (b) *King and Spanish mackerel.* The fishing year for the king and Spanish mackerel bag limits specified in §622.39(c)(1) is January 1 through December 31. The following fishing years apply only for the king and Spanish mackerel quotas specified in §622.42(c):

(4080) (1) *Gulf migratory group king mackerel*—July 1 through June 30.

(4081) (2) *All other migratory groups of king and Spanish mackerel*—April 1 through March 31.

(4082) (c) *Wreckfish*—April 16 through April 15.

(4083) (d) *South Atlantic greater amberjack*–May 1 through April 30.

§622.31 Prohibited gear and methods.

(4084) In addition to the prohibited gear/methods specified in this section, see §§622.33, 622.34, and §622.35 for seasonal/area prohibited gear/methods and §622.41 for species specific authorized and unauthorized gear/methods.

(4085) (a) *Explosives*. An explosive (except an explosive in a powerhead) may not be used to fish in the Caribbean, Gulf, or South Atlantic EEZ. A vessel fishing in the EEZ for a species governed in this part, or a vessel for which a permit has been issued under §622.4 or §622.17, may not have on board any dynamite or similar explosive substance.

(4086) (b) *Chemicals and plants*. A toxic chemical may not be used or possessed in a coral area, and a chemical, plant, or plant-derived toxin may not be used to harvest a Caribbean coral reef resource in the Caribbean EEZ.

(4087) (c) *Fish traps*. (1) A fish trap may not be used in the South Atlantic EEZ.

(4088) (2) A fish trap may not be used or possessed in the Gulf EEZ west of 85°30'W. long. and, after February 7, 2007, may not be used or possessed in the Gulf EEZ.

(4089) (3) A fish trap used other than where authorized in paragraph (c) (1) or (2) of this section may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

(4090) (d) *Longlines for wreckfish*. A bottom longline may not be used to fish for wreckfish in the South Atlantic EEZ. A person aboard a vessel that has a longline on board may not retain a wreckfish in or from the South Atlantic EEZ. For the purposes of this paragraph, a vessel is considered to have a longline on board when a power-operated longline hauler, a cable of diameter suitable for use in the longline fishery longer than 1.5 mi (2.4 km) on any reel, and gangions are on board. Removal of any one of these three elements constitutes removal of a longline.

(4091) (e) *Poisons*. (1) A poison, drug, or other chemical may not be used to fish for Caribbean reef fish in the Caribbean EEZ.

(4092) (2) A poison may not be used to take Gulf reef fish in the Gulf EEZ.

(4093) (3) A poison may not be used to fish for South Atlantic snapper-grouper in the South Atlantic EEZ.

(4094) (f) *Power-assisted tools*. A power-assisted tool may not be used in the Caribbean EEZ to take a Caribbean coral reef resource or in the Gulf or South Atlantic EEZ to take allowable octocoral, prohibited coral, or live rock.

(4095) (g) *Powerheads*. A powerhead may not be used in the Caribbean EEZ to harvest Caribbean reef fish or in the EEZ off South Carolina to harvest South Atlantic snapper-grouper. The possession of a mutilated Caribbean reef fish in or from the Caribbean EEZ, or a mutilated South Atlantic snapper-grouper in or from the EEZ off South Carolina, and a powerhead is *prima facie* evidence that such fish was harvested by a powerhead.

(4096) (h) *Rebreathers and spearfishing gear*. In the South Atlantic EEZ, a person using a rebreather may not harvest South Atlantic snapper-grouper with spearfishing gear. The possession of such snapper-grouper while in the water with a rebreather is *prima facie* evidence that such fish was harvested with spearfishing gear while using a rebreather.

(4097) (i) *Sea bass pots*. A sea bass pot may not be used in the South Atlantic EEZ south of 28°35.1'N. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL). A sea bass pot deployed in the EEZ south of 28°35.1'N. may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

(4098) (j) *Spears and hooks*. A spear, hook, or similar device may not be used in the Caribbean EEZ to harvest a Caribbean spiny lobster. The possession of a speared, pierced, or punctured Caribbean spiny lobster in or from the Caribbean EEZ is *prima facie* evidence of violation of this section.

(4099) (k) *Traps for royal red shrimp in the Gulf EEZ*. A trap may not be used to fish for royal red shrimp in the Gulf EEZ. A trap used to fish for royal red shrimp in the Gulf EEZ may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer.

§622.32 Prohibited and limited-harvest species.

(4100) (a) *General*. The harvest and possession restrictions of this section apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit. The operator of a vessel that fishes in the EEZ is responsible for the limit applicable to that vessel.

(4101) (b) *Prohibited species*. Prohibited species, by geographical area, are as follows:

(4102) (1) *Caribbean*. (i) Caribbean prohibited coral may not be fished for or possessed in or from the Caribbean EEZ. The taking of Caribbean prohibited coral in the Caribbean EEZ is not considered unlawful possession provided it is returned immediately to the sea in the general area of fishing.

(4103) (ii) Foureye, banded, and longsnout butterflyfish; jewfish; Nassau grouper; and seahorses may not be harvested or possessed in or from the Caribbean EEZ. Such fish caught in the Caribbean EEZ must be released immediately with a minimum of harm.

(4104) (iii) Egg-bearing spiny lobster in the Caribbean EEZ must be returned to the water unharmed. An egg-bearing spiny lobster may be retained in a trap, provided the trap is returned immediately to the water. An egg-bearing spiny lobster may not be stripped, scraped, shaved, clipped, or in any other manner molested, in order to remove the eggs.

(4105) (2) *Gulf*. (i) Gulf and South Atlantic prohibited coral taken as incidental catch in the Gulf EEZ must be returned immediately to the sea in the general area of fishing. In fisheries where the entire catch is landed unsorted, such as the scallop and groundfish fisheries, unsorted prohibited coral may be landed ashore; however, no person may sell or purchase such prohibited coral.

(4106) (ii) Jewfish may not be harvested or possessed in or from the Gulf EEZ.

(4107) (iii) Red drum and Nassau grouper may not be harvested or possessed in or from the Gulf EEZ. Such fish caught in the Gulf EEZ must be released immediately with a minimum of harm.

(4108) (3) *Mid-Atlantic*. Red drum may not be harvested or possessed in or from the Mid-Atlantic EEZ south of a line extending in a direction of 115° from true north commencing at a point at 40°29.6'N., 73°54.1'W., such point being the intersection of the New Jersey/New York boundary with the 3- nm line denoting the seaward limit of state waters. Red drum caught in such portion of the Mid-Atlantic EEZ must be released immediately with a minimum of harm.

(4109) (4) *South Atlantic*. (i) Gulf and South Atlantic prohibited coral taken as incidental catch in the South Atlantic EEZ must be returned immediately to the sea in the general area of fishing. In fisheries where the entire catch is landed unsorted, such as the scallop and groundfish fisheries, unsorted prohibited coral may be landed ashore; however, no person may sell or purchase such prohibited coral.

(4110) (ii) Jewfish and Nassau grouper may not be harvested or possessed in or from the South Atlantic EEZ. Jewfish and Nassau grouper taken in the South Atlantic EEZ incidentally by hook-and-line must be released immediately by cutting the line without removing the fish from the water.

(4111) (iii) Red drum may not be harvested or possessed in or from the South Atlantic EEZ. Red drum caught in

the South Atlantic EEZ must be released immediately with a minimum of harm.

(4112) (iv) Wild live rock may not be harvested or possessed in the South Atlantic EEZ.

(4113) (v) It is intended that no female golden crabs in or from the South Atlantic EEZ be retained on board a vessel and that any female golden crab in or from the South Atlantic EEZ be released in a manner that will ensure maximum probability of survival. However, to accommodate legitimate incidental catch and retention, the number of female golden crabs in or from the South Atlantic EEZ retained on board a vessel may not exceed 0.5 percent, by number, of all golden crabs on board. See §622.45(f)(1) regarding the prohibition of sale of female golden crabs.

(4114) (vi) South Atlantic snapper-grouper may not be possessed in whole, gutted, or filleted form by a person aboard a vessel fishing for or possessing golden crab in or from the South Atlantic EEZ or possessing a golden crab trap in the South Atlantic. Only the head, fins, and backbone (collectively the "rack") of South Atlantic snapper-grouper may be possessed for use as bait.

(4115) (c) *Limited-harvest species*. A person who fishes in the EEZ may not combine a harvest limitation specified in this paragraph (c) with a harvest limitation applicable to state waters. A species subject to a harvest limitation specified in this paragraph (c) taken in the EEZ may not be transferred at sea, regardless of where such transfer takes place, and such species may not be transferred in the EEZ.

(4116) (1) *Cobia*. No person may possess more than two cobia per day in or from the Gulf or South Atlantic EEZ, regardless of the number of trips or duration of a trip.

(4117) (2) *Cubera snapper*. No person may harvest more than two cubera snapper measuring 30 inches (76.2 cm), TL, or larger, per day in the South Atlantic EEZ off Florida and no more than two such cubera snapper in or from the South Atlantic EEZ off Florida may be possessed on board a vessel at any time.

(4118) (3) *Speckled hind and warsaw grouper*. The possession of speckled hind and warsaw grouper in or from the South Atlantic EEZ is limited to one of each per vessel per trip.

§622.33 Caribbean EEZ seasonal and/or area closures.

(4119) (a) *Seasonal closures*. (1) Mutton snapper spawning aggregation area. From March 1 through June 30, each year, fishing is prohibited in that part of the following area that is in the EEZ. The area is bounded by rhumb lines connecting, in order, the points listed.

Point	Latitude	Longitude
A.	17°37.8'N.	64°53.0'W.
B	17°39.0'N.	64°53.0'W.
C	17°39.0'N.	64°50.5'W.
D	17°38.1'N.	64°50.5'W.
E	17°37.8'N.	64°52.5'W.
A.	17°37.8'N.	64°53.0'W.

(4120) (2) *Red hind spawning aggregation areas*. From December 1 through February 28, each year, fishing is prohibited in those parts of the following areas that are in the EEZ. Each area is bounded by rhumb lines connecting, in order, the points listed:

(4121) (i) *East of St. Croix*.

Point	Latitude	Longitude
A.	17°50.2'N.	64°27.9'W.
B	17°50.1'N.	64°26.1'W.
C	17°49.2'N.	64°25.8'W.
D	17°48.6'N.	64°25.8'W.
E	17°48.1'N.	64°26.1'W.
F.	17°47.5'N.	64°26.9'W.
A.	17°50.2'N.	64°27.9'W.

(4122) (ii) *West of Puerto Rico*—(A) *Bajo de Cico*.

Point	Latitude	Longitude
A.	18°15.7'N.	67°26.4'W.
B	18°15.7'N.	67°23.2'W.
C	18°12.7'N.	67°23.4'W.
D	18°12.7'N.	67°26.4'W.
A.	18°15.7'N.	67°26.5'W.

(4123) (B) *Tourmaline Bank*.

Point	Latitude	Longitude
A.	18°11.2'N.	67°22.4'W.
B	18°11.2'N.	67°19.2'W.
C	18°08.2'N.	67°19.2'W.
D	18°08.2'N.	67°22.4'W.
A.	18°11.2'N.	67°22.4'W.

(4124) (ii) *Abrir La Sierra Bank*.

Point	Latitude	Longitude
A.	18°06.5'N.	67°26.9'W.
B	18°06.5'N.	67°23.9'W.
C	18°03.5'N.	67°23.9'W.
D	18°03.5'N.	67°26.9'W.
A.	18°06.5'N.	67°26.9'W.

(4125) (3) *Queen conch closure*. From July 1 through September 30, each year, no person may fish for queen conch in the Caribbean EEZ and no person may possess on board a fishing vessel a queen conch in or from the Caribbean EEZ.

(4126) (b) *Year-round area closures*. (1) *Hind Bank Marine Conservation District (MCD)*. The following activities are prohibited within the Hind Bank MCD: Fishing for any species, and anchoring by fishing vessels. The Hind Bank MCD is bounded by rhumb lines connecting, in order, the points listed.

Point	Latitude	Longitude
A	18°13.2'N.	65°06.0'W.
B	18°13.2'N.	64°59.0'W.
C	18°11.8'N.	64°59.0'W.
D	18°10.7'N.	65°06.0'W.
A	18°13.2'N.	65°06.0'W.

(4127) (2) [Reserved]

§622.34 Gulf EEZ seasonal and/or area closures.

(4128) (a) *Alabama SMZ*. The Alabama SMZ consists of artificial reefs and surrounding areas. In the Alabama SMZ, fishing by a vessel that is operating as a charter vessel or headboat, a vessel that does not have a commercial permit for Gulf reef fish, as required under §622.4(a)(2), or a vessel with such a permit fishing for Gulf reef fish is limited to hook-and-line gear with three or fewer hooks per line and spearfishing gear. A person aboard a vessel that uses on any trip gear other than hook-and-line gear with three or fewer hooks per line and spearfishing gear in the Alabama SMZ is limited on that trip to the bag limits for Gulf reef fish specified in §622.39(b) and, for Gulf reef fish for which no bag limit is specified in §622.39(b), the vessel is limited to 5 percent, by weight, of all fish on board or landed. The Alabama SMZ is bounded by rhumb lines connecting, in order, the following points:

Point	Latitude	Longitude
A.	30°02.5'N.	88°07.7'W.
B	30°02.6'N.	87°59.3'W.
C	29°55.0'N.	87°55.5'W.
D	29°54.5'N.	88°07.5'W.
A.	30°02.5'N.	88°07.7'W.

(4129) (b) *Florida middle grounds HAPC*. Fishing with a bottom longline, bottom trawl, dredge, pot, or trap is prohibited year round in the area bounded by rhumb lines connecting, in order, the following points:

Point	Latitude	Longitude
A.	28°42.5'N.	84°24.8'W.
B	28°42.5'N.	84°16.3'W.
C	28°11.0'N.	84°00.0'W.
D	28°11.0'N.	84°07.0'W.
E	28°26.6'N.	84°24.8'W.
A.	28°42.5'N.	84°24.8'W.

(4130) (c) *Reef fish longline and buoy gear restricted area.* A person aboard a vessel that uses, on any trip, longline or buoy gear in the longline and buoy gear restricted area is limited on that trip to the bag limits for Gulf reef fish specified in §622.39(b)(1) and, for Gulf reef fish for which no bag limit is specified in §622.39(b)(1), the vessel is limited to 5 percent, by weight, of all fish on board or landed. The longline and buoy gear restricted area is that part of the Gulf EEZ shoreward of rhumb lines connecting, in order, the points listed in Table 1, and shown in Figures 1 and 2, in Appendix B of this part.

(4131) (d) *Tortugas* marine reserves. The following activities are prohibited with the Tortugas marine reserves: Fishing for any species and anchoring by fishing vessels.

(4132) (1) *EEZ portion of Tortugas North*. The area is bounded by rhumb lines connecting the following points: From point A at 24°40'00"N., 83°06'00"W. to point B at 24°46'00"N., 83°06'00"W. to point C at 24°46'00"N., 83°00'00"W.; thence along the line denoting the seaward limit of Florida's waters, as shown on the current edition of NOAA chart 11438, to point A at 24°40'00"N., 83°06'00"W.

(4133) (2) *Tortugas South*. The area is bounded by rhumb lines connecting, in order, the following points:

Point	Latitude	Longitude
A.	24°33'00"N.	83°09'00"W.
B	24°33'00"N.	83°05'00"W.

Point	Latitude	Longitude
C	24°18'00"N.	83°05'00"W.
D	24°18'00"N.	83°09'00"W.
A	24°33'00"N.	83°09'00"W.

(4134) (e) *Shrimp/stone crab separation zones*. Five zones are established in the Gulf EEZ and Florida's waters off Citrus and Hernando Counties for the separation of shrimp trawling and stone crab trapping. Although Zone II is entirely within Florida's waters, it is included in this paragraph (e) for the convenience of fishermen. Restrictions that apply to Zone II and those parts of the other zones that are in Florida's waters are contained in Rule 46-38.001, Florida Administrative Code. Geographical coordinates of the points referred to in this paragraph (e) are as follows:

Point	Latitude	Longitude
A	28°59'30"N.	82°45'36"W.
B	28°59'30"N.	83°00'10"W.
C	28°26'01"N.	82°59'47"W.
D	28°26'01"N.	82°56'54"W.
E	28°41'39"N.	82°55'25"W.
F	28°41'39"N.	82°56'09"W.
G	28°48'56"N.	82°56'19"W.
H	28°53'51"N.	82°51'19"W.
I[1]	28°54'43"N.	82°44'52"W.
J[2]	28°51'09"N.	82°44'00"W.
K	28°50'59"N.	82°54'16"W.
L	28°41'39"N.	82°53'56"W.
M[3]	28°41'39"N.	82°38'46"W.
N	28°41'39"N.	82°53'12"W.
O	28°30'51"N.	82°55'11"W.
P	28°40'00"N.	82°53'08"W.
Q	28°40'00"N.	82°47'58"W.
R	28°35'14"N.	82°47'47"W.
S	28°30'51"N.	82°52'55"W.
T	28°27'46"N.	82°55'09"W.
U	28°30'51"N.	82°52'09"W.

[1]Crystal River entrance Light 1A.

[2]Long Pt. (Southwest tip).

[3]Shoreline.

(4135) (1) *Zone I* is enclosed by rhumb lines connecting, in order, points A, B, C, D, T, E, F, G, H, I, and J, plus the shoreline between points A and J. It is unlawful to trawl in that part of Zone I that is in the EEZ from October 5 through May 20, each year.

(4136) (2) *Zone II* is enclosed by rhumb lines connecting, in order, points J, I, H, K, L, and M, plus the shoreline between points J and M.

(4137) (3) *Zone III* is enclosed by rhumb lines connecting, in order, points P, Q, R, U, S, and P. It is unlawful to trawl in that part of Zone III that is in the EEZ from October 5 through May 20, each year.

(4138) (4) *Zone IV* is enclosed by rhumb lines connecting, in order, points E, N, S, O, and E.

(4139) (i) It is unlawful to place a stone crab trap in that part of Zone IV that is in the EEZ from October 5 through December 1 and from April 2 through May 20, each year.

(4140) (ii) It is unlawful to trawl in that part of Zone IV that is in the EEZ from December 2 through April 1, each year.

(4141) (5) *Zone V* is enclosed by rhumb lines connecting, in order, points F, G, K, L, and F.

(4142) (i) It is unlawful to place a stone crab trap in that part of Zone V that is in the EEZ from October 5 through November 30 and from March 16 through May 20, each year.

(4143) (ii) It is unlawful to trawl in that part of Zone V that is in the EEZ from December 1 through March 15, each year.

(4144) (f) *Southwest Florida seasonal trawl closure*. From January 1 to 1 hour after sunset on May 20, each year, trawling, including trawling for live bait, is prohibited in that part of the Gulf EEZ shoreward of rhumb lines connecting, in order, the following points:

Point	Latitude	Longitude
B[1]	26°16.0'N.	81°58.5'W.
C	26°00.0'N.	82°04.0'W.
D	25°09.0'N.	81°47.6'W.
E	24°54.5'N.	81°50.5'W.
M[1]	24°49.3'N.	81°46.4'W.

[1]On the seaward limit of Florida's waters.

(4145) (g) *Reef fish stressed area*. The stressed area is that part of the Gulf EEZ shoreward of rhumb lines connecting, in order, the points listed in Table 2, and shown in Figures 3 and 4, in Appendix B of this part.

(4146) (1) A powerhead may not be used in the stressed area to take Gulf reef fish. Possession of a powerhead and a mutilated Gulf reef fish in the stressed area or

after having fished in the stressed area constitutes *prima facie* evidence that such reef fish was taken with a powerhead in the stressed area.

(4147) (2) A roller trawl may not be used in the stressed area. Roller trawl means a trawl net equipped with a series of large, solid rollers separated by several smaller spacer rollers on a separate cable or line (sweep) connected to the footrope, which makes it possible to fish the gear over rough bottom, that is, in areas unsuitable for fishing conventional shrimp trawls. Rigid framed trawls adapted for shrimping over uneven bottom, in wide use along the west coast of Florida, and shrimp trawls with hollow plastic rollers for fishing on soft bottoms, are not considered roller trawls.

(4148) (3) A fish trap may not be used in the stressed area. A fish trap used in the stressed area will be considered unclaimed or abandoned property and may be disposed of in any appropriate manner by the Assistant Administrator (including an authorized officer).

(4149) (h) *Texas closure*. (1) From 30 minutes after sunset on May 15 to 30 minutes after sunset on July 15, trawling, except trawling for royal red shrimp beyond the 100-fathom (183-m) depth contour, is prohibited in the Gulf EEZ off Texas.

(4150) (2) In accordance with the procedures and restrictions of the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, the RA may adjust the closing and/or opening date of the Texas closure to provide an earlier, later, shorter, or longer closure, but the duration of the closure may not exceed 90 days or be less than 45 days. Notification of the adjustment of the closing or opening date will be published in the **FEDERAL REGISTER**.

(4151) (i) *Tortugas shrimp sanctuary*. (1) The Tortugas shrimp sanctuary is closed to trawling. The Tortugas shrimp sanctuary is that part of the EEZ off Florida shoreward of rhumb lines connecting, in order, the following points:

Point	Latitude	Longitude
N[1]	25°52.9'N.	81°37.9'W.
F.	24°50.7'N.	81°51.3'W.
G[2]	24°40.1'N.	82°26.7'W.
H[3]	24°34.7'N.	82°35.2'W.
P[4]	24°35.0'N.	82°08.0'W.

[1] Coon Key Light.

[2] New Ground Rocks Light.

[3] Rebecca Shoal Light.

[4] Marquessas Keys.

(4152) (2) The provisions of paragraph (i)(1) of this section notwithstanding—

(4153) (i) Effective from April 11 through September 30, each year, that part of the Tortugas shrimp sanctuary seaward of rhumb lines connecting the following points is open to trawling: From point T at 24°47.8'N., 82°01.0'W. to point U at 24°43.83'N., 82°01.0'W. (on the line denoting the seaward limit of Florida's waters); thence along the seaward limit of Florida's waters, as shown on the current edition of NOAA chart 11439, to point V at 24°42.55'N., 82°15.0'W.; thence north to point W at 24°43.6'N., 82°15.0'W.

(4154) (ii) Effective from April 11 through July 31, each year, that part of the Tortugas shrimp sanctuary seaward of rhumb lines connecting the following points is open to trawling: From point W to point V, both points as specified in paragraph (i)(2)(i) of this section, to point G, as specified in paragraph (i)(1) of this section.

(4155) (iii) Effective from May 26 through July 31, each year, that part of the Tortugas shrimp sanctuary seaward of rhumb lines connecting the following points is open to trawling: From point F, as specified in paragraph (i)(1) of this section, to point Q at 24°46.7'N.., 81°52.2'W. (on the line denoting the seaward limit of Florida's waters); thence along the seaward limit of Florida's waters, as shown on the current edition of NOAA chart 11439, to point U and north to point T, both points as specified in paragraph (i)(2)(i) of this section.

(4156) (j) *West and East Flower Garden Banks HAPC*. Fishing with a bottom longline, bottom trawl, dredge, pot, or trap is prohibited year-round in the HAPC. The West and East Flower Garden Banks are geographically centered at 27°52'14.21"N., 93°48'54.79"W. and 27°55'07.44"N., 93°36'08.49"W., respectively. The HAPC extends from these centers to the 50-fathom (300-ft) (91.4-m) isobath.

(4157) (k) *Closure of the Madison and Swanson sites and Steamboat Lumps*. No person may fish within the Madison and Swanson sites or Steamboat Lumps for any species of fish except highly migratory species. Highly migratory species means tuna species, marlin (*Tetrapturus spp. and Makaira spp.*) oceanic sharks, sailfishes (*Istiophorus spp.*), and swordfish (*Xiphias gladius*). This prohibition is effective through June 16, 2004. For the purpose of this paragraph (k), fish means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds. The Madison and Swanson sites are bounded by rhumb lines connecting, in order, the following points:

Point	Latitude	Longitude
A.	29°17'N.	85°50'W.

Point	Latitude	Longitude
B	29°17'N.	85°38'W.
C	29°06'N.	85°38'W.
D	29°06'N.	85°50'W.
A.	29°17'N.	85°50'W.

(4158) Steamboat Lumps is bounded by rhumb lines connecting, in order, the following points:

Point	Latitude	Longitude
A	28°14'N.	84°48'W.
B	28°14'N.	84°37'W.
C	28°03'N.	84°37'W.
D	28°03'N.	84°48'W.
A.	28°14'N.	84°48'W.

(4159) (l) *Closures of the commercial fishery for red snapper*. The commercial fishery for red snapper in or from the Gulf EEZ is closed from January 1 to noon on February 1 and thereafter from noon on the 10th of each month to noon on the first of each succeeding month until the quota specified in §622.42(a)(1)(i)(A) is reached or until noon on October 1, whichever occurs first. From October 1 to December 1, the commercial fishery for red snapper in or from the Gulf EEZ is closed from noon on the 10th of each month to noon on the first of each succeeding month until the quota specified in §622.42(a)(1)(i)(B) is reached or until the end of the fishing year, whichever occurs first. All times are local times. During these closed periods, the possession of red snapper in or from the Gulf EEZ and in the Gulf on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under §622.4(a)(2)(v), without regard to where such red snapper were harvested, is limited to the bag and possession limits, as specified in §622.39(b)(1)(iii) and (b)(2), respectively, and such red snapper are subject to the prohibition on sale or purchase of red snapper possessed under the bag limit, as specified in §622.45(c)(1). However, when the recreational quota for red snapper has been reached and the bag and possession limit has been reduced to zero, such possession during a closed period is zero.

(4160) (m) *Closures of the commercial fishery for red snapper*. The recreational fishery for red snapper in or from the Gulf EEZ is closed from January 1 through April 20 and from November 1 through December 31. During a closure, the bag and possession limit for red snapper in or from the Gulf EEZ is zero.

(4161) (n) [Reserved]

(4162) (o) *Seasonal closure of the commercial fishery for gag, red grouper, and black grouper*. From February 15 to March 15, each year, no person aboard a vessel for which a valid Federal commercial permit for Gulf reef fish has been issued may possess gag, red grouper, or black grouper in the Gulf, regardless of where harvested. However, a person aboard a vessel for which the permit indicates both charter vessel/headboat for Gulf reef fish and commercial Gulf reef fish may continue to retain gag, red grouper, and black grouper under the bag and possession limit specified in §622.39(b), provided the vessel is operating as a charter vessel or headboat. From February 15 until March 15, each year, the sale or purchase of gag, red grouper, or black grouper is prohibited as specified in §622.45(c)(4).

(4163) (p) *Closures of the Gulf group king mackerel gillnet fishery*. The gillnet fishery for Gulf group king mackerel in or from the Gulf EEZ is closed each fishing year from July 1 until 6:00 a.m. on the day after the Martin Luther King Jr. Federal holiday. The gillnet fishery also is closed during all subsequent weekends and observed Federal holidays, except for the first weekend following the Martin Luther King Jr. holiday which will remain open to the gillnet fishery provided a notification of closure of that fishery has not been filed under §622.43(a). Weekend closures are effective from 6:00 a.m. Saturday to 6:00 a.m. Monday. Holiday closure are effective from 6:00 a.m. on the observed Federal holiday to 6:00 a.m. the following day. All times are eastern standard time. During these closures, a person aboard a vessel using or possessing a gillnet with a stretched-mesh size of 4.75 inches (12.1 cm) or larger in the southern Florida west coast subzone may not fish for or possess Gulf group king mackerel.

§622.35 Atlantic EEZ seasonal and/or area closures.

(4164) (a) *Allowable octocoral closed area*. No person may harvest or possess allowable octocoral in the South Atlantic EEZ north of 28°35.1'N. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL).

(4165) (b) *Longline closed areas*. A longline may not be used to fish in the EEZ for South Atlantic snapper-grouper south of 27°10'N. (due east of the entrance to St. Lucie Inlet, FL); or north of 27°10'N. where the charted depth is less than 50 fathoms (91.4 m), as shown on the latest edition of the largest scale NOAA chart of the location. A person aboard a vessel with a longline on board that fishes on a trip in the South Atlantic EEZ south of 27°10'N., or north of 27°10'N. where the charted depth is less than 50 fathoms (91.4 m), is limited on that trip to the bag limit for South Atlantic snapper-grouper for which a bag limit is specified in §622.39(d)(1), and to zero for all other South

Atlantic snapper-grouper. For the purpose of this paragraph, a vessel is considered to have a longline on board when a power-operated longline hauler, a cable or monofilament of diameter and length suitable for use in the longline fishery, and gangions are on board. Removal of any one of these three elements constitutes removal of a longline.

(4166) (c) *Oculina Bank*—(1) HAPC. The Oculina Bank HAPC encompasses an area bounded on the north by 28°30'N. lat., on the south 27°30'N. lat., on the east by the 100-fathom (183-m) contour, as shown on the latest edition of NOAA chart 11460, and on the west by 80°00'W. long.; and two adjacent areas: the first bounded on the north by 28°30'N. lat., on the south by 28°29'N. lat., on the east by 80°00'W. long., and on the west by 80°03'W. long.; and the second bounded on the north by 28°17'N. lat., on the south by 28°16'N. lat., on the east by 80°00'W. long., and on the west by 80°03'W. long. In the Oculina Bank HAPC, no person may:

(4167) (i) Use a bottom longline, bottom trawl, dredge, pot, or trap.

(4168) (ii) If aboard a fishing vessel, anchor, use an anchor and chain, or use a grapple and chain.

(4169) (iii) Fish for rock shrimp or possess rock shrimp in or from the area on board a fishing vessel.

(4170) (2) *Experimental closed area*. Within the Oculina Bank HAPC, the experimental closed area is bounded on the north by 27°53'N. lat., on the south by 27°30'N. lat., on the east by 79°56'W. long., and on the west by 80°00'W. long. No person may fish for South Atlantic snapper-grouper in the experimental closed area, and no person may retain South Atlantic snapper-grouper in or from the area. In the experimental closed area, any South Atlantic snapper-grouper taken incidentally by hook-and-line gear must be released immediately by cutting the line without removing the fish from the water.

(4171) (d) *South Atlantic shrimp cold weather closure*. (1) Pursuant to the procedures and criteria established in the FMP for the Shrimp Fishery of the South Atlantic Region, when Florida, Georgia, North Carolina, or South Carolina closes all or a portion of its waters of the South Atlantic to the harvest of brown, pink, and white shrimp, the Assistant Administrator may concurrently close the South Atlantic EEZ adjacent to the closed state waters by filing a notification of closure with the Office of the Federal Register. Closure of the adjacent EEZ will be effective until the ending date of the closure in state waters, but may be ended earlier based on the state's request. In the latter case, the Assistant Administrator will terminate a closure of the EEZ by filing a notification to that effect with the Office of the Federal Register.

(4172) (2) During a closure, as specified in paragraph (d)(1) of this section—

(4173) (i) No person may trawl for brown shrimp, pink shrimp, or white shrimp in the closed portion of the EEZ (closed area); and no person may possess on board a fishing vessel brown shrimp, pink shrimp, or white shrimp in or from a closed area, except as authorized in paragraph (d)(2)(iii) of this section.

(4174) (ii) No person aboard a vessel trawling in that part of a closed area that is within 25 nm of the baseline from which the territorial sea is measured may use or have on board a trawl net with a mesh size less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut.

(4175) (iii) Brown shrimp, pink shrimp, or white shrimp may be possessed on board a fishing vessel in a closed area, provided the vessel is in transit and all trawl nets with a mesh size less than 4 inches (10.2 cm), as measured between the centers of opposite knots when pulled taut, are stowed below deck while transiting the closed area. For the purpose of this paragraph, a vessel is in transit when it is on a direct and continuous course through a closed area.

(4176) (e) *SMZs*. (1) The SMZs consist of artificial reefs and surrounding areas as follows:

(4177) (i) *Paradise Reef* is bounded on the north by 33°31.59'N.; on the south by 33°30.51'N.; on the east by 78°57.55'W. ; and on the west by 78°58.85'W.

(4178) (ii) *Ten Mile Reef* is bounded on the north by 33°26.65'N.; on the south by 33°24.80'N.; on the east by 78°51.08'W.; and on the west by 78°52.97'W.

(4179) (iii) *Pawleys Island Reef* is bounded on the north by 33°26.58'N.; on the south by 33°25.76'N.; on the east by 79°00.29'W.; and on the west by 79°01.24'W.

(4180) (iv) *Georgetown Reef* is bounded on the north by 33°14.90'N.; on the south by 33°13.85'N.; on the east by 78°59.45'W.; and on the west by 79°00.65'W.

(4181) (v) *Capers Reef* is bounded on the north by 32°45.45'N.; on the south by 32°43.91'N.; on the east by 79°33.81'W.; and on the west by 79°35.10'W.

(4182) (vi) *Kiawah Reef* is bounded on the north by 32°29.78'N.; on the south by 32°28.25'N.; on the east by 79°59.00'W.; and on the west by 80°00.95'W.

(4183) (vii) *Edisto Offshore Reef* is bounded on the north by 32°15.30'N.; on the south by 32°13.90'N.; on the east by 79°50.25'W.; and on the west by 79°51.45'W.

(4184) (viii) *Hunting Island Reef* is bounded on the north by 32°13.72'N.; on the south by 32°12.30'N.; on the east by 80°19.23'W.; and on the west by 80°21.00'W.

(4185) (ix) *Fripp Island Reef* is bounded on the north by 32°15.92'N.; on the south by 32°14.75'N.; on the east by 80°21.62'W.; and on the west by 80°22.90'W.

(4186) (x) *Betsy Ross Reef* is bounded on the north by 32°03.60'N.; on the south by 32°02.88'N.; on the east by 80°24.57'W.; and on the west by 80°25.50'W.

(4187) (xi) *Hilton Head Reef/Artificial Reef*—T is bounded on the north by 32°00.71'N.; on the south by 31°59.42'N.; on the east by 80°35.23'W.; and on the west by 80°36.37'W.

(4188) (xii) *Artificial Reef*—A is bounded on the north by 30°56.40'N.; on the south by 30°55.20'N.; on the east by 81°15.40'W.; and on the west by 81°06.50'W.

(4189) (xiii) *Artificial Reef*—C is bounded on the north by 30°51.40'N.; on the south by 30°50.10'N.; on the east by 81°09.10'W.; and on the west by 81°10.40'W.

(4190) (xiv) *Artificial Reef*—G is bounded on the north by 30°59.10'N.; on the south by 30°57.80'N.; on the east by 80°57.70'W.; and on the west by 80°59.20'W.

(4191) (xv) *Artificial Reef*—F is bounded on the north by 31°06.60'N.; on the south by 31°05.60'N.; on the east by 81°11.40'W.; and on the west by 81°13.30'W.

(4192) (xvi) *Artificial Reef*—J is bounded on the north by 31°36.70'N.; on the south by 31°35.70'N.; on the east by 80°47.00'W.; and on the west by 80°48.10'W.

(4193) (xvii) *Artificial Reef*—L is bounded on the north by 31°46.20'N.; on the south by 31°45.10'N.; on the east by 80°35.80'W.; and on the west by 80°37.10'W.

(4194) (xviii) *Artificial Reef*—KC is bounded on the north by 31°51.20'N.; on the south by 31°50.30'N.; on the east by 80°46.00'W.; and on the west by 80°47.20'W.

(4195) (xix) *Ft. Pierce Inshore Reef* is bounded on the north by 27°26.80'N.; on the south by 27°25.80'N.; on the east by 80°09.24'W.; and on the west by 80°10.36'W.

(4196) (xx) *Ft. Pierce Offshore Reef* is bounded by rhumb lines connecting, in order, the following points:

Point	Latitude	Longitude
A.	27°23.68'N.	80°03.95'W.
B	27°22.80'N.	80°03.60'W.
C	27°23.94'N.	80°00.02'W.
D	27°24.85'N.	80°00.33'W.
A.	27°23.68'N.	80°03.95'W.

(4197) (xxi) *Key Biscayne/Artificial Reef*—H is bounded on the north by 25°42.82'N.; on the south by 25°41.32'N.; on the east by 80°04.22'W.; and on the west by 80°05.53'W.

(4198) (xxii) *Little River Offshore Reef* is bounded on the north by 33°42.10'N.; on the south by 33°41.10'N.; on the east by 78°26.40'W.; and on the west by 78°27.10'W.

(4199) (xxiii) *BP-25 Reef* is bounded on the north by 33°21.70'N.; on the south by 33°20.70'N.; on the east by 78°24.80'W.; and on the west by 78°25.60'W.

(4200) (xxiv) *Vermilion Reef* is bounded on the north by 32°57.80'N.; on the south by 32°57.30'N.; on the east by 78°39.30'W.; and on the west by 78°40.10'W.

(4201) (xxv) *Cape Romaine Reef* is bounded on the north by 33°00.00'N.; on the south by 32°59.50'N.; on the east by 79°02.01'W.; and on the west by 79°02.62'W.

(4202) (xxvi) *Y-73 Reef* is bounded on the north by 32°33.20'N.; on the south by 32°32.70'N.; on the east by 79°19.10'W.; and on the west by 79°19.70'W.

(4203) (xxvii) *Eagles Nest Reef* is bounded on the north by 32°01.48'N.; on the south by 32°00.98'N.; on the east by 80°30.00'W.; and on the west by 80°30.65'W.

(4204) (xxviii) *Bill Perry Jr. Reef* is bounded on the north by 33°26.20'N.; on the south by 33°25.20'N.; on the east by 78°32.70'W.; and on the west by 78°33.80'W.

(4205) (xxix) *Comanche Reef* is bounded on the north by 32°27.40'N.; on the south by 32°26.90'N.; on the east by 79°18.80'W.; and on the west by 79°19.60'W.

(4206) (2) The use of a sea bass pot or a bottom longline is prohibited in each of the SMZs. The following additional restrictions apply in the indicated SMZs:

(4207) (i) In SMZs specified in paragraphs (e)(1) (i) through (xviii) and (e)(1) (xxii) through (xxix) of this section, the use of a gillnet or a trawl is prohibited; and fishing may be conducted only with hand-held hook-and-line gear (including a manual, electric, or hydraulic rod and reel) and spearfishing gear.

(4208) (ii) In SMZs specified in paragraphs (e)(1) (xix) and (xx) of this section, a hydraulic or electric reel that is permanently affixed to the vessel is prohibited when fishing for South Atlantic snapper-grouper.

(4209) (iii) In the SMZs specified in paragraphs (e)(1) (xix) and (xxi) of this section, the use of spearfishing gear is prohibited.

(4210) (iv) In the SMZs specified in paragraphs (e)(1)(i) through (x) and (e)(1) (xxii) through (xxix) of this section, a powerhead may not be used to take South Atlantic snapper-grouper. Possession of a powerhead and a mutilated South Atlantic snapper-grouper in one of the specified SMZs, or after having fished in one of the SMZs, constitutes prima facie evidence that such fish was taken with a powerhead in the SMZ.

(4211) (f) *Golden crab trap closed areas*. In the golden crab northern zone, a golden crab trap may not be deployed in waters less than 900 ft (274 m) deep. In the golden crab middle and southern zones, a golden crab trap may not be deployed in waters less than 700 ft (213 m) deep. See §622.17(h) for specification of the golden crab zones.

(4212) (g) *Pelagic sargassum area and seasonal restrictions*–(1) Area limitations. (i) No person may harvest pelagic sargassum in the South Atlantic EEZ between 36°34'55"N. lat. (directly east from the Virginia/North

Carolina boundary) and 34°N. lat., within 100 nautical miles east of the North Carolina coast.

(4213) (ii) No person may harvest or possess pelagic sargassum in or from the South Atlantic EEZ south of 34°N. Lat.

(4214) (2) *Seasonal limitation*. No person may harvest or possess pelagic sargassum in or from the South Atlantic EEZ during the months of July through October. This prohibition on possession does not apply to pelagic sargassum that was harvested and landed ashore prior to the closed period.

(4215) (h) Dolphin/wahoo closed areas. (1) If pelagic longline gear is on board a vessel, a person aboard such vessel may not fish for or retain a dolphin or wahoo–

(4216) (i) In the Northeastern United States closed area from June 1 through June 30 each year. The Northeastern United States closed area is that portion of the EEZ between 40°N. lat. and 39°N. lat. from 68°W. long. to 74°W. long.

(4217) (ii) In the Charleston Bump closed area from February 1 through April 30 each year. The Charleston Bump closed area is that portion of the EEZ off North Carolina, South Carolina, and Georgia between 34°N. lat. and 31°N. lat. and west of 76°W. long.

(4218) (iii) In the East Florida Coast closed area year round. The East Florida Coast closed area is that portion of the EEZ off Georgia and the east coast of Florida from the inner boundary of the EEZ at 31°N. lat.; thence due east to 78°W. long.; thence by a rhumb line to 28°17'N. lat., 79°12'W. long.; thence proceeding in a southerly direction along the outer boundary of the EEZ to 24°N. lat.; thence due west to 24°N. lat., 81°47'W. long; thence due north to the innermost boundary of the EEZ at 81°47'W. long.

(4219) (2) A vessel is considered to have pelagic longline gear on board when a power-operated longline hauler, a mainline, floats capable of supporting the mainline, and gangions with hooks are on board. Removal of any one of these elements constitutes removal of pelagic longline gear.

(4220) (3) If a vessel is in a closed area during a time specified in paragraph (h)(1) of this section with pelagic longline gear on board, it is a rebuttable presumption that fish on board such vessel were taken with pelagic longline gear in the closed area.

§622.36 Seasonal harvest limitations.

(4221) (a) *Gulf EEZ*. During March, April and May, each year, the possession of greater amberjack in or from the Gulf EEZ and in the Gulf on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under §622.4(a)(2)(v), without regard to where such greater amberjack were harvested, is limited to the bag and possession limits, as specified in §622.89(b)(1)(i) and (b)(2), respectively, and such greater amberjack are subject to the prohibition on sale or purchase of greater amberjack possessed under the bag limit, as specified in §622.45(c)(1).

(4222) (b) *South Atlantic EEZ*—(1) *Greater amberjack spawning season*. During April, each year, the possession of greater amberjack in or from the South Atlantic EEZ and in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such greater amberjack were harvested, is limited to one per person per day or one per person per trip, whichever is more restrictive. Such greater amberjack are subject to the prohibition on sale or purchase, as specified in §622.45(d)(6).

(4223) (2) *Mutton snapper spawning season.* During May and June, each year, the possession of mutton snapper in or from the EEZ on board a vessel that has a commercial permit for South Atlantic snapper-grouper is limited to 10 per person per day or 10 per person per trip, whichever is more restrictive.

(4224) (3) *Wreckfish spawning-season closure*. From January 15 through April 15, each year, no person may harvest or possess on a fishing vessel wreckfish in or from the EEZ; offload wreckfish from the EEZ; or sell or purchase wreckfish in or from the EEZ. The prohibition on sale or purchase of wreckfish does not apply to trade in wreckfish that were harvested, offloaded, and sold or purchased prior to January 15 and were held in cold storage by a dealer or processor.

(4225) (4) *Black grouper and gag*. During March and April, each year, the possession of black grouper and gag in or from the South Atlantic EEZ and in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboard permit for South Atlantic snapper-grouper has been issued, without regard to where such black grouper or gag were harvested, is limited to two black grouper or gag, combined, per person per day or two black grouper or gag, combined, per person per trip, whichever is more restrictive. Such black grouper or gag are subject to the prohibition on sale or purchase, as specified in §622.45(d)(5).

(4226) (5) *Red porgy*. During January, February, March, and April, each year, the harvest or possession of red porgy in or from the South Atlantic EEZ, and in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboard permit for South Atlantic snapper-grouper has been issued without regard to where such red porgy were harvested, is limited to one per person per day or one per person per trip, whichever is more restrictive. Such red

porgy are subject to the prohibition on sale or purchase, as specified in §622.45(d)(5).

§622.37 Size limits.

(4227) All size limits in this section are minimum size limits unless specified otherwise. Except for undersized king and Spanish mackerel allowed in paragraphs (c)(2) and (3) of this section, a fish smaller than its minimum size, as specified in this section, in or from the Caribbean, Gulf, South Atlantic, and/or Mid-Atlantic EEZ, as appropriate, may not be possessed, sold, or purchased. An undersized fish must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on board are no smaller than the minimum size limits specified in this section.

(4228) (a) *Caribbean reef fish*: Yellowtail snapper1—2 inches (30.5 cm), TL.

(4229) (b) *Caribbean spiny lobster*—3.5 inches (8.9 cm), carapace length.

(4230) (c) *Coastal migratory pelagic fish*. (1) Cobia in the Gulf, Mid-Atlantic, or South Atlantic–33 inches (83.8 cm), fork length.

(4231) (2) King mackerel in the Gulf, South Atlantic, or Mid-Atlantic–24 inches (61.0 cm), fork length, except that a vessel fishing under a quota for king mackerel specified in §622.42(c)(1) may possess undersized king mackerel in quantities not exceeding 5 percent, by weight, of the king mackerel on board.

(4232) (3) Spanish mackerel in the Gulf, South Atlantic, or Mid-Atlantic–12 inches (30.5 cm), fork length, except that a vessel fishing under a quota for Spanish mackerel specified in §622.42(c)(2) may possess undersized Spanish mackerel in quantities not exceeding 5 percent, by weight, of the Spanish mackerel on board.

(4233) (d) *Gulf reef fish*–(1) *Snapper*. (i) Lane snapper–8 inches (20.3 cm), TL.

(4234) (ii) Vermillion snapper–10 inches (25.4 cm), TL.

(4235) (iii) Cubera, dog, gray, mahogany, and yellowtail snappers and schoolmaster–12 inches (30.5 cm), TL.

(4236) (iv) Red snapper–16 inches (40.6 cm), TL, for a fish taken by a person subject to the bag limit specified in §622.39(b)(1)(iii) and 15 inches (38.1 cm), TL for a fish taken by a person not subject to the bag limit.

(4237) (v) Mutton snapper–16 inches (40.6 cm), TL.

(4238) (2) *Grouper*. (i) Scamp–16 inches (40.6 cm), TL.

(4239) (ii) Red grouper and yellowfin grouper–20 inches (50.8 cm), TL.

(4240) (iii) Black grouper and gag–(A) For a person not subject to the bag limit specified in §622.39(b)(1)(ii)–24 inches (61.0 cm), TL.

(4241) (B) For a person subject to the bag limit specified in §622.39(b)(1)(ii)–22 inches (55.9 cm), TL.

(4242) (3) *Other Gulf reef fish species*. (i) Gray triggerfish–12 inches (30.5 cm), TL.

(4243) (ii) Hogfish–12 inches (30.5 cm), fork length.

(4244) (iii) Banded rudderfish and lesser amberjack–14 inches (35.6 cm), fork length (minimum size); 22 inches (55.9 cm), fork length (maximum size).

(4245) (iv) Greater amberjack–28 inches (71.1 cm), fork length, for a fish taken by a person subject to the bag limit specified in §622.39(b)(1)(i); and 36 inches (91.4 cm), fork length, for a fish taken by a person not subject to the bag limit.

(4246) (e) *South Atlantic snapper-grouper*–(1) *Snapper*. (i) Lane snapper–8 inches (20.3 cm), TL.

(4247) (ii) Vermilion snapper–11 inches (27.9 cm), TL, for a fish taken by a person subject to the bag limit specified in §622.39 (d)(1)(v) and 12 inches (30.5 cm), TL, for a fish taken by a person not subject to the bag limit.

(4248) (iii) Blackfin, cubera, dog, gray, mahogany, queen, silk, and yellowtail snappers; and schoolmaster–12 inches (30.5 cm), TL.

(4249) (iv) Mutton snapper–16 inches (40.6 cm),TL.

(4250) (v) Red snapper–20 inches (50.8 cm), TL.

(4251) (2) *Grouper*, (i) Red, yellowfin, and yellowmouth grouper; and scamp–20 inches (50.8 cm), TL.

(4252) (ii) Black grouper and gag–24 inches (61.0 cm), TL.

(4253) (3) *Other snapper-grouper species*. (i) Black sea bass–10 inches (25.4 cm), TL.

(4254) (ii) Gray triggerfish in the South Atlantic EEZ off Florida–12 inches (30.5 cm), TL.

(4255) (iii) Hogfish–12 inches (30.5 cm), fork length.

(4256) (iv) Red porgy–14 inches (35.6 cm), TL.

(4257) (v) Greater amberjack–28 inches (71.1 cm), fork length, for a fish taken by a person subject to the bag limit specified in §622.39(d)(1)(i) and 36 inches (91.4 cm), fork length, for a fish taken by a person not subject to the bag limit.

(4258) (f) *Gulf shrimp*. White shrimp harvested in the EEZ are subject to the minimum-size landing and possession limits of Louisiana when possessed within the jurisdiction of that State.

(4259) (g) *Caribbean queen conch*—9 inches (22.9 cm) in length, that is, from the tip of the spire to the distal end of the shell, and 3/8 inch (9.5 mm) in lip width at its widest point. A queen conch with a length of at least 9 inches (22.9 cm) or a lip width of at least 3/8 inch (9.5 mm) is not undersized.

(4260) (h) *Dolphin in the Atlantic off Florida and off Georgia*–20 inches (50.8 cm), fork length.

§622.38 Landing fish intact.

(4261) The operator of a vessel that fishes in the EEZ is responsible for ensuring that fish on that vessel in the EEZ are maintained intact and, if taken from the EEZ,

are maintained intact through offloading ashore, as specified in this section.

(4262) (a) The following must be maintained with head and fins intact: Cobia, king mackerel, and Spanish mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ, except as specified for king mackerel in paragraph (g) of this section; dolphin and wahoo in or from the Atlantic EEZ; South Atlantic snapper-grouper in or from the South Atlantic EEZ, except as specified in paragraph (h) of this section; yellowtail snapper in or from the Caribbean EEZ; and finfish in or from the Gulf EEZ; except as specified in paragraphs (c) and (d) of this section. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition.

(4263) (b) A Caribbean spiny lobster in or from the Caribbean EEZ must be maintained with head and carapace intact.

(4264) (c) Shark, swordfish, and tuna species are exempt from the requirements of paragraph (a) of this section.

(4265) (d) In the Gulf EEZ:

(4266) (1) Bait is exempt from the requirement to be maintained with head and fins intact.

(4267) (i) For the purpose of this paragraph (d)(1), bait means—

(4268) (A) Packaged, headless fish fillets that have the skin attached and are frozen or refrigerated;

(4269) (B) Headless fish fillets that have the skin attached and are held in brine; or

(4270) (C) Small pieces no larger than 3 in^3 (7.6 cm^3) or strips no larger than 3 inches by 9 inches (7.6 cm by 22.9 cm) that have the skin attached and are frozen, refrigerated, or held in brine.

(4271) (ii) Paragraph (d)(1)(i) of this section notwithstanding, a finfish or part thereof possessed in or landed from the Gulf EEZ that is subsequently sold or purchased as a finfish species, rather than as bait, is not bait.

(4272) (2) Legal-sized finfish possessed for consumption at sea on the harvesting vessel are exempt from the requirement to have head and fins intact, provided—

(4273) (i) Such finfish do not exceed any applicable bag limit;

(4274) (ii) Such finfish do not exceed 1.5 lb (680 g) of finfish parts per person aboard; and

(4275) (iii) The vessel is equipped to cook such finfish on board.

(4276) (e) In the South Atlantic EEZ, a greater amberjack on or offloaded ashore from a vessel that has a permit specified in §622.4(a)(2)(vi) may be deheaded and eviscerated, but must otherwise be maintained in a whole condition through offloading ashore.

(4277) (f) A golden crab in or from the South Atlantic EEZ must be maintained in whole condition through landing ashore. For the purposes of this paragraph, whole means a crab that is in its natural condition and that has not been gutted or separated into component pieces, e.g., clusters.

(4278) (g) Cut-off (damaged) king or Spanish mackerel that comply with the minimum size limits in §622.37(c)(2) and (c)(3), respectively, and the trip limits in §622.44(a) and (b), respectively, may be possessed in the Gulf, Mid-Atlantic, or South Atlantic EEZ on, and offloaded ashore from, a vessel that is operating under the respective trip limits. Such cut-off fish also may be sold. A maximum of five additional cut-off (damaged) king mackerel, not subject to the size limits or trip limits, may be possessed or offloaded ashore but may not be sold or purchased and are not counted against the trip limit.

(4279) (h) In the South Atlantic EEZ, snapper-grouper lawfully harvested in Bahamian waters are exempt from the requirement that they be maintained with head and fins intact, provided valid Bahamian fishing and cruising permits are on board the vessel and the vessel is in transit through the South Atlantic EEZ. For the purpose of this paragraph (i), a vessel is in transit through the South Atlantic EEZ when it is on a direct and continuous course through the South Atlantic EEZ and no one aboard the vessel fishes in the EEZ.

§622.39 Bag and possession limits.

(4280) (a) *Applicability*. (1) The bag and possession limits apply for species/species groups listed in this section in or from the EEZ. Bag limits apply to a person on a daily basis, regardless of the number of trips in a day. Possession limits apply to a person on a trip after the first 24 hours of that trip. The bag and possession limits apply to a person who fishes in the EEZ in any manner, except a person aboard a vessel in the EEZ that has on board the commercial vessel permit required under §622.4(a)(2) for the appropriate species/species group. However, see §622.32 for limitations on taking prohibited and limited-harvest species. The limitations in §622.32 apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit or by a person subject to the bag limits. The possession of a commercial vessel permit notwithstanding, the bag and possession limits apply when the vessel is operating as a charter vessel or headboat. A person who fishes in the EEZ may not combine a bag limit specified in this section with a bag or possession limit applicable to state waters. A species/species group subject to a bag limit specified in this section taken in the EEZ by a person subject to the bag limits may not be transferred at sea, regardless of where such transfer takes place, and such fish may not be transferred in the EEZ. The operator of a vessel that fishes in the EEZ is

responsible for ensuring that the bag and possession limits specified in this section are not exceeded.

(4281) (2) Paragraph (a)(1) of this section notwithstanding, bag and possession limits also apply for Gulf reef fish in or from the EEZ to a person aboard a vessel that has on board a commercial permit for Gulf reef fish—

(4282) (i) When trawl gear or entangling net gear is on board. A vessel is considered to have trawl gear on board when trawl doors and a net are on board. Removal from the vessel of all trawl doors or all nets constitutes removal of trawl gear.

(4283) (ii) When a longline or buoy gear is on board and the vessel is fishing or has fished on a trip in the reef fish longline and buoy gear restricted area specified in §622.34(c). A vessel is considered to have a longline on board when a power-operated longline hauler, a cable of diameter and length suitable for use in the longline fishery, and gangions are on board. Removal of any one of these three elements, in its entirety, constitutes removal of a longline.

(4284) (iii) For a species/species group when its quota has been reached and closure has been effected.

(4285) (iv) When the vessel has on board or is tending any trap other than a fish trap authorized under §622.40(a)(2), a stone crab trap, or a spiny lobster trap.

(4286) (3) Paragraph (a)(1) of this section notwithstanding, the bag and other limits specified in §622.35(b) apply for South Atlantic snapper-grouper in or from the EEZ to a person aboard a vessel for which a commercial permit for South Atlantic snapper-grouper has been issued that has on board a longline in the longline closed area.

(4287) (b) *Gulf reef fish*—(1) *Bag limits*.

(4288) (i) Greater amberjack—1.

(4289) (ii) Groupers, combined, excluding jewfish and Nassau grouper–5 per person per day, but not to exceed 2 red grouper per person per day or 1 speckled hind or 1 Warsaw grouper per vessel per day.

(4290) (iii) Red snapper—4.

(4291) (iv) Snappers, combined, excluding red, lane, and vermilion snapper—10.

(4292) (v) Gulf reef fish, combined, excluding those specified in paragraphs (b)(1)(i) through (b)(1)(iv) and paragraphs (b)(1)(vi) through (b)(1)(vii) of this section and excluding dwarf sand perch and sand perch—20.

(4293) (vi) Banded rudderfish and lesser amberjack, combined—5.

(4294) (vii) Hogfish—5.

(4295) (2) *Possession limits*. A person who is on a trip that spans more than 24 hours may possess no more than two daily bag limits, provided such trip is on a vessel that is operating as a charter vessel or headboat, the vessel has two licensed operators aboard, and each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

(4296) (c) *King and Spanish mackerel*—(1) *Bag limits*.

(4297) (i) Atlantic migratory group king mackerel—

(4298) (A) Mid-Atlantic and South Atlantic, other than off Florida—3.

(4299) (B) Off Florida—2, which is the daily bag limit specified by Florida for its waters (Rule 46-12.004(1), Florida Administrative Code). If Florida changes its limit, the bag limit specified in this paragraph (c)(1)(i)(B) will be changed to conform to Florida's limit, provided such limit does not exceed 5.

(4300) (ii) Gulf migratory group king mackerel—2.

(4301) (iii) Atlantic migratory group Spanish mackerel—15.

(4302) (iv) Gulf migratory group Spanish mackerel—15.

(4303) (2) *Possession limits*. A person who is on a trip that spans more than 24 hours may possess no more than two daily bag limits, provided such trip is on a vessel that is operating as a charter vessel or headboat, the vessel has two licensed operators aboard, and each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the length of the trip.

(4304) (d) *South Atlantic snapper-grouper*—(1) *Bag limits*.

(4305) (i) Greater amberjack—3.

(4306) (ii) Groupers, combined, excluding jewfish and Nassau grouper, and tilefishes—5. However, wiithin the 5-fish aggregate bag limit, no more than two fish may be gag or black grouper, combined.

(4307) (iii) Hogfish in the South Atlantic off Florida—5.

(4308) (iv) Snappers, combined, excluding cubera snapper measuring 30 inches (76.2 cm), TL, or larger, in the South Atlantic off Florida, and excluding vermilion snapper—10, of which no more than 2 may be red snapper. (See §622.32(c)(2) for limitations on cubera snapper measuring 30 inches (76.2 cm), TL, or larger, in or from the South Atlantic EEZ off Florida.)

(4309) (v) Vermilion snapper—10.

(4310) (vi) Red porgy—1.

(4311) (vii) Black sea bass—20.

(4312) (viii) South Atlantic snapper-grouper, combined, excluding tomtate and blue runner and those specified in paragraphs (d) (1)(i) through (vii) of this section—20.

(4313) (2) *Possession limits*. Provided each passenger is issued and has in possession a receipt issued on behalf of the vessel that verifies the duration of the trip—

(4314) (i) A person aboard a charter vessel or headboat on a trip that spans more than 24 hours may possess no more than two daily bag limits.

(4315) (ii) A person aboard a headboat on a trip that spans more than 48 hours and who can document that

fishing was conducted on at least 3 days may possess no more than three daily bag limits.

(4316) (3) *Longline bag limits*. Other provisions of this paragraph (d) notwithstanding, a person on a trip aboard a vessel for which the bag limits apply that has a longline on board is limited on that trip to the bag limit for South Atlantic snapper-grouper for which a bag limit is specified in paragraph (d)(1) of this section, and to zero for all other South Atlantic snapper-grouper. For the purpose of this paragraph (d)(3), a vessel is considered to have a longline on board when a power-operated longline hauler, a cable or monofilament of diameter and length suitable for use in the longline fishery, and gangions are on board. Removal of any one of these three elements constitutes removal of a longline.

(4317) (e) *Caribbean queen conch*—(1) *Applicability*. Paragraph (a)(1) of this section notwithstanding, the bag limit of paragraph (e)(2) of this section does not apply to a fisherman who has a valid commercial fishing license issued by Puerto Rico or the U.S. Virgin Islands. See §622.44 for the commercial daily trip limit.

(4318) (2) *Bag limit*. The bag limit for queen conch in or from the Caribbean EEZ is 3 per person or, if more than 4 persons are aboard, 12 per boat.

(4319) (f) *Atlantic dolphin and wahoo*. Bag and possession limits are as follows:

(4320) (1) Dolphin–10, not to exceed 60 per vessel, whichever is less, except, on board a headboat, 10 per paying passenger.

(4321) (2) Wahoo–2.

§622.40 Limitations on traps and pots.

(4322) (a) *Tending*—(1) *Caribbean EEZ*. A fish trap or Caribbean spiny lobster trap in the Caribbean EEZ may be pulled or tended only by a person (other than an authorized officer) aboard the fish trap or spiny lobster trap owner's vessel, or aboard another vessel if such vessel has on board written consent of the trap owner, or if the trap owner is aboard and has documentation verifying his identification number and color code. An owner's written consent must specify the time period such consent is effective and the trap owner's gear identification number and color code.

(4323) (2) *Gulf EEZ*. A fish trap in the Gulf EEZ may be pulled or tended only by a person (other than an authorized officer) aboard the vessel with the fish trap endorsement to fish such trap. If such vessel has a breakdown that prevents it from retrieving its traps, the owner or operator must immediately notify the nearest NMFS Office of Enforcement and must obtain authorization for another vessel to retrieve and land its traps. The request for such authorization must include the requested effective period for the retrieval and landing, the persons and vessel to be authorized to retrieve the traps, and the point of landing of the traps. Such authorization will be specific as to the effective period, authorized persons and vessel, and point of landing. Such authorization is valid solely for the removal of fish traps from the EEZ and for harvest of fish incidental to such removal.

(4324) (3) *South Atlantic EEZ*. A sea bass pot or golden crab trap in the South Atlantic EEZ may be pulled or tended only by a person (other than an authorized officer) aboard the vessel permitted to fish such pot or trap or aboard another vessel if such vessel has on board written consent of the owner or operator of the vessel so permitted. For golden crab only, a vessel with written consent on board must also possess a valid commercial vessel permit for golden crab.

(4325) (b) *Escape mechanisms*—(1) *Caribbean EEZ*. (i) A fish trap used or possessed in the Caribbean EEZ must have a panel located on each of two sides of the trap, excluding the top, bottom, and side containing the trap entrance. The opening covered by a panel must measure not less than 8 by 8 inches (20.3 by 20.3 cm). The mesh size of a panel may not be smaller than the mesh size of the trap. A panel must be attached to the trap with untreated jute twine with a diameter not exceeding. 1/8 inch (3.2 mm). An access door may serve as one of the panels, provided it is on an appropriate side, it is hinged only at its bottom, its only other fastening is untreated jute twine with a diameter not exceeding 1/8 inch (3.2 mm), and such fastening is at the top of the door so that the door will fall open when such twine degrades. Jute twine used to secure a panel may not be wrapped or overlapped.

(4326) (ii) A spiny lobster trap used or possessed in the Caribbean EEZ must contain on any vertical side or on the top a panel no smaller in diameter than the throat or entrance of the trap. The panel must be made of or attached to the trap by one of the following degradable materials:

(4327) (A) Untreated fiber of biological origin with a diameter not exceeding. 1/8 inch (3.2 mm). This includes, but is not limited to tyre palm, hemp, jute, cotton, wool, or silk.

(4328) (B) Ungalvanized or uncoated iron wire with a diameter not exceeding 1/16 inch (1.6 mm), that is, 16 gauge wire.

(4329) (2) *Gulf EEZ*. A fish trap used or possessed in the Gulf EEZ must have at least two escape windows on each of two sides, excluding the bottom (a total of four escape windows), that are 2 by 2 inches (5.1 by 5.1 cm) or larger. In addition, a fish trap must have a panel or access door located opposite each side of the trap that has a funnel. The opening covered by each panel or access door must be 144 in^2 (929cm^2) or larger, with one

dimension of the area equal to or larger than the largest interior axis of the trap's throat (funnel) with no other dimension less than 6 inches (15.2 cm). The hinges and fasteners of each panel or access door must be constructed of one of the following degradable materials:

(4330) (i) Untreated jute string with a diameter not exceeding 3/16 inch (4.8 mm) that is not wrapped or overlapped.

(4331) (ii) Magnesium alloy, time float releases (pop-up devices) or similar magnesium alloy fasteners.

(4332) (3) *South Atlantic EEZ*. (i) A sea bass pot that is used or possessed in the South Atlantic EEZ must have mesh sizes as follows (based on centerline measurements between opposite, parallel wires or netting strands):

(4333) (A) Hexagonal mesh (chicken wire)—at least 1.5 inches (3.8 cm) between the wrapped sides:

(4334) (B) Square mesh—at least 1.5 inches (3.8 cm) between sides; or

(4335) (C) Rectangular mesh—at least 1 inch (2.5 cm) between the longer sides and 2 inches (5.1 cm) between the shorter sides.

(4336) (ii) A golden crab trap that is used or possessed in the South Atlantic EEZ must have at least one escape gap or escape ring on each of two opposite vertical sides. The minimum allowable inside dimensions of an escape gap are 2.75 by 3.75 inches (7.0 by 9.5 cm); the minimum allowable inside diameter of an escape ring is 4.5 inches (11.4 cm). In addition to the escape gaps—

(4337) (A) A golden crab trap constructed of webbing must have an opening (slit) at least 1 ft (30.5 cm) long that may be closed (relaced) only with untreated cotton string no larger than 3/16 inch (0.48 cm) in diameter.

(4338) (B) A golden crab trap constructed of material other than webbing must have an escape panel or door measuring at least 12 by 12 inches (30.5 by 30.5 cm), located on at least one side, excluding top and bottom. The hinges and fasteners of such door or panel must be made of either ungalvanized or uncoated iron wire no larger than 19 gauge (0.04 inch (1.0 mm) in diameter) or untreated cotton string no larger than 3/16 inch (4.8 mm) in diameter.

(4339) (c) *Construction requirements and mesh sizes*—

(4340) (1) *Caribbean EEZ*. A bare-wire fish trap used or possessed in the EEZ that has hexagonal mesh openings must have a minimum mesh size of 1.5 inches (3.8 cm) in the smallest dimension measured between centers of opposite strands. A bare-wire fish trap used or possessed in the EEZ that has other than hexagonal mesh openings or a fish trap of other than bare wire, such as coated wire or plastic, used or possessed in the EEZ, must have a minimum mesh size of 2.0 inches (5.1 cm) in the smallest dimension measured between centers of opposite strands.

(4341) (2) *Gulf EEZ*. A fish trap used or possessed in the Gulf EEZ must meet all of the following mesh size requirements (based on centerline measurements between opposite wires or netting strands):

(4342) (i) A minimum of 2 in^2 (12.9 cm^2) opening for each mesh.

(4343) (ii) One-inch (2.5-cm) minimum length for the shortest side.

(4344) (iii) Minimum distance of 1 inch (2.5 cm) between parallel sides of rectangular openings, and 1.5 inches (3.8 cm) between parallel sides of square openings and of mesh openings with more than four sides.

(4345) (iv) One and nine-tenths inches (4.8 cm) minimum distance for diagonal measures of mesh.

(4346) (3) *South Atlantic EEZ*. (i) A sea bass pot used or possessed in the South Atlantic EEZ must have mesh sizes as follows (based on centerline measurements between opposite, parallel wires or netting strands):

(4347) (A) Hexagonal mesh (chicken wire)—at least 1.5 inches (3.8 cm) between the wrapped sides;

(4348) (B) Square mesh—at least 1.5 inches (3.8 cm) between sides; or

(4349) (C) Rectangular mesh—at least 1 inch (2.5 cm) between the longer sides and 2 inches (5.1 cm) between the shorter sides.

(4350) (ii) A golden crab trap deployed or possessed in the South Atlantic EEZ may not exceed 64 ft^3 (1.8 m^3) in volume in the northern zone or 48 ft^3 (1.4 m^3) in volume in the middle and southern zones. See §622.17(h) for specification of the golden crab zones.

(4351) (d) *Area-specific restrictions*—(1) *Gulf EEZ*. In the Gulf EEZ, a fish trap may be pulled or tended only from official sunrise to official sunset. The operator of a vessel from which a fish trap is deployed in the Gulf EEZ must retrieve all the vessel's fish traps and return them to port on each trip. A fish trap that is not returned to port on a trip, and its attached line and buoy, may be disposed of in any appropriate manner by the Assistant Administrator or an authorized officer. The owner of such trap and/or the operator of the responsible vessel is subject to appropriate civil penalties. A buoy that floats on the surface must be attached to each fish trap, or to each end trap of traps that are connected by a line, used in the Gulf EEZ. The maximum allowable size for a fish trap fished in the Gulf EEZ shoreward of the 50-fathom (91.4-m) isobath is 33 ft^3 (0.9 m^3) in volume. Fish trap volume is determined by measuring the external dimensions of the trap, and includes both the enclosed holding capacity of the trap and the volume of the funnel(s) within those dimensions. There is no size limitation for fish traps fished seaward of the 50-fathom (91.4-m) isobath. The maximum number of

traps that may be assigned to, possessed, or fished in the Gulf EEZ by a vessel is 100.

(4352) (2) *South Atlantic EEZ*. (i) In the South Atlantic EEZ, sea bass pots may not be used or possessed in multiple configurations, that is, two or more pots may not be attached one to another so that their overall dimensions exceed those allowed for an individual sea bass pot. This does not preclude connecting individual pots to a line, such as a "trawl" or trot line.

(4353) (ii) Rope is the only material allowed to be used for a mainline or buoy line attached to a golden crab trap, except that wire cable is allowed for these purposes through January 31, 1998.

§622.41 Species specific limitations.

(4354) (a) *Aquacultured live rock*. In the Gulf or South Atlantic EEZ:

(4355) (1) Aquacultured live rock may be harvested only under a permit, as required under §622.4(a)(3)(iii), and aquacultured live rock on a site may be harvested only by the person, or his or her employee, contractor, or agent, who has been issued the aquacultured live rock permit for the site. A person harvesting aquacultured live rock is exempt from the prohibition on taking prohibited coral for such prohibited coral as attaches to aquacultured live rock.

(4356) (2) The following restrictions apply to individual aquaculture activities:

(4357) (i) No aquaculture site may exceed 1 acre (0.4 ha) in size.

(4358) (ii) Material deposited on the aquaculture site—

(4359) (A) May not be placed over naturally occurring reef outcrops, limestone ledges, coral reefs, or vegetated areas.

(4360) (B) Must be free of contaminants.

(4361) (C) Must be nontoxic.

(4362) (D) Must be placed on the site by hand or lowered completely to the bottom under restraint, that is, not allowed to fall freely.

(4363) (E) Must be placed from a vessel that is anchored.

(4364) (F) In the Gulf EEZ, must be distinguishable, geologically or otherwise (for example, be indelibly marked or tagged), from the naturally occurring substrate.

(4365) (G) In the South Atlantic EEZ, must be geologically distinguishable from the naturally occurring substrate and, in addition, may be indelibly marked or tagged.

(4366) (iii) A minimum setback of at least 50 ft (15.2 m) must be maintained from natural vegetated or hard bottom habitats.

(4367) (3) Mechanically dredging or drilling, or otherwise disturbing, aquacultured live rock is prohibited, and aquacultured live rock may be harvested only by hand. In addition, the following activities are prohibited in the South Atlantic: Chipping of aquacultured live rock in the EEZ, possession of chipped aquacultured live rock in or from the EEZ, removal of allowable octocoral or prohibited coral from aquacultured live rock in or from the EEZ, and possession of prohibited coral not attached to aquacultured live rock or allowable octocoral, while aquacultured live rock is in possession. See the definition of "Allowable octocoral" for clarification of the distinction between allowable octocoral and live rock. For the purposes of this paragraph (a)(3), chipping means breaking up reefs, ledges, or rocks into fragments, usually by means of a chisel and hammer.

(4368) (4) Not less than 24 hours prior to harvest of aquacultured live rock, the owner or operator of the harvesting vessel must provide the following information to the NMFS Law Enforcement Office, Southeast Area, St. Petersburg, FL, telephone 727- 570-5344:

(4369) (i) Permit number of site to be harvested and date of harvest.

(4370) (ii) Name and official number of the vessel to be used in harvesting.

(4371) (iii) Date, port, and facility at which aquacultured live rock will be landed.

(4372) (b) *Caribbean reef fish*. A marine aquarium fish may be harvested in the Caribbean EEZ only by a hand-held dip net or by a hand-held slurp gun. For the purposes of this paragraph, a hand-held slurp gun is a device that rapidly draws seawater containing fish into a self-contained chamber, and a marine aquarium fish is a Caribbean reef fish that is smaller than 5.5 inches (14.0 cm), TL.

(4373) (c) *Coastal migratory pelagic fish*—(1) *Authorized gear*. Subject to the prohibitions on gear/methods specified in §622.31, the following are the only fishing gears that may be used in the Gulf, Mid-Atlantic, and South Atlantic EEZ in directed fisheries for coastal migratory pelagic fish:

(4374) (i) King mackerel, Atlantic migratory group—

(4375) (A) North of 34°37.3'N., the latitude of Cape Lookout Light, NC—all gear except drift gillnet and long gillnet.

(4376) (B) South of 34°37.3'N.—automatic reel, bandit gear, handline, and rod and reel.

(4377) (ii) King mackerel, Gulf migratory group—hook-and-line gear and, in the southern Florida west coast subzone only, run-around gillnet. (See §622.42(c)(1)(i)(A)(3) for a description of the southern Florida west coast subzone.)

(4378) (iii) Spanish mackerel, Atlantic migratory group—automatic reel, bandit gear, handline, rod and reel, cast net, run-around gillnet, and stab net.

(4379) (iv) Spanish mackerel, Gulf migratory group—all gear except drift gillnet, long gillnet, and purse seine.

(4380) (v) Cobia in the Mid-Atlantic and South Atlantic EEZ and little tunny in the South Atlantic EEZ south of 34°37.3'N.—automatic reel, bandit gear, handline, rod and reel, and pelagic longline.

(4381) (vi) Cero in the South Atlantic EEZ and little tunny in the South Atlantic EEZ north of 34°37.3'N.—all gear except drift gillnet and long gillnet.

(4382) (vii) Bluefish, cero, cobia, dolphin, and little tunny in the Gulf EEZ—all gear except drift gillnet and long gillnet.

(4383) (2) *Unauthorized gear*. Gear types other than those specified in paragraph (c)(1) of this section are unauthorized gear and the following possession limitations apply:

(4384) (i) *Long gillnets*. A vessel with a long gillnet on board in, or that has fished on a trip in, the Gulf, Mid-Atlantic, or South Atlantic EEZ may not have on board on that trip a coastal migratory pelagic fish.

(4385) (ii) *Drift gillnets*. A vessel with a drift gillnet on board in, or that has fished on a trip in, the Gulf EEZ may not have on board on that trip a coastal migratory pelagic fish.

(4386) (iii) *Other unauthorized gear*. Except as specified in paragraph (c)(2)(iv) of this section, a person aboard a vessel with unauthorized gear other than a drift gillnet in the Gulf EEZ or a long gillnet on board in, or that has fished in, the EEZ where such gear is not authorized in paragraph (c)(1) of this section, is subject to the bag limit for king and Spanish mackerel specified in §622.39(c)(1)(ii) and to the limit on cobia specified in §622.32(c)(1).

(4387) (iv) *Exception for king mackerel in th Gulf EEZ*. The provisions of this paragraph (c)(2)(iv) apply to king mackerel taken in the Gulf EEZ and to such king mackerel possessed in the Gulf. Paragraph (c)(2)(iii) of this section notwithstanding, a person aboard a vessel that has a valid commercial permit for king mackerel is not subject to the bag limit for king mackerel when the vessel has on board on a trip unauthorized gear other than a drift gillnet in the Gulf EEZ, a long gillnet, or a run-around gillnet in an area other than the southern Florida west coast subzone. Thus, the following applies to a vessel that has a commercial permit for king mackerel:

(4388) (A) Such vessel may not use unauthorized gear in a directed fishery for king mackerel in the Gulf EEZ.

(4389) (B) If such a vessel has a drift gillnet or a long gillnet on board or a run-around gillnet in an area other than the southern Florida west coast subzone, no king mackerel may possessed.

(4390) (C) If such a vessel has unauthorized gear on board other than a drift gillnet in the Gulf EEZ, a long gillnet, or a run-around gillnet in an area other than the southern Florida west coast subzone, the possession of king mackerel taken incidentally is restricted only by the closure provisions of §622.43(a)(3) and the trip limits specified in §622.44(a). See also paragraph (c)(4) of this section regarding the purse seine incidental catch allowance of king mackerel.

(4391) (3) *Gillnets*—(i) *King mackerel*. The minimum allowable mesh size for a gillnet used to fish in the Gulf, Mid-Atlantic, or South Atlantic EEZ for king mackerel is 4.75 inches (12.1 cm), stretched mesh. A vessel in the EEZ, or having fished on a trip in the EEZ, with a gillnet on board that has a mesh size less than 4.75 inches (12.1 cm), stretched mesh, may possess on that trip an incidental catch of king mackerel that does not exceed 10 percent, by number, of the total lawfully possessed Spanish mackerel on board.

(4392) (ii) *Spanish mackerel*. (A) The minimum allowable mesh size for a gillnet used to fish for Spanish mackerel in the Gulf, Mid-Atlantic, or South Atlantic EEZ is 3.5 inches (8.9 cm), stretched mesh.

(4393) (1) A vessel in the Gulf EEZ, or having fished on a trip in the Gulf EEZ, with a gillnet on board that has a mesh size less than 3.5 inches (8.9 cm), stretched mesh, may not possess on that trip any Spanish mackerel.

(4394) (2) A vessel in the South Atlantic or Mid-Atlantic EEZ, or having fished on a trip in such EEZ, with a gillnet on board that has a mesh size less than 3.5 inches (8.9 cm), stretched mesh, may possess or land on the day of that trip no more than 500 lb (227 kg) of incidentally caught Spanish mackerel.

(4395) (B) On board a vessel with a valid Spanish mackerel permit that is fishing for Spanish mackerel in, or that possesses Spanish mackerel in or from, the South Atlantic EEZ off Florida north of 25°20.4'N., which is a line directly east from the Dade/Monroe County, FL, boundary—

(4396) (1) No person may fish with, set, place in the water, or have on board a gillnet with a float line longer than 800 yd (732 m).

(4397) (2) No person may fish with, set, or place in the water more than one gillnet at any one time.

(4398) (3) No more than two gillnets, including any net in use, may be possessed at any one time; provided, however, that if two gillnets, including any net in use, are possessed at any one time, they must have stretched mesh sizes (as allowed under the regulations) that differ by at least .25 inch (.64 cm).

(4399) (4) No person may soak a gillnet for more than 1 hour. The soak period begins when the first mesh is placed in the water and ends either when the first mesh is retrieved back on board the vessel or the gathering of the gillnet is begun to facilitate retrieval on board the vessel, whichever occurs first; providing that, once the first mesh is retrieved or the gathering is begun, the

retrieval is continuous until the gillnet is completely removed from the water.

(4400) (5) The float line of each gillnet possessed, including any net in use, must have the distinctive floats specified in §622.6(b)(2).

(4401) (4) *Purse seine incidental catch allowance.* A vessel in the EEZ, or having fished in the EEZ, with a purse seine on board will not be considered as fishing, or having fished, for king or Spanish mackerel in violation of a prohibition of purse seines under paragraph (c)(1)(i)(B)of this section, or, in the case of king mackerel from the Atlantic migratory group, in violation of a closure effected in accordance with §622.43(a), provided the king mackerel on board does not exceed 1 percent, or the Spanish mackerel on board does not exceed 10 percent, of all fish on board the vessel. Incidental catch will be calculated by number and/or weight of fish. Neither calculation may exceed the allowable percentage. Incidentally caught king or Spanish mackerel are counted toward the quotas provided for under §622.42(c) and are subject to the prohibition of sale under §622.43(a)(3)(iii).

(4402) (d) *South Atlantic snapper-grouper*—(1) *Authorized gear.* Subject to the gear restrictions specified in §622.31, the following are the only gear types authorized in directed fishing for snapper-grouper in the South Atlantic EEZ: Bandit gear, bottom longline, buoy gear, handline, rod and reel, sea bass pot, and spearfishing gear.

(4403) (2) *Unauthorized gear.* All gear types other than those specified in paragraph (d)(1) of this section are unauthorized gear and the following possession and transfer limitations apply. Bandit gear, bottom longline, buoy gear, handline, rod and reel, sea bass pot, and spearfishing gear.

(4404) (i) A vessel with trawl gear on board that fishes in the EEZ on a trip may possess no more than 200 lb (90.7 kg) of South Atlantic snapper-grouper, excluding wreckfish, in or from the EEZ on that trip. It is a rebuttable presumption that a vessel with more than 200 lb (90.7 kg) of South Atlantic snapper-grouper, excluding wreckfish, on board harvested such fish in the EEZ.

(4405) (ii) Except as specified in paragraph (d)(3) of this section, a person aboard a vessel with unauthorized gear on board, other than trawl gear, that fishes in the EEZ on a trip is limited on that trip to:

(4406) (A) South Atlantic snapper-grouper species for which a bag limit is specified in §622.39(d)(1) the bag limit.

(4407) (B) All other South Atlantic snapper-grouper—zero.

(4408) (iii) South Atlantic snapper-grouper on board a vessel with unauthorized gear on board may not be transferred at sea, regardless of where such transfer takes place, and such snapper-grouper may not be transferred in the EEZ.

(4409) (iv) No vessel may receive at sea any South Atlantic snapper-grouper from a vessel with unauthorized gear on board, as specified in paragraph (d)(2)(iii) of this section.

(4410) (3) *Possession allowance regarding sink nets off North Carolina*. A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the EEZ off North Carolina on a trip with a sink net on board, may retain otherwise legal South Atlantic snapper-grouper taken on that trip with vertical hook-and-line gear or a sea bass pot. For the purpose of this paragraph (d)(3), a sink net is a gillnet with stretched mesh measurements of 3 to 4.75 inches (7.6 to 12.1 cm) that is attached to the vessel when deployed.

(4411) (4) *Possession allowance regarding bait nets*. A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the South Atlantic EEZ with no more than one bait net on board, may retain, without regard to the limits specified in paragraph (d)(2)(ii) of this section, otherwise legal South Atlanticsnapper-grouper taken with bandit gear, buoy gear, handline, rod and reel, or sea bass pot. For the purpose of this paragraph (d)(4), a bait net is a gillnet not exceeding 50 ft (15.2 m) in length or 10 ft (3.1 m) in height with stretched mesh measurements of 1.5 inches (3.8 cm) or smaller that is attached to the vessel when deployed.

(4412) (5) *Possession allowance regarding cast nets*. A vessel that has on board a commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the South Atlantic EEZ with a cast net on board, may retain, without regard to the limits specified in paragraph (d)(2)(ii) of this section, otherwise legal South Atlantic snapper-grouper taken with bandit gear, buoy gear, handline, rod and reel, or sea bass pot. For the purpose of this paragraph (d)(5), a cast net is a cone-shaped net thrown by hand and designed to spread out and capture fish as the weighted circumference sinks to the bottom and comes together when pulled by a line.

(4413) (6) *Longline species limitation*. A vessel that has on board a valid Federal commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the EEZ on a trip with a longline on board, may posses only the following South Atlantic snapper-grouper: snowy grouper, warsaw grouper, yellowedge grouper, misty grouper, golden tilefish, blueline tilefish, and sand tilefish. For the purpose of this paragraph, a vessel is considered to have a longline on board when a power-operated longline hauler, a cable of diameter suitable for use in the longline fishery

on any reel, and gangions are on board. Removal of any one of these three elements constitutes removal of a longline.

(4414) (e) *South Atlantic golden crab.* Traps are the only fishing gear authorized in directed fishing for golden crab in the South Atlantic EEZ. Golden crab in or from the South Atlantic EEZ may not be retained on board a vessel possessing or using unauthorized gear.

(4415) (f) *Caribbean queen conch*. In the Caribbean EEZ, no person may harvest queen conch by diving while using a device that provides a continuous air supply from the surface.

(4416) (g) *Penaeid Shrimp in the South Atlantic*—(1) BRD requirement. On a penaeid shrimp trawler in the South Atlantic EEZ, each rawl net that is rigged for fishing and has a mesh size less than 2.50 inches (6.35 cm), as measured between the centers of opposite knots when pulled taut, and each try net that is rigged for fishing and has a headrope length longer than 16.0 ft (4.9 m), must have a certified BRD installed. A trawl net, or try net, is rigged for fishing if it is in the water, or if it is shackled, tied, or otherwise connected to a sled, door, or other device that spreads the net, or to a tow rope, cable, pole, or extension, either on board or attached to a shrimp trawler.

(4417) (2) *Certified BRDs*. The following BRDs are certified for use by penaeid shrimp trawlers in the South Atlantic EEZ. Specifications of these certified BRDs are contained in Appendix D of this part.

(4418) (i) Extended funnel.

(4419) (ii) Expanded mesh.

(4420) (iii) Fisheye.

(4421) (3) *Certification of BRDs*—(i) A person who seeks to have a BRD certified for use in the South Atlantic EEZ must submit an application to test such BRD, conduct the testing, and submit to the RA the results of the test conducted and recorded in accordance with the Testing Protocol for BRD Certification, which along with forms and procedures, is included in the *Bycatch Reduction Device Testing Protocol Manual* which is available from the SAFMC, One Southpark Circle, Suite 306, Charleston, SC 29407-4699, and from the RA. A BRD that meets the certification criterion, as determined under the Testing Protocol for BRD Certification, will be added to the list of certified BRDs in paragraph (g)(2) of this section.

(4422) (ii) A penaeid shrimp trawler that is authorized to test a BRD in the EEZ for possible certification, has such written authorization on board, and is conducting such test in accordance with Testing Protocol for BRD Certification is granted a limited exemption form the BRD requirement specified in paragraph (g)(1) of this section. The exemption from the BRD requirement is limited to those trawls that are being used in the certification trials. All other trawls rigged for fishing must be equipped with certified BRDs.

(4423) (h) *Shrimp in the Gulf-*

(4424) (1) BRD requirement–(i) *West of 85°30'W. long*. On a shrimp trawler in the Gulf EEZ west of 85°30'W. long. and shoreward of the 100-fathom (183-m) depth contour, each net that is rigged for fishing must have a certified BRD listed in paragraph (h)(2)(i) of this section installed, unless exempted as specified in paragraphs (h)(1)(iii) through (v) or paragraph (h)(3)(iii) of this section.

(4425) (ii) *East of 85°30'W. long*. On a shrimp trawler in the Gulf EEZ east of 85°30'W. long., each net that is rigged for fishing must have a certified BRD listed in paragraph (h)(2)(ii) of this section installed, unless exempted as specified in paragraphs (h)(1)(iii) through (v) or paragraph (h)(3)(iii) of this section.

(4426) (iii) A shrimp trawler is exempt from the requirement to have a certified BRD installed in each net provided that at least 90 percent (by weight) of all shrimp on board or offloaded from such trawler are royal red shrimp.

(4427) (iv) A shrimp trawler is exempt from the requirement to have a BRD installed in a single try net with a headrope length of 16 ft (4.9 m) or less provided the single try net is either pulled immediately in front of another net or is not connected to another net.

(4428) (v) A shrimp trawler is exempt from the requirement to have a certified BRD installed in up to two rigid-frame roller trawls that are 16 ft (4.9 m) or less in length used or possessed on board. A rigid-frame roller trawl is a trawl that has a mouth formed by a rigid frame and a grid of rigid vertical bars; has rollers on the lower horizontal part of the frame to allow the trawl to roll over the bottom and any obstruction while being towed; and has no doors, boards, or similar devices attached to keep the mouth of the trawl open.

(4429) (vi) A trawl net is rigged for fishing if it is in the water, or if it is shackled, tied, or otherwise connected to a sled, door, or other device that spreads the net, or to a tow rope, cable, pole, or extension, either on board or attached to a shrimp trawler.

(4430) (2) *Certified BRDs*. The following BRDs are certified for use by shrimp trawlers in the respective areas of Gulf EEZ specified in paragraphs (h)(2)(i) and (ii) of this section. Specifications of these certified BRDs are contained in appendix D to this part.

(4431) (i) West of 85°30'W. long.

(4432) (A) Fisheye.

(4433) (B) Gulf fisheye.

(4434) (C) Jones-Davis.

(4435) (ii) East of 85°30'W. long.

(4436) (A) Fisheye.

(4437) (B) Gulf fisheye.

(4438) (C) Jones-Davis.

(4439) (D) Extended funnel.

(4440) (E) Expanded mesh.

(4441) (3) *Procedures for certification of addition BRDs*. The process for the certification of additional BRDs consists of two phases–an optional pre-certification phase and a required certification phase.

(4442) (i) *Pre-certification*. The pre-certification phase allows a person to test and evaluate a new BRD design for up to 60 days without being subject to the observer requirements and rigorous testing requirements specified for certification testing in the *Gulf of Mexico Bycatch Reduction Device Testing Protocol Manual*.

(4443) (A) A person who wants to conduct pre-certification phase testing must submit an application, as specified in the Gulf of Mexico Bycatch Reduction Device Testing Protocol Manual, to the RA. The *Gulf of Mexico Bycatch Reduction Device Testing Protocol Manual,* which is available from the RA, upon request, contains the application forms.

(4444) (B) After reviewing the application, the RA will determine whether to issue a letter of authorization (LOA) to conduct pre-certification trials upon the vessel specified in the application. The RA will issue a pre-certification phase LOA if the BRD design is substantially unlike any BRD design previously determined not to meet the BRD certification criterion or, if the design is substantially similar to a BRD design previously determined not to meet the BRD certification criteria, and the application demonstrates that the design could meet the certification criterion through design revision or upon retesting (e.g., the application shows that statistical results could be improved upon retesting by such things as using a larger sample size than that previously used). If the RA authorizes pre-certification, the RA's letter of authorization must be on board the vessel during any trip involving the BRD testing.

(4445) (ii) *Certification.* A person who proposes a BRD for certification for use in the Gulf EEZ must submit an application to test such BRD, conduct the testing, and submit the results of the test in accordance with the *Gulf of Mexico Bycatch Reduction Device Testing Protocol Manual.* The RA will issue a LOA to conduct certification trials upon the vessel specified in the application if the RA finds that: The test plan meets the requirements of the protocol; the observer identified in the application is qualified and has no current or prior financial relationship with the entity seeking BRD certification; the application presents a BRD candidate substantially unlike BRDs previsously determined not to meet the current bycatch reduction criterion, or the applicant has shown good cause for reconsideration (such as the likelihood of improved statistical results yielded from a larger sample size than that previously used); and for BRDs not previously tested for certification, the results of any pre-certification trials conducted have been reviewed and deemed to indicate a reasonable scientific basis for conducting certification testing. If authorization to conduct certification trials is denied, the RA will provide a letter of explanation to the applicant, together with relevant recommendations to address the deficiencies resulting in the denial. If a BRD meets the certification criterion, as determined under the testing protocol, NMFS will publish a notice in the FEDERAL REGISTER adding the BRD to the list of certified BRDs in paragraph (h)(2) of this section providing the specifications for the newly certified BRD, including any special conditions deemed appropriate based on the certification testing results.

(4446) (iii) A shrimp trawler that is authorized to participate in the pre-certification phase or to test a BRD in the EEZ for possible certification has such written authorization on board and is conducting such test in accordance with the *Gulf of Mexico Bycatch Reduction Device Testing Protocol Manual* is granted a limited exemption from the BRD requirement specified in paragraph (h)(1) of this section. The exemption from the BRD requirement is limited to those trawls that are being used in the certification trials. All other trawls rigged for fishing must be equipped with certified BRDs.

(4447) (i) *Gulf reef fish exhibiting trap rash*. Gulf reef fish in or from the Gulf EEZ that exhibit trap rash may be possessed on board a vessel only if that vessel has a valid fish trap endorsement, as required under §622.4(a)(2)(i), on board. Possession of such fish on board a vessel without a valid fish trap endorsement in prima facie evidence of illegal trap use and is prohibited. For the purpose of this paragraph, trap rash is defined as physical damage to fish that characteristically results from contact with wire fish traps. Such damage includes, but is not limited to, broken fin spines, fin rays, or teeth; visually obvious loss of scales; and cuts or abrasions on the body of the fish, particularly on the head, snout, or mouth.

(4448) (j) *Rock shrimp in the South Atlantic off Georgia and Florida*. The minimum mesh size for the cod end of a rock shrimp trawl net in the South Atlantic EEZ off Georgia and Florida is 1 7/8 inches (4.8 cm), stretched mesh. This minimum mesh size is required in at least the last 40 meshes forward of the cod end drawstring (tie-off rings), and smaller-mesh bags liners are not allowed. A vessel that has a trawl net on board that does not meet these requirements may not possess a rock shrimp in or from the South Atlantic EEZ off Georgia and Florida.

(4449) (k) *Pelagic sargassum*. The minimum allowable mesh size for a net used to fish for pelagic sargassum in the South Atlantic EEZ is 4.0 inches (10.2 cm), stretched mesh, and such net must be attached to a frame no larger than 4 ft by 6 ft (1.2 m by 1.8 m). A vessel in the South Atlantic EEZ with a net on board that does not meet these requirements may not posses any pelagic sargassum.

(4450) (l) *Atlantic dolphin and wahoo*–(1) *Authorized gear*. The following are the only authorized gear types in the fisheries for dolphin and wahoo in the Atlantic EEZ: Automatic reel, bandit gear, handline, pelagic longline, rod and reel, and spearfishing gear (including powerheads). A person aboard a vessel in the Atlantic EEZ that has on board gear types other than authorized gear types may not possess a dolphin or wahoo.

(4451) (2) *Sea turtle protection measures applicable to pelagic longliners*. The owner or operator of a vessel for which a commercial permit for Atlantic dolphin and wahoo has been issued, as required under §622.4-(a)(2)(xii), and that has on board a pelagic longline must post inside the wheelhouse the sea turtle handling and release guidelines provided by NMFS. Such owner or operator must also comply with the sea turtle bycatch mitigation measures, including gear requirements and sea turtle handing requirements, as specified in §635.21(c)(5)(i) and (ii) of this chapter, respectively. For the purpose of this paragraph, a vessel is considered to have pelagic longline gear on board when a power-operated longline hauler, a mainline, floats capable of supporting the mainline, and leaders (gangions) with hooks are on board. Removal of any one of these elements constitutes removal of pelagic longline gear.

§622.42 Quotas.

(4452) Quotas apply for the fishing year for each species or species group. Except for the quotas for Gulf and South Atlantic coral, the quotas include species harvested from state waters adjoining the EEZ. Quotas for species managed under this part are as follows. (See §622.32 for limitations on taking prohibited and limited-harvest species. The limitations in §622.32 apply without regard to whether the species is harvested by a vessel operating under a commercial vessel permit or by a person subject to the bag limits.)

(4453) (a) *Gulf reef fish*—(1) *Commercial quotas*. The following quotas apply to persons who fish under commercial vessel permits for Gulf reef fish, as required under §622.4(a)(2)(v).

(4454) (i) Red snapper—4.65 million lb (2.11 million kg), round weight, apportioned in 1997 as follows:

(4455) (A) Two-thirds of the quota specified in §622.42-(a)(1)(i), 3.10 million lb (1.41 million kg), available at noon on February 1 each year, subject to the closure provisions of §§622.34(1) and 622.43(a)(1)(i).

(4456) (B) The remainder available at noon on October 1 each year, subject to the closure provisions of §§622.34(1) and 622.43(a)(1)(i).

(4457) (ii) Deep-water groupers (i.e., yellowedge grouper, misty grouper, warsaw grouper, snowy grouper, and speckled hind), and, after the quota for shallow-water grouper is reached, scamp, combined–1.02 million lb (0.46 million kg), gutted weight, that is, eviscerated but otherwise whole.

(4458) (iii) Shallow-water groupers (i.e., all groupers other than deep-water groupers, jewfish, and Nassau grouper), including scamp before the quota for shallow-water groupers is reached, combined -8.80 million lb (3.99 million kg), gutted weight, that is eviscerated but otherwise whole. Within the shallow-water grouper quota there is a separate quota for red grouper–5.31 million lb (2.41 million kg), gutted weight. When either the shallow-water grouper quota or the red grouper quota is reached, the entire shallow-water grouper fishery will be closed and the closure provisions of §622.43(a) introductory text and §622.43 (a)(1)(i) apply to the entire shallow-water grouper fishery.

(4459) (iv) Tilefishes (i.e., tilefish and goldface, blackline, anchor, and blueline tilefish) combined–0.44 million lb (0.20 million kg), gutted weight, that is, eviscerated but otherwise whole.

(4460) (2) *Recreational quota for red snapper*. The following quota applies to persons who harvest red snapper other than under commercial vessel permits for Gulf reef fish and the commercial quota specified in paragraph (a)(1)(i) of this section—4.47 million lb (2.03 million kg), round weight.

(4461) (3) Shallow-water groupers, that is, all groupers other than deep-water groupers, jewfish, and Nassau grouper, including scamp before the quota for shallow-water groupers is reached, combined—9.8 million lb (4.4 million kg), round weight.

(4462) (b) *Gulf and South Atlantic Allowable octocoral*. The quota for all persons who harvest allowable octocoral in the EEZ of the Gulf and South Atlantic is 50,000 colonies. A colony is a continuous group of coral polyps forming a single unit.

(4463) (c) *King and Spanish mackerel*. King and Spanish mackerel quotas apply to persons who fish under commercial vessel permits for king or Spanish mackerel, as required under §622.4(a)(2)(iii) or (iv). A fish is counted against the quota for the area where it is caught when it is first sold.

(4464) (i) *Gulf migratory group*. The quota for the Gulf migratory group of king mackerel is 3.26 million lb (1.48 million kg). The Gulf migratory group is divided

into eastern and western zones separated by 87°31'06"W., which is a line directly south from the Alabama/Florida boundary. Quotas for the eastern and western zones are as follows:

(4465) (A) *Eastern zone*—2.25 million lb (1.02 million kg), which is further divided into quotas as follows:

(4466) (1) *Florida east coast subzone*–1,040,625 lb (472,020 kg).

(4467) (2) *Florida west coast subzone*—(i) *Southern*—1,040,625 lb (472,020 kg), which is further divided into a quota of 520,312 lb (236,010 kg) for vessels fishing with hook-and-line and a quota of 520,312 lb (236,010 kg) for vessels fishing with run-around gillnets.

(4468) (ii) *Northern*—168,750 lb (76,544 kg).

(4469) (3) *Description of Florida subzones*. The Florida east coast subzone is that part of the eastern zone north of 25°20.4'N., which is a line directly east from the Miami-Dade/Monroe County, FL, boundary. The Florida west coast subzone is that part of the eastern zone south and west of 25°20.4'N. The Florida west coast subzone is further divided into southern and northern subzones. From November 1 through March 31, the southern subzone is that part of the Florida west coast subzone that extends south and west from 25°20.4'N. to 26°19.8'N., a line directly west from the Lee/Collier County, FL, boundary (i.e., the area off Collier and Monroe Counties). From April 1 through October 31, the southern subzone is that part of the Florida west coast subzone that is between 26°19.8'N. and 25°48'N., which is a line directly west from the Monroe/Collier County, FL, boundary (i.e., off Collier County). The northern subzone is that part of the Florida west coast subzone that is between 26°19.8'N. and 87°31'06"W., which is a line directly south from the Alabama/Florida boundary.

(4470) (B) *Western zone*—1.01 million lb (0.46 million kg).

(4471) (ii) *Atlantic migratory group*. The quota for the Atlantic migratory group of king mackerel is 3.71 million lb (1.68 million kg). No more than 0.40 million lb (0.18 million kg) may be harvested by purse seines.

(4472) (2) *Migratory groups of Spanish mackerel*–(i) *Gulf migratory group*. The quota for the Gulf migratory group of Spanish mackerel is 5.187 million lb (2.353 million kg).

(4473) (ii) *Atlantic migratory group*. The quota for the Atlantic migratory group of Spanish mackerel is 3.87 million lb (1.76 million kg).

(4474) (d) *Royal red shrimp in the Gulf*. The quota for all persons who harvest royal red shrimp in the Gulf is 392,000 lb (177.8 mt), tail weight.

(4475) (e) *South Atlantic snapper-grouper, excluding wreckfish*. The quotas apply to persons who are not subject to the bag limits. (See §622.39(a)(1) for applicability of the bag limits.)

(4476) (1) *Snowy grouper*—344,508 lb (156,266 kg), gutted weight, that is, eviscerated but otherwise whole.

(4477) (2) *Golden tilefish*—1,001,663 lb (454,347 kg), gutted weight, that is, eviscerated but otherwise whole.

(4478) (3) *Greater amberjack*—1,169,931 lb (530,672 kg), gutted weight, that is eviscerated but otherwise whole.

(4479) (f) *Wreckfish*. The quota for wreckfish applies to wreckfish shareholders, or their employees, contractors, or agents, and is 2 million lb (907,185 kg), round weight. See §622.15 for information on the wreckfish shareholder under the ITQ system.

(4480) (g) *Pelagic sargassum*. The quota for all persons who harvest pelagic sargassum in the South Atlantic EEZ is 5,000 lb (2,268 kg), wet, landed weight. See §622.35(g)(1) for area limitations on the harvest of pelagic sargassum

§622.43 Closures.

(4481) (a) *General*. When a quota specified in §622.42 is reached, or is projected to be reached, the Assistant Administrator will file a notification to that effect with the Office of the Federal Register. On and after the effective date of such notification, for the remainder of the fishing year, the following closure restrictions apply:

(4482) (1) *Gulf reef fish*—(i) *Commercial quotas*. The bag and possession limits specified in §622.39(b) apply to all harvest or possession in or from the Gulf EEZ of the indicated species, and the sale or purchase of the indicated species taken from the Gulf EEZ is prohibited. In addition, the bag and possession limits for red snapper apply on board a vessel for which a commercial permit for Gulf reef fish has been issued, as required under §622.4(a)(2)(v), without regard to where such red snapper were harvested. However, the bag and possession limits for red snapper apply only when the recreational quota for red snapper has not been reached and the bag and possession limit has not been reduced to zero under paragraph (a)(1)(ii) of this section.

(4483) (ii) *Recreational quota for red snapper*. The bag and possession limit for red snapper in or from the Gulf EEZ is zero.

(4484) (2) *Gulf and South Atlantic coral*—(i) Allowable octocoral. Allowable octocoral may not be harvested or possessed in the Gulf or South Atlantic EEZ and the sale or purchase of allowable octocoral in or from the Gulf or South Atlantic EEZ is prohibited.

(4485) (3) *King and Spanish mackerel*. The closure provisions of this paragraph (a)(3) do not apply to Atlantic migratory group Spanish mackerel, which are managed under the commercial trip limits specified in §622.44(b) in lieu of the closure provisions of this section.

(4486) (i) A person aboard a vessel for which a commercial permit for king and Spanish mackerel has been issued, as required under §622.4(a)(2)(iv), may not fish for king or Spanish mackerel in the EEZ or retain fish in or from the EEZ under a bag or possession limit specified in §622.39(c) for the closed species, migratory group, zone, subzone, or gear type, except as provided for under paragraph (a)(3)(ii) of this section.

(4487) (ii) A person aboard a vessel for which the permit indicates both commercial king and Spanish mackerel and charter vessel/headboat for coastal migratory pelagic fish may continue to retain fish under a bag and possession limit specified in §622.39(c), provided the vessel is operating as a charter vessel or headboat.

(4488) (iii) The sale or purchase of king or Spanish mackerel of the closed species, migratory group, zone, subzone, or gear type is prohibited, including such king or Spanish mackerel taken under the bag limits.

(4489) (4) *Royal red shrimp in the Gulf*. Royal red shrimp in or from the Gulf EEZ may not be retained, and the sale or purchase of royal red shrimp taken from the Gulf EEZ is prohibited.

(4490) (5) *South Atlantic snapper-grouper, excluding wreckfish*–(i) *Greater amberjack*. The bag limit specified in §622.39(d)(1)(i) and the possession limits specified in §622.39(d)(2) apply to all harvest or possession of greater amberjack in or from the South Atlantic EEZ, and the sale or purchase of greater amberjack taken from the EEZ is prohibited. In addition, the bag and possession limits for greater amberjack and the prohibition on sale/purchase apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such greater amberjack were harvested.

(4491) (ii) *Golden tilefish and snowy grouper*. Golden tilefish and snowy grouper, for which there are quotas, are managed under the commercial trip limits specified in §622.44(c) in lieu of the closure provisions of this section.

(4492) (6) *Wreckfish*. Wreckfish in or from the South Atlantic EEZ may not be retained, and the sale or purchase of wreckfish taken from the South Atlantic EEZ is prohibited.

(4493) (7) *Pelagic sargassum*. Pelagic sargassum may not be fished for or possessed in the South Atlantic EEZ and the sale or purchase of pelagic sargassum in or from the South Atlantic EEZ is prohibited.

(4494) (b) *Exception to prohibition on sale/purchase*. (1) The prohibition on sale/purchase during a closure for Gulf reef fish, king and Spanish mackerel, royal red shrimp, or wreckfish in paragraphs (a)(1), (a)(3)(iii), (a)(4), or (a)(6) of this section does not apply to the indicated species that were harvested, landed ashore, and sold prior to the effective date of the closure and were held in cold storage by a dealer or processor.

(4495) (2) The prohibition on sale/purchase during a closure for allowable octocoral in paragraph (a)(2) of this section or for pelagic sargassum in paragraph (a)(7) of this section does not apply to allowable octocoral or pelagic sargassum that was harvested and landed ashore prior to the effective date of the closure.

(4496) (c) *Reopening*. When a fishery has been closed based on a projection of the quota specified in §622.42 being reached and subsequent data indicate that the quota was not reached, the Assistant Administrator may file a notification to that effect with the Office of the Federal Register. Such notification may reopen the fishery to provide an opportunity for the quota to be reached.

§622.44 Commercial trip limits.

(4497) Commercial trip limits are limits on the amount of the applicable species that may be possessed on board or landed, purchased, or sold from a vessel per day. A person who fishes in the EEZ may not combine a trip limit specified in this section with any trip or possession limit applicable to state waters. A species subject to a trip limit specified in this section taken in the EEZ may not be transferred at sea, regardless of where such transfer takes place, and such species may not be transferred in the EEZ. For fisheries governed by this part, commercial trip limits apply as follows:

(4498) (a) *King mackerel*—(1) *Atlantic group*. The following trip limits apply to vessels for which commercial permits for king mackerel have been issued, as required under §622.4(a)(2)(iii):

(4499) (i) North of 29°25'N., which is a line directly east from the Flagler/Volusia County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts exceeding 3,500 lb (1,588 kg).

(4500) (ii) In the area between 29°25'N. and 28°47.8'N., which is a line directly east from the Volusia/Brevard County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts exceeding 3,500 lb (1,588 kg) from April 1 through October 31.

(4501) (iii) In the area between 28°47.8'N and 25°20.47'N., which is a line directly east from the Miami-Dade/Monroe County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts exceeding 75 fish from April 1 through October 31.

(4502) (iv) In the area between 25°20.4'N. and 25°48'N., which is a line directly west from the Monroe/Collier County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a

vessel in a day in amounts exceeding 1,250 lb (567 kg) from April 1 through October 31.

(4503) (2) *Gulf group*. Commercial trip limits are established in the eastern and western zones as follows. (See §622.42(c)(1)(i) for specification of the eastern and western zones and §622.42(c)(1)(i)(A)(3) for specifications of the subzones in the eastern zone.)

(4504) (i) *Eastern zone–Florida east coast subzone*. In the Florida east coast subzone, king mackerel in or from the EEZ may be possessed on board at any time or landed in a day from a vessel which a commercial permit for king mackerel as required under §622.4(a)(2)(iii) as follows:

(4505) (A) From November 1 through January 31–not to exceed 50 fish.

(4506) (B) Beginning on February 1 and continuing through March 31—

(4507) (1) If 75 percent or more of the Florida east coast subzone quota as specified in §622.42(c)(1)(i)(A)(1) has been taken—not to exceed 50 fish.

(4508) (2) If less than 75 percent of the Florida east coast subzone quota as specified in §622.42(c)(1)(i)(A)(1) has been taken—not to exceed 75 fish.

(4509) (ii) *Eastern zone–Florida west coast subzone*–(A) *Gillnet gear.* (1) In the southern Florida west coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial permit with a gillnet endorsement has been issued, as required under §622.4(a)(2)(ii), from July 1, each fishing year, until a closure of the southern Florida west coast subzone's fishery for vessels fishing with run-around gillnets has been effected under §622.43(a)—in amounts not exceeding 25,000 lb (11,340 kg) per day.

(4510) (2) In the southern Florida west coast subzone:

(4511) (i) King mackerel in or from the EEZ may be possessed on board or landed from a vessel that uses or has on board a run-around gillnet on a trip only when such vessel has on board a commercial permit for king mackerel with a gillnet endorsement.

(4512) (ii) King mackerel from the southern west coast subzone landed by a vessel for which such commercial permit with endorsement has been issued will be counted against the run-around gillnet quota of §622.42(c)(1)(i)(A)(2)(i).

(4513) (iii) King mackerel in or from the EEZ harvested with gear other than run-around gillnet may not be retained on board a vessel for which such commercial permit with endorsement has been issued.

(4514) (B) Hook-and-line gear. In the Florida west coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel with a commercial permit for king mackerel, as required by §622.4(a)(2)(iii), and operating under the hook-and-line gear quotas in §622.42(c)(1)(i)(A)(2)(i) or (c)(1)(i)(A)(2)(ii):

(4515) (1) From July 1, each fishing year, until 75 percent of the respective northen or southern subzone's hook-and-line gear quota has been harvested—in amounts not exceeding 1,250 lb (567 kg) per day.

(4516) (2) From the date that 75 percent of the respective northern or southern subzone's hook-and-line gear quota has been harvested, until a closure of the respective northern or southern subzone's fishery for vessels fishing with hook-and-line gear has been effected under §622.43(a)—in amounts not exceeding 500 lb (227 kg) per day.

(4517) (iii) *Notice of trip limit changes*. The Assistant Administrator, by filing a notification of trip limit change with the Office of the Federal Register, will effect the trip limit changes specified in paragraphs (a)(2)(i) and (a)(2)(ii)(B) of this section when the requisite harvest level has been reached or is projected to be reached.

(4518) (iv) *Western zone*. In the western zone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial permit for king mackerel has been issued, as required under §622.4(a)(2)(ii), from July 1, each fishing year, until a closure of the western zone's fishery has been effected under §622.43(a)—in amounts not exceeding 3,000 lb (1, 361 kg) per day.

(4519) (b) *Spanish mackerel*. (1) Commercial trip limits are established for Atlantic migratory group Spanish mackerel as follows:

(4520) (i) North of 30°42'45.6"N., which is a line directly east from the Georgia/Florida boundary, Spanish mackerel in or from the EEZ may not be possessed on board or landed in a day from a vessel for which a permit for king and Spanish mackerel has been issued, as required under §622.4(a)(2)(iv), in amounts exceeding 3,500 lb (1,588 kg).

(4521) (ii) South of 30°42'45.6"N., Spanish mackerel in or from the EEZ may not be possessed on board or landed in a day from a vessel for which a permit for king and Spanish mackerel has been issued, as required under §622.4(a)(2)(iv)—

(4522) (A) From April 1 through November 30, in amounts exceeding 3,500 lb (1,588 kg).

(4523) (B) From December 1 until 75 percent of the adjusted quota is taken, in amounts as follows:

(4524) (1) Mondays through Fridays–unlimited.

(4525) (2) Saturdays and Sundays–not exceeding 1,500 lb (680 kg).

(4526) (C) After 75 percent of the adjusted quota is taken until 100 percent of the adjusted quota is taken, in amounts not exceeding 1,500 lb (680 kg).

(4527) (D) After 100 percent of the adjusted quota is taken through the end of the fishing year, in amounts not exceeding 500 lb (227kg).

(4528) (2) For the purpose of paragraph (b)(1)(ii) of this section, the adjusted quota is 3.62 million lb (1.64 million kg). The adjusted quota is the quota for Atlantic migratory group Spanish mackerel reduced by an amount calculated to allow continued harvests of Atlantic migratory group Spanish mackerel at the rate of 500 lb (227 kg) per vessel per day the remainder of the fishing year after the adjusted quota is reached. By filing a notification with the Office of the Federal Register, the Assistant Administrator will announce when 75 percent and 100 percent of the adjusted quota is reached or is projected to be reached.

(4529) (3) For the purpose of paragraph (b)(1)(ii) of this section, a day starts at 6 a.m., local time, and extends for 24 hours. If a vessel terminates a trip prior to 6 a.m., but retains Spanish mackerel on board after that time, the Spanish mackerel retained on board will not be considered in possession during the succeeding day, provided the vessel is not underway between 6 a.m. and the time such Spanish mackerel are unloaded, and provided such Spanish mackerel are unloaded prior to 6 p.m.

(4530) (c) *South Atlantic snapper-grouper*. When a vessel fishes on a trip in the South Atlantic EEZ, the vessel trip limits specified in this paragraph (c) apply, provided persons aboard the vessel are not subject to the bag limits. See §622.39(a) for applicability of the bag limits.

(4531) (1) *Trip-limited permits*. A vessel for which a trip-limited permit for South Atlantic snapper-grouper has been issued is limited to 225 lb (102.1 kg) of snapper-grouper.

(4532) (2) *Golden tilefish*. (i) Until the fishing year quota specified in §622.42(e)(2) is reached, 5,000 lb (2,268 kg).

(4533) (ii) After the fishing year quota specified in §622.42(e)(2) is reached, 300 lb (136 kg).

(4534) (3) *Snowy grouper*. (i) Until the fishing year quota specified in §622.42(e)(1) is reached, 2,500 lb (1,134 kg).

(4535) (ii) After the fishing year quota specified in §622.42(e)(1) is reached 300 lb (136 kg).

(4536) (4) *Red porgy*. (i) From May 1 through December 31, 50 lb (22.7 kg).

(4537) (ii) From January 1 through April 30, the seasonal harvest limit specified in §622.36(b)(5) applies.

(4538) (5) *Greater amberjack*. Until the fishing year quota specified in §622.42(e)(3) is reached, 1,000 lb (454 kg). See §622.43(a)(5)(i) for the limitations regarding greater amberjack after the fishing year quota is reached.

(4539) (d) *Gulf red snapper*. (1) The trip limit for red snapper in or from the Gulf for a vessel that has on board a valid commercial permit for Gulf reef fish and a valid Class 1 red snapper license is 2,000 lb (907 kg), round or eviscerated weight.

(4540) (2) The trip limit for red snapper in or from the Gulf for a vessel that has on board a valid commercial permit for Gulf reef fish and a valid Class 2 red snapper license is 200 lb (91 kg), round or eviscerated weight.

(4541) (3) The trip limit for red snapper in or from the Gulf for any other vessel for which a commercial permit for Gulf reef fish has been issued is zero.

(4542) (4) As a condition of a commercial vessel permit for Gulf reef fish, as required under Sec. 622.4(a)(2)(v), without regard to where red snapper are harvested or possessed, a vessel that has been issued such permit—

(4543) (i) May not possess red snapper in or from the Gulf in excess of the appropriate vessel trip limit, as specified in paragraphs (d)(1) through (d)(3) of this section.

(4544) (ii) May not transfer or receive at sea red snapper in or from the Gulf.

(4545) (e) *Caribbean queen conch*. A person who fishes in the Caribbean EEZ and is not subject to the bag limit may not possess in or from the Caribbean EEZ more than 150 queen conch per day.

(4546) (f) *Atlantic dolphin and wahoo*. (1) The trip limit for wahoo in or from the Atlantic EEZ is 500 lb (227 kg). This trip limit applies to a vessel that has a Federal commercial permit for Atlantic dolphin and wahoo, provided that the vessel is not operating as a charter vessel or headboat.

(4547) (2) The trip limit for a vessel that does not have a Federal commercial vessel permit for Atlantic dolphin and wahoo but has a Federal commercial vessel permit in any other fishery is 200 lb (91 kg) of dolphin and wahoo, combined, provided that all fishing on and landings from that trip are north of 39°N. lat. (A charter vessel/headboat permit is not a commercial vessel permit.)

§622.45 Restrictions on sale/purchase.

(4548) In addition to restrictions on sale/purchase related to closures, as specified in §622.43 (a) and (b), restrictions on sale and/or purchase apply as follows.

(4549) (a) *Caribbean coral reef resource*. (1) No person may sell or purchase a Caribbean prohibited coral harvested in the Caribbean EEZ.

(4550) (2) A Caribbean prohibited coral that is sold in Puerto Rico or the U.S. Virgin Islands will be presumed to have been harvested in the Caribbean EEZ, unless it is accompanied by documentation showing that it was harvested elsewhere. Such documentation must contain:

(4551) (i) The information specified in subpart K of part 300 of this title for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce.

(4552) (ii) The name and home port of the vessel, or the name and address of the individual, harvesting the Caribbean prohibited coral.

(4553) (iii) The port and date of landing the Caribbean prohibited coral.

(4554) (iv) A statement signed by the person selling the Caribbean prohibited coral attesting that, to the best of his or her knowledge, information, and belief, such Caribbean prohibited coral was harvested other than in the Caribbean EEZ or the waters of Puerto Rico or the U.S. Virgin Islands.

(4555) (b) *Caribbean reef fish*. A live red hind or live mutton snapper in or from the Caribbean EEZ may not be sold or purchased and used in the marine aquarium trade.

(4556) (c) *Gulf reef fish*. (1) A Gulf reef fish harvested in the EEZ on board a vessel that does not have a valid commercial permit for Gulf reef fish, as required under §622.4(a)(2)(v), or a Gulf reef fish possessed under the bag limits specified in §622.39(b), may not be sold or purchased.

(4557) (2) A Gulf reef fish harvested on board a vessel that has a valid commercial permit for Gulf reef fish may be sold only to a dealer who has a valid permit for Gulf reef fish, as required under §622.4(a)(4).

(4558) (3) A Gulf reef fish harvested in the EEZ may be purchased by a dealer who has a valid permit for Gulf reef fish, as required under §622.4(a)(4), only from a vessel that has a valid commercial permit for Gulf reef fish.

(4559) (4) From February 15 until March 15, each year, no person may sell or purchase a gag, black grouper, or red grouper harvested from the Gulf by a vessel with a valid Federal commercial permit for Gulf reef fish. This prohibition on sale/purchase does not apply to gag, black grouper, or red grouper that were harvested, landed ashore, and sold prior to February 15 and were held in cold storage by a dealer or processor.

(4560) (d) *South Atlantic snapper-grouper*. (1) A person may sell South Atlantic snapper-grouper harvested in the EEZ only to a dealer who has a valid permit for South Atlantic snapper-grouper, as required under §622.4(a)(4).

(4561) (2) A person may purchase South Atlantic snapper-grouper harvested in the EEZ only from a vessel that has a valid commercial permit for South Atlantic snapper-grouper, as required under §622.4(a)(2)(vi), or from a person who has a valid commercial license to sell fish in the state where the purchase occurs.

(4562) (3) Except for the sale or purchase of South Atlantic snapper-grouper harvested by a vessel that has a valid commercial permit for South Atlantic snapper-grouper, the sale or purchase of such fish is limited to the bag limits specified in §622.39(d)(1).

(4563) (4) A warsaw grouper or speckled hind in or from the South Atlantic EEZ may not be sold or purchased.

(4564) (5) During January, February, March, and April, no person may sell or purchase a red porgy harvested from the South Atlantic EEZ or, if harvested by a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, harvested from the South Atlantic. The prohibition on sale/purchase during January through April does not apply to red porgy that were harvested, landed ashore, and sold prior to January 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of red porgy harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic. Such documentation must contain:

(4565) (i) The information specified in 50 CFR part 300 subpart K for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce;

(4566) (ii) The official number, name and home port of the vessel harvesting the red porgy;

(4567) (iii) The port and date of offloading from the vessel harvesting the red porgy; and

(4568) (iv) A statement signed by the dealer attesting that the red porgy was harvested from an area other than the South Atlantic.

(4569) (6) During April, no person may sell or purchase a greater amberjack harvested from the South Atlantic EEZ or, if harvested by a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, harvested from the South Atlantic. The prohibition on sale/purchase during April does not apply to greater amberjack that were harvested, landed ashore, and sold prior to April 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of greater amberjack harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside the South Atlantic. Such documentation must contain:

(4570) (i) The information specified in 50 CFR part 300 subpart K for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce;

(4571) (ii) The official number, name, and home port of the vessel harvested the greater amberjack;

(4572) (iii) The port and date of offloading from the vessel harvesting the greater amberjack; and

(4573) (iv) A statement signed by the dealer attesting that the greater amberjack was harvested from an area other than the South Atlantic.

(4574) (7) During March and April, no person may sell or purchase a gag or black grouper harvested from the South Atlantic EEZ or, if harvested by a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, harvested from the South Atlantic. The prohibition on sale/purchase during March and April does not apply to gag or black grouper that were harvested, landed ashore, and sold prior to March 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of gag or black grouper harvested from an area other than the South Atlantic, provided such fish is accompanied by documentation of harvest outside that South Atlantic. Such documentation must contain:

(4575) (i) The information specified in 50 CFR part 300 subpart K for marking containers or packages of fish or wildlife that are imported, exported, or transported in interstate commerce;

(4576) (ii) The official number, name, and home port of the vessel harvesting the gag or black grouper;

(4577) (iii) The port and date of offloading from the vessel harvesting the gag or black grouper; and

(4578) (iv) A statement signed by the dealer attesting that the gag or black grouper was harvested from an area other than the South Atlantic.

(4579) (e) *South Atlantic wild live rock*. Wild live rock in or from the South Atlantic EEZ may not be sold or purchased. The prohibition on sale or purchase does not apply to wild live rock that was harvested and landed prior to January 1, 1996 or to wild live rock from the Gulf EEZ that was harvested and landed prior to January 1, 1997..

(4580) (f) *South Atlantic golden crab*. (1) A female golden crab in or from the South Atlantic EEZ may not be sold or purchased.

(4581) (2) A golden crab harvested in the South Atlantic EEZ on board a vessel that does not have a valid commercial permit for golden crab, as required under §622.4(a)(2)(x), may not be sold or purchased.

(4582) (3) A golden crab harvested on board a vessel that has a valid commercial permit for golden crab may be sold only to a dealer who has a valid permit for golden crab, as required under §622.4(a)(4).

(4583) (4) A golden crab harvested in the South Atlantic EEZ may be purchased by a dealer who has a valid permit for golden crab, as required under §622.4(a)(4), only from a vessel that has a valid commercial permit for golden crab.

(4584) (g) *South Atlantic rock shrimp*. (1) Rock shrimp harvested in the South Atlantic EEZ on board a vessel that does not have a valid commercial permit for rock shrimp, as required under §622.4(a)(2)(viii), may not be transferred, received, sold, or purchased.

(4585) (2) Rock shrimp harvested on board a vessel that has a valid commercial permit for rock shrimp may be transferred or sold only to a dealer who has a valid permit for rock shrimp, as required under §622.4(a)(4).

(4586) (3) Rock shrimp harvested in the South Atlantic EEZ may be received or purchased by a dealer who has a valid permit for rock shrimp, as required under §622.4(a)(4), only from a vessel that has a valid commercial permit for rock shrimp.

(4587) (h) *Cut-off (damaged) king or Spanish mackerel*. A person may not sell or purchase a cut-off (damaged) king or Spanish mackerel that does not comply with the minimum size limits specified in §622.37(c)(2) or (c)(3), respectively, or that is in excess of the trip limits specified in §622.44(a) or (b), respectively.

(4588) (i) *Atlantic dolphin and wahoo*. (1) A person may sell dolphin or wahoo harvested in the Atlantic EEZ only if it is harvested by a vessel that has a commercial permit for Atlantic dolphin and wahoo, as required under §622.4(a)(2)(xii) (A), or by a vessel authorized a 200-lb (91-kg) trip limit for dolphin or wahoo, as specified in §622.44(f)(2), and only to a dealer who has a permit for Atlantic dolphin or wahoo, as required under §622.4(a)(4).

(4589) (2) In addition to the provisions of paragraph (i)(1) of this section, a person may not sell dolphin in excess of the bag limit or any wahoo harvested in the Atlantic EEZ by a vessel while it was operating as a charter vessel or headboat.

(4590) (3) Dolphin or wahoo harvested in the Atlantic EEZ may be purchased only by a dealer who has a permit for Atlantic dolphin and wahoo and only from a vessel authorized to sell dolphin or wahoo under paragraph (i)(1) or (i)(2) of this section.

§622.46 Prevention of gear conflicts.

(4591) (a) No person may knowingly place in the Gulf EEZ any article, including fishing gear, that interferes with fishing or obstructs or damages fishing gear or the fishing vessel of another; or knowingly use fishing gear in such a fashion that it obstructs or damages the fishing gear or fishing vessel of another.

(4592) (b) In accordance with the procedures and restrictions of the FMP for the Shrimp Fishery of the Gulf of Mexico, the RA may modify or establish separation zones for shrimp trawling and the use of fixed gear to prevent gear conflicts. Necessary prohibitions or restrictions will be published in the Federal Register.

(4593) (c) In accordance with the procedures and restrictions of the FMP for Coastal Migratory Pelagic Resources, when the RA determines that a conflict exists in the king mackerel fishery between hook-and-line and gillnet fishermen in the South Atlantic EEZ off the east coast of Florida between 27°00.6'N. and 27°50.0'N., the RA may prohibit or restrict the use of hook-and-line and/or gillnets in all or a portion of that area. Necessary prohibitions or restrictions will be published in the **FEDERAL REGISTER**.

§622.47 Gulf groundfish trawl fishery.

(4594) Gulf groundfish trawl fishery means fishing in the Gulf EEZ by a vessel that uses a bottom trawl, the unsorted catch of which is ground up for animal feed or industrial products.

(4595) (a) Other provisions of this part notwithstanding, the owner or operator of a vessel in the Gulf groundfish trawl fishery is exempt from the following requirements and limitations for the vessel's unsorted catch of Gulf reef fish:

(4596) (1) The requirement for a valid commercial vessel permit for Gulf reef fish in order to sell Gulf reef fish.

(4597) (2) Minimum size limits for Gulf reef fish.

(4598) (3) Bag limits for Gulf reef fish.

(4599) (4) The prohibition on sale of Gulf reef fish after a quota closure.

(4600) (b) Other provisions of this part notwithstanding, a dealer in a Gulf state is exempt from the requirement for a dealer permit for Gulf reef fish to receive Gulf reef fish harvested from the Gulf EEZ by a vessel in the Gulf groundfish trawl fishery.

§622.48 Adjustment of management measures.

(4601) In accordance with the framework procedures of the applicable FMPs, the RA may establish or modify the following management measures:

(4602) (a) *Caribbean coral reef resources*. Species for which management measures may be specified; prohibited species; harvest limitations, including quotas, trip, or daily landing limits; gear restrictions; closed seasons or areas; and marine conservation districts.

(4603) (b) *Caribbean reef fish*. Size limits, closed seasons or areas, fish trap mesh size, and the threshold level for overfishing.

(4604) (c) *Coastal migratory pelagic fish*. For a species or species group: Age-structured analyses, target date for rebuilding an overfished, MSY (or proxy), stock Biomass achieved by fishing at MSY (B_{MSY}) (or proxy), maximum fishing mortality threshold (MFMT), minimum stock size threshold (MSST), OY, TAC, quota (including a quota of zero), bag limit (including a bag limit of zero), size limits, vessel trip limits, closed seasons or areas and reopenings, gear restrictions (ranging from regulation to complete prohibition), reallocation of the commercial/recreational allocation of Atlantic group Spanish mackerel, permit requirements, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.

(4605) (d) *Gulf reef fish*. (1) For a species or species group: Target date for rebuilding an overfished species, TAC, bag limits, size limits, vessel trip limits, closed seasons or areas, gear restrictions, quotas, MSY (or proxy), OY and estimates of stock biomass achieved by fishing at MSY (B_{MSY}), minimum stock size threshold (MSST), and maximum fishing mortality threshold (MFMT).

(4606) (2) SMZs and the gear restrictions applicable in each.

(4607) (e) *Gulf royal red shrimp*. MSY, OY, and TAC.

(4608) (f) *South Atlantic snapper-grouper and wreckfish*. Biomass levels, age-structured analyses, target dates for rebuilding overfished species, MSY, ABC, TAC, quotas, trip limits, bag limits, minimum sizes, gear restrictions (ranging from regulation to complete prohibition), seasonal or area closures, definitions of essential fish habitat, essential fish habitat, essential fish habitat HAPCs or Coral HAPCs, and restrictions on gear and fishing activities applicable in essential fish habitat and essential fish habitat HAPCs.

(4609) (g) *South Atlantic golden crab*. Biomass levels, age-structured analyses, MSY, ABC, TAC, quotas (including quotas equal to zero), trip limits, minimum sizes, gear regulations and restrictions, permit requirements, seasonal or area closures, time frame for recovery of golden crab if overfished, fishing year (adjustment not to exceed 2 months), observer requirements, authority for the RA to close the fishery when a quota is reached or is projected to be reached, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.

(4610) (h) *South Atlantic shrimp*. Biomass levels, age-structured analyses, BRD certification criteria, BRD specifications, BRD testing protocol, certified BRDs, net required to use BRDs, times and locations when the use of BRDs is required, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.

(4611) (i) *Gulf shrimp*. Bycatch reduction criteria, BRD certification and decertification criteria, BRD testing protocol, certified BRDs, and BRD specifications.

(4612) (j) *Gulf red drum*. Target date for rebuilding an overfished species, MSY (or proxy), stock biomass achieved by fishing at MSY (B_{MSY}), OY, TAC, minimum stock size threshold (MSST), maximum fishing mortality threshold (MFMT), escapement rates for juvenile fish, bag limits, size limits, gear harvest limits, and other restrictions required to prevent exceeding allocations or quotas.

(4613) (k) *Atlantic coast red drum*. Definitions of essential fish habitat and essential fish habitat HAPCs or Coral HAPCs.

(4614) (l) *South Atlantic coral, coral reefs, and live/hard bottom habitats*. Definitions of essential fish habitat and essential fish habitat HAPCs or Coral HAPCs.

(4615) (m) *Atlantic dolphin and wahoo*. Biomass levels, age-structured analyses, MSY, OY, ABC, TAC, trip limits, minimum sizes, gear regulations and restrictions, permit requirements, seasonal or area closures, subzones and their management measures, overfishing definitions and other status determination criteria, time frame for recovery of Atlantic dolphin or wahoo if overfished, fishing year (adjustment not to exceed 2 months), authority for the RA to close a fishery when a quota is reached or is projected to be reached or reopen a fishery when additional quota becomes available, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.

Appendix A to Part 622—Species Tables

Table 1 of Appendix A to Part 622—Caribbean Coral Reef Resources

(4616) **I. Sponges—Phylum Porifera**

(4617) **A. Demosponges—Class Demospongiae**

(4618) *Aphimedon compressa*, Erect rope sponge

(4619) *Chondrilla nucula,* Chicken liver sponge

(4620) *Cynachirella alloclada*

(4621) *Geodia neptuni,* Potato sponge

(4622) *Haliclona sp.*, Finger sponge

(4623) *Myriastra sp.*

(4624) *Niphates digitalis*, Pink vase sponge

(4625) *N. erecta*, Lavender rope sponge

(4626) *Spinosella policifera*

(4627) *S. vaginalis*

(4628) *Tethya crypta*

(4629) **II. Coelenterates—Phylum Coelenterata**

(4630) **A. Hydrocorals—Class Hydrozoa**

(4631) 1. Hydroids—Order Athecatae

(4632) Family Milleporidae

(4633) *Millepora spp.*, Fire corals

(4634) Family Stylasteridae

(4635) *Stylaster roseus*, Rose lace corals

(4636) **B. Anthozoans—Class Anthozoa**

(4637) 1. Soft corals—Order Alcyonacea

(4638) Family Anthothelidae

(4639) *Erythropodium caribaeorum*, Encrusting gorgonian

(4640) *Iciligorgia schrammi*, Deepwater sea fan

(4641) Family Briaridae

(4642) *Briareum asbestinum*, Corky sea finger

(4643) Family Clavulariidae

(4644) *Carijoa riisei*

(4645) *Telesto* spp.

(4646) 2. Gorgonian corals—Order Gorgonacea

(4647) Family Ellisellidae

(4648) *Ellisella spp*., Sea whips

(4649) Family Gorgoniidae

(4650) *Gorgonia flabellum*, Venus sea fan

(4651) *G. mariae*, Wide-mesh sea fan

(4652) *G. ventalina*, Common sea fan

(4653) *Pseudopterogorgia acerosa*, Sea plume

(4654) *P. albatrossae*

(4655) *P. americana*, Slimy sea plume

(4656) *P. bipinnata*, Bipinnate plume

(4657) *P. rigida*

(4658) *Pterogorgia anceps*, Angular sea whip

(4659) *P. citrina*, Yellow sea whip

(4660) Family Plexauridae

(4661) *Eunicea calyculata*, Warty sea rod

(4662) *E. clavigera*

(4663) *E. fusca*, Doughnut sea rod

(4664) *E. knighti*

(4665) *E. laciniata*

(4666) *E. laxispica*

(4667) *E. mammosa*, Swollen-knob

(4668) *E. succinea*, Shelf-knob sea rod

(4669) *E. touneforti*

(4670) *Muricea atlantica*

(4671) *M. elongata*, Orange spiny rod

(4672) *M. laxa*, Delicate spiny rod

(4673) *M. muricata*, Spiny sea fan

(4674) *M. pinnata*, Long spine sea fan

(4675) *Muriceopsis* sp.

(4676) *M. flavida*, Rough sea plume

(4677) *M. sulphurea*

(4678) *Plexaura flexuosa*, Bent sea rod

(4679) *P. homomalla*, Black sea rod

(4680) *Plexaurella dichotoma*, Slit-pore sea rod

(4681) *P. fusifera*

(4682) *P. grandiflora*

(4683) *P. grisea*

(4684) *P. nutans*, Giant slit-pore

(4685) *Pseudoplexaura crucis*

(4686) *P. flagellosa*

(4687) *P. porosa*, Porous sea rod

(4688) *P. wagenaari*

(4689) 3. Hard Corals—Order Scleractinia

(4690) Family Acroporidae

(4691) *Acropora cervicornis*, Staghorn coral

(4692) *A. palmata*, Elkhorn coral

(4693) *A. prolifera*, Fused staghorn

(4694) Family Agaricidae

(4695) *Agaricia agaricities*, Lettuce leaf coral

(4696) *A. fragilis*, Fragile saucer

(4697) *A. lamarcki*, Lamarck's sheet

(4698) *A. tenuifolia*, Thin leaf lettuce

(4699) *Leptoseris cucullata*, Sunray lettuce

(4700) Family Astrocoeniidae
(4701) *Stephanocoenia michelinii*, Blushing star
(4702) Family Caryophyllidae
(4703) *Eusmilia fastigiata*, Flower coral
(4704) *Tubastrea aurea*, Cup coral
(4705) Family Faviidae
(4706) *Cladocora arbuscula*, Tube coral
(4707) *Colpophyllia natans*, Boulder coral
(4708) *Diploria clivosa*, Knobby brain coral
(4709) *D. labyrinthiformis*, Grooved brain
(4710) *D. strigosa*, Symmetrical brain
(4711) *Favia fragum*, Golfball coral
(4712) *Manicina areolata*, Rose coral
(4713) *M. mayori*, Tortugas rose coral
(4714) *Montastrea annularis*, Boulder star coral
(4715) *M. cavernosa*, Great star coral
(4716) *Solenastrea bournoni*, Smooth star coral
(4717) Family Meandrinidae
(4718) *Dendrogyra cylindrus*, Pillar coral
(4719) *Dichocoenia stellaris*, Pancake star
(4720) *D. stokesi*, Elliptical star
(4721) *Meandrina meandrites*, Maze coral
(4722) Family Mussidae
(4723) *Isophyllastrea rigida*, Rough star coral
(4724) *Isophyllia sinuosa*, Sinuous cactus
(4725) *Mussa angulosa*, Large flower coral
(4726) *Mycetophyllia aliciae*, Thin fungus coral
(4727) *M. danae*, Fat fungus coral
(4728) *M. ferox*, Grooved fungus
(4729) *M. lamarckiana*, Fungus coral
(4730) *Scolymia cubensis*, Artichoke coral
(4731) *S. lacera*, Solitary disk
(4732) Family Oculinidae
(4733) *Oculina diffusa*, Ivory bush coral
(4734) Family Pocilloporidae
(4735) Madracis decactis, Ten-ray star coral
(4736) *M. mirabilis*, Yellow pencil
(4737) Family Poritidae
(4738) *Porites astreoides*, Mustard hill coral
(4739) *P. branneri*, Blue crust coral
(4740) *P. divaricata*, Small finger coral
(4741) *P. porites*, Finger coral
(4742) Family Rhizangiidae
(4743) *Astrangia solitaria*, Dwarf cup coral
(4744) *Phyllangia americana*, Hidden cup coral
(4745) Family Siderastreidae
(4746) *Siderastrea radians*, Lesser starlet
(4747) *S. siderea*, Massive starlet
(4748) 4. Black Corals—Order Antipatharia
(4749) *Antipathes* spp., Bushy black coral
(4750) *Stichopathes* spp., Wire coral
(4751) 5. Anemones—Order Actiniaria
(4752) *Aiptasia tagetes*, Pale anemone
(4753) *Bartholomea annulata*, Corkscrew anemone
(4754) *Condylactis gigantea*, Giant pink-tipped anemone
(4755) *Hereractis lucida*, Knobby anemone
(4756) *Lebrunia* spp., Staghorn anemone
(4757) *Stichodactyla helianthus*, Sun anemone
(4758) 6. Colonial Anemones—Order Zoanthidea
(4759) *Zoanthus* spp., Sea mat
(4760) 7. False Corals—Order Corallimorpharia
(4761) *Discosoma* spp. (formerly *Rhodactis*), False coral
(4762) *Ricordia florida*, Florida false coral
(4763) **III. Annelid Worms—Phylum Annelida**
(4764) **A. Polychaetes—Class Polychaeta**
(4765) *Family Sabellidae*, Feather duster worms
(4766) *Sabellastarte* spp., Tube worms
(4767) *S. magnifica*, Magnificent duster
(4768) Family Serpulidae
(4769) *Spirobranchus giganteus*, Christmas tree worm
(4770) **IV. Mollusks—Phylum Mollusca**
(4771) **A. Gastropods—Class Gastropoda**
(4772) Family Elysiidae
(4773) *Tridachia crispata*, Lettuce sea slug
(4774) Family Olividae
(4775) *Oliva reticularis*, Netted olive
(4776) Family Ovulidae
(4777) *Cyphoma gibbosum*, Flamingo tongue
(4778) Family Ranellidae
(4779) *Charonia tritonis*, Atlantic triton trumpet
(4780) Family Strombidae, Winged conchs
(4781) *Strombus* spp. (except Queen conch, S. gigas)
(4782) **B. Bivalves—Class Bivalvia**
(4783) Family Limidae
(4784) *Lima* spp., Fileclams
(4785) *L. scabra*, Rough fileclam
(4786) Family Spondylidae
(4787) *Spondylus americanus*, Atlantic thorny oyster
(4788) **C. Cephalopods—Class Cephalopoda**
(4789) 1. Octopuses—Order Octopoda
(4790) Family Octopodidae
(4791) *Octopus* spp. (except the Common octopus, *O. vulgaris*)
(4792) **V. Arthropods—Phylum Arthropoda**
(4793) **A. Crustaceans—Subphylum Crustacea**
(4794) 1. Decapods—Order Decapoda
(4795) Family Alpheidae
(4796) *Alpheaus armatus*, Snapping shrimp
(4797) Family Diogenidae
(4798) *Paguristes* spp., Hermit crabs
(4799) *P. cadenati*, Red reef hermit
(4800) Family Grapsidae
(4801) *Percnon gibbesi*, Nimble spray crab
(4802) Family Hippolytidae
(4803) *Lysmata* spp., Peppermint shrimp
(4804) *Thor amboinensis*, Anemone shrimp
(4805) Family Majidae, Coral crabs
(4806) *Mithrax* spp., Clinging crabs
(4807) *M. cinctimanus*, Banded clinging

(4808) *M. sculptus*, Green clinging
(4809) *Stenorhynchus seticornis*, Yellowline arrow
(4810) Family Palaemonida
(4811) *Periclimenes* spp., Cleaner shrimp
(4812) Family Squillidae, Mantis crabs
(4813) *Gonodactylus* spp.
(4814) *Lysiosquilla* spp.
(4815) Family Stenopodidae, Coral shrimp
(4816) *Stenopus hispidus*, Banded shrimp
(4817) *S. scutellatus*, Golden shrimp
(4818) **VI. Bryozoans—Phylum Bryozoa**
(4819) **VII. Echinoderms—Phylum Echinodermata**
(4820) **A. Feather stars—Class Crinoidea**
(4821) *Analcidometra armata*, Swimming crinoid
(4822) *Davidaster* spp., Crinoids
(4823) *Nemaster* spp., Crinoids
(4824) **B. Sea stars—Class Asteroidea**
(4825) *Astropecten* spp., Sand stars
(4826) *Linckia guildingii*, Common comet star
(4827) *Ophidiaster guildingii*, Comet star
(4828) *Oreaster reticulatus*, Cushion sea star
(4829) **C. Brittle and basket stars—Class Ophiuroidea**
(4830) *Astrophyton muricatum*, Giant basket star
(4831) Ophiocoma spp., Brittlestars
(4832) *Ophioderma* spp., Brittlestars
(4833) *O. rubicundum*, Ruby brittlestar
(4834) **D. Sea Urchins—Class Echinoidea**
(4835) *Diadema antillarum*, Long-spined urchin
(4836) *Echinometra* spp., Purple urchin
(4837) *Eucidaris tribuloides*, Pencil urchin
(4838) *Lytechinus* spp., Pin cushion urchin
(4839) *Tripneustes ventricosus*, Sea egg
(4840) **E. Sea Cucumbers—Class Holothuroidea**
(4841) *Holothuria* spp., Sea cucumbers
(4842) **VIII. Chordates—Phylum Chordata**
(4843) **A. Tunicates—Subphylum Urochordata**
(4844) **IX. Green Algae—Phylum Chlorophyta**
(4845) *Caulerpa* spp., Green grape algae
(4846) *Halimeda* spp., Watercress algae
(4847) *Penicillus* spp., Neptune's brush
(4848) *Udotea* spp., Mermaid's fan
(4849) *Ventricaria ventricosa*, Sea pearls
(4850) **X. Red Algae—Phylum Rhodophyta**
(4851) **XI. Sea grasses—Phylum Angiospermae**
(4852) *Halodule wrightii*, Shoal grass
(4853) *Halophila* spp., Sea vines
(4854) *Ruppia maritima*, Widgeon grass
(4855) *Syringodium filiforme*, Manatee grass
(4856) *Thalassia testudium*, Turtle grass

Table 2 of Appendix A to Part 622—Caribbean Reef Fish

(4857) **Acanthuridae—Surgeonfishes**
(4858) Ocean surgeonfish, *Acanthurus bahianus*
(4859) Doctorfish, *Acanthurus chirurgus*
(4860) Blue tang, *Acanthurus coeruleus*
(4861) **Antennariidae—Frogfishes**
(4862) Frogfish, *Antennarius* spp.
(4863) Apogonidae—Cardinalfishes
(4864) Flamefish, *Apogon maculatus*
(4865) Conchfish, *Astrapogen stellatus*
(4866) **Aulostomidae—Trumpetfishes**
(4867) Trumpetfish, *Aulostomus maculatus*
(4868) **Balistidae—Leatherjackets**
(4869) Scrawled filefish, *Aluterus scriptus*
(4870) Queen triggerfish, *Balistes vetula*
(4871) Whitespotted filefish, *Cantherhines macrocerus*
(4872) Ocean triggerfish, *Canthidermis sufflamen*
(4873) Black durgon, *Melichthys niger*
(4874) Sargassum triggerfish, *Xanthichthys rigens*
(4875) **Blenniidae—Combtooth blennies**
(4876) Redlip blenny, *Ophioblennius atlanticus*
(4877) **Bothidae—Lefteye flounders**
(4878) Peacock flounder, *Bothus lunatus*
(4879) **Carangidae—Jacks**
(4880) Yellow jack, *Caranx bartholomaei*
(4881) Blue runner, *Caranx crysos*
(4882) Horse-eye jack, *Caranx latus*
(4883) Black jack, *Caranx lugubris*
(4884) Bar jack, *Caranx ruber*
(4885) Greater amberjack, *Seriola dumerili*
(4886) Almaco jack, *Seriola rivoliana*
(4887) **Chaetodontidae—Butterflyfishes**
(4888) Longsnout butterflyfish, *Chaetodon aculeatus*
(4889) Foureye butterflyfish, *Chaetodon capistratus*
(4890) Spotfin butterflyfish, *Chaetodon ocellatus*
(4891) Banded butterflyfish, *Chaetodon striatus*
(4892) **Cirrhitidae—Hawkfishes**
(4893) Redspotted hawkfish, *Amblycirrhitus pinos*
(4894) **Dactylopteridae—Flying gurnards**
(4895) Flying gurnard, *Dactylopterus volitans*
(4896) **Ephippidae—Spadefishes**
(4897) Atlantic spadefish, *Chaetodipterus faber*
(4898) **Gobiidae—Gobies**
(4899) Neon goby, *Gobiosoma oceanops*
(4900) Rusty goby, *Priolepis hipoliti*
(4901) **Grammatidae—Basslets**
(4902) Royal gramma, *Gramma loreto*
(4903) **Haemulidae—Grunts**
(4904) Porkfish, *Anisotremus virginicus*
(4905) Margate, *Haemulon album*
(4906) Tomtate, *Haemulon aurolineatum*
(4907) French grunt, *Haemulon flavolineatum*
(4908) White grunt, *Haemulon plumieri*
(4909) Bluestriped grunt, *Haemulon sciurus*
(4910) **Holocentridae—Squirrelfishes**
(4911) Squirrelfish, *Holocentrus adscensionis*
(4912) Longspine squirrelfish, *Holocentrus rufus*

(4913) Blackbar soldierfish, *Myripristis jacobus*
(4914) Cardinal soldierfish, *Plectrypops retrospinis*
(4915) **Labridae—Wrasses**
(4916) Spanish hogfish, *Bodianus rufus*
(4917) Creole wrasse, *Clepticus parrae*
(4918) Yellowcheek wrasse, *Halichoeres cyanocephalus*
(4919) Yellowhead wrasse, *Halichoeres garnoti*
(4920) Clown wrasse, *Halichoeres maculipinna*
(4921) Puddingwife, *Halichoeres radiatus*
(4922) Pearly razorfish, *Hemipteronotus novacula*
(4923) Green razorfish, *Hemipteronotus splendens*
(4924) Hogfish, *Lachnolaimus maximus*
(4925) Bluehead wrasse, *Thalassoma bifasciatum*
(4926) **Lutjanidae—Snappers**
(4927) Black snapper, *Apsilus dentatus*
(4928) Queen snapper, *Etelis oculatus*
(4929) Mutton snapper, *Lutjanus analis*
(4930) Schoolmaster, *Lutjanus apodus*
(4931) Blackfin snapper, *Lutjanus buccanella*
(4932) Gray snapper, *Lutjanus griseus*
(4933) Dog snapper, *Lutjanus jocu*
(4934) Mahogany snapper, *Lutjanus mahogani*
(4935) Lane snapper, *Lutjanus synagris*
(4936) Silk snapper, *Lutjanus vivanus*
(4937) Yellowtail snapper, *Ocyurus chrysurus*
(4938) Wenchman, *Pristipomoides aquilonaris*
(4939) Vermilion snapper, *Rhomboplites aurorubens*
(4940) **Malacanthidae—Tilefishes**
(4941) Blackline tilefish, *Caulolatilus cyanops*
(4942) Sand tilefish, *Malacanthus plumieri*
(4943) **Mullidae—Goatfishes**
(4944) Yellow goatfish, *Mulloidichthys martinicus*
(4945) Spotted goatfish, *Pseudupeneus maculatus*
(4946) **Muraenidae—Morays**
(4947) Chain moray, *Echidna catenata*
(4948) Green moray, *Gymnothorax funebris*
(4949) Goldentail moray, *Gymnothorax miliaris*
(4950) **Ogcocephalidae—Batfishes**
(4951) Batfish, *Ogcocepahalus* spp.
(4952) **Ophichthidae—Snake eels**
(4953) Goldspotted eel, *Myrichthys ocellatus*
(4954) **Opistognathidae—Jawfishes**
(4955) Yellowhead jawfish, *Opistognathus aurifrons*
(4956) Dusky jawfish, *Opistognathus whitehursti*
(4957) **Ostraciidae—Boxfishes**
(4958) Spotted trunkfish, *Lactophrys bicaudalis*
(4959) Honeycomb cowfish, *Lactophrys polygonia*
(4960) Scrawled cowfish, *Lactophrys quadricornis*
(4961) Trunkfish, *Lactophrys trigonus*
(4962) Smooth trunkfish, *Lactophrys triqueter*
(4963) **Pomacanthidae—Angelfishes**
(4964) Cherubfish, *Centropyge argi*
(4965) Queen angelfish, *Holacanthus ciliaris*
(4966) Rock beauty, *Holacanthus tricolor*
(4967) Gray angelfish, *Pomacanthus arcuatus*
(4968) French angelfish, *Pomacanthus paru*
(4969) **Pomacentridae—Damselfishes**
(4970) Sergeant major, *Abudefduf saxatilis*
(4971) Blue chromis, *Chromis cyanea*
(4972) Sunshinefish, *Chromis insolata*
(4973) Yellowtail damselfish, *Microspathodon chrysurus*
(4974) Dusky damselfish, *Pomacentrus fuscus*
(4975) Beaugregory, *Pomacentrus leucostictus*
(4976) Bicolor damselfish, *Pomacentrus partitus*
(4977) Threespot damselfish, *Pomacentrus planifrons*
(4978) **Priacanthidae—Bigeyes**
(4979) Bigeye, *Priacanthus arenatus*
(4980) Glasseye snapper, *Priacanthus cruentatus*
(4981) **Scaridae—Parrotfishes**
(4982) Midnight parrotfish, *Scarus coelestinus*
(4983) Blue parrotfish, *Scarus coeruleus*
(4984) Striped parrotfish, *Scarus croicensis*
(4985) Rainbow parrotfish, *Scarus guacamaia*
(4986) Princess parrotfish, *Scarus taeniopterus*
(4987) Queen parrotfish, *Scarus vetula*
(4988) Redband parrotfish, *Sparisoma aurofrenatum*
(4989) Redtail parrotfish, *Sparisoma chrysopterum*
(4990) Redfin parrotfish, *Sparisoma rubripinne*
(4991) Stoplight parrotfish, *Sparisoma viride*
(4992) **Sciaenidae—Drums**
(4993) High-hat, *Equetus acuminatus*
(4994) Jackknife-fish, *Equetus lanceolatus*
(4995) Spotted drum, *Equetus punctatus*
(4996) **Scorpaenidae—Scorpionfishes**
(4997) **Serranidae—Sea basses**
(4998) Rock hind, *Epinephelus adscensionis*
(4999) Graysby, *Epinephelus cruentatus*
(5000) Yellowedge grouper, *Epinephelus flavolimbatus*
(5001) Coney, *Epinephelus fulvus*
(5002) Red hind, *Epinephelus guttatus*
(5003) Jewfish, *Epinephelus itajara*
(5004) Red grouper, *Epinephelus morio*
(5005) Misty grouper, *Epinephelus mystacinus*
(5006) Nassau Grouper, *Epinephelus striatus*
(5007) Butter hamlet, *Hypoplectrus unicolor*
(5008) Swissguard basslet, *Liopropoma rubre*
(5009) Yellowfin grouper, *Mycteroperca venenosa*
(5010) Tiger grouper, *Mycteroperca tigris*
(5011) Creole-fish, *Paranthias furcifer*
(5012) Greater soapfish, *Rypticus saponaceus*
(5013) Orangeback bass, *Serranus annularis*
(5014) Lantern bass, *Serranus baldwini*
(5015) Tobaccofish, *Serranus tabacarius*
(5016) Harlequin bass, *Serranus tigrinus*
(5017) Chalk bass, *Serranus tortugarum*
(5018) **Soleidae—Soles**
(5019) Caribbean tonguefish, *Symphurus arawak*
(5020) **Sparidae—Porgies**

(5021) Sea bream, *Archosargus rhomboidalis*
(5022) Jolthead porgy, *Calamus bajonado*
(5023) Sheepshead porgy, *Calamus penna*
(5024) Pluma, *Calamus pennatula*
(5025) **Syngnathidae—Pipefishes**
(5026) Seahorses, *Hippocampus* spp.
(5027) Pipefishes, *Syngnathus* spp.
(5028) **Synodontidae—Lizardfishes**
(5029) Sand diver, *Synodus intermedius*
(5030) **Tetraodontidae—Puffers**
(5031) Sharpnose puffer, *Canthigaster rostrata*
(5032) Porcupinefish, *Diodon hystrix*

Table 3 of Appendix A to Part 622—Gulf Reef Fish

(5033) **Balistidae—Triggerfishes**
(5034) Gray triggerfish, *Balistes capriscus*
(5035) Queen triggerfish, *Balistes vetula*
(5036) **Carangidae—Jacks**
(5037) Greater amberjack, *Seriola dumerili*
(5038) Lesser amberjack, *Seriola fasciata*
(5039) Almaco jack, *Seriola rivoliana*
(5040) Banded rudderfish, *Seriola zonata*
(5041) **Labridae—Wrasses**
(5042) Hogfish, *Lachnolaimus maximus*
(5043) **Lutjanidae—Snappers**
(5044) Queen snapper, *Etelis oculatus*
(5045) Mutton snapper, *Lutjanus analis*
(5046) Schoolmaster, *Lutjanus apodus*
(5047) Blackfin snapper, *Lutjanus buccanella*
(5048) Red snapper, *Lutjanus campechanus*
(5049) Cubera snapper, *Lutjanus cyanopterus*
(5050) Gray (mangrove) *snapper, Lutjanus griseus*
(5051) Dog snapper, *Lutjanus jocu*
(5052) Mahogany snapper, *Lutjanus mahogoni*
(5053) Lane snapper, *Lutjanus synagris*
(5054) Silk snapper, *Lutjanus vivanus*
(5055) Yellowtail snapper, *Ocyurus chrysurus*
(5056) Wenchman, *Pristipomoides aquilonaris*
(5057) Vermilion snapper, *Rhomboplites aurorubens*
(5058) **Malacanthidae—Tilefishes**
(5059) Goldface tilefish, *Caulolatilus chrysops*
(5060) Blackline tilefish, *Caulolatilus cyanops*
(5061) Anchor tilefish, *Caulolatilus intermedius*
(5062) Blueline tilefish, *Caulolatilus microps*
(5063) Tilefish, *Lopholatilus chamaeleonticeps*
(5064) **Serranidae—Groupers**
(5065) Dwarf sand perch, *Diplectrum bivittatum*
(5066) Sand perch, *Diplectrum formosum*
(5067) Rock hind, *Epinephelus adscensionis*
(5068) Speckled hind, *Epinephelus drummondhayi*
(5069) Yellowedge grouper, *Epinephelus flavolimbatus*
(5070) Red hind, *Epinephelus guttatus*
(5071) Jewfish, *Epinephelus itajara*
(5072) Red grouper, *Epinephelus morio*
(5073) Misty grouper, *Epinephelus mystacinus*
(5074) Warsaw grouper, *Epinephelus nigritus*
(5075) Snowy grouper, *Epinephelus niveatus*
(5076) Nassau grouper, *Epinephelus striatus*
(5077) Black grouper, *Mycteroperca bonaci*
(5078) Yellowmouth grouper, *Mycteroperca interstitialis*
(5079) Gag, *Mycteroperca microlepis*
(5080) Scamp, *Mycteroperca phenax*
(5081) Yellowfin grouper, *Mycteroperca venenosa*

Table 4 of Appendix A to Part 622—South Atlantic Snapper-Grouper

(5082) **Balistidae—Triggerfishes**
(5083) Gray triggerfish, *Balistes capriscus*
(5084) Queen triggerfish, *Balistes vetula*
(5085) Ocean triggerfish, *Canthidermis sufflamen*
(5086) **Carangidae—Jacks**
(5087) Yellow jack, *Caranx bartholomaei*
(5088) Blue runner, *Caranx crysos*
(5089) Crevalle jack, *Caranx hippos*
(5090) Bar jack, *Caranx ruber*
(5091) Greater amberjack, *Seriola dumerili*
(5092) Lesser amberjack, *Seriola fasciata*
(5093) Almaco jack, *Seriola rivoliana*
(5094) Banded rudderfish, *Seriola zonata*
(5095) **Ephippidae—Spadefishes**
(5096) Spadefish, *Chaetodipterus faber*
(5097) **Haemulidae—Grunts**
(5098) Black margate, *Anisotremus surinamensis*
(5099) Porkfish, *Anisotremus virginicus*
(5100) Margate, *Haemulon album*
(5101) Tomtate, *Haemulon aurolineatum*
(5102) Smallmouth grunt, *Haemulon chrysargyreum*
(5103) French grunt, *Haemulon flavolineatum*
(5104) Spanish grunt, *Haemulon macrostomum*
(5105) Cottonwick, *Haemulon melanurum*
(5106) Sailors choice, *Haemulon parrai*
(5107) White grunt, *Haemulon plumieri*
(5108) Blue stripe grunt, *Haemulon sciurus*
(5109) **Labridae—Wrasses**
(5110) Hogfish, *Lachnolaimus maximus*
(5111) Puddingwife, *Halichoeres radiatus*
(5112) **Lutjanidae—Snappers**
(5113) Black snapper, *Apsilus dentatus*
(5114) Queen snapper, *Etelis oculatus*
(5115) Mutton snapper, *Lutjanus analis*
(5116) Schoolmaster, *Lutjanus apodus*
(5117) Blackfin snapper, *Lutjanus buccanella*
(5118) Red snapper, *Lutjanus campechanus*
(5119) Cubera snapper, *Lutjanus cyanopterus*
(5120) Gray snapper, *Lutjanus griseus*
(5121) Mahogany snapper, *Lutjanus mahogoni*
(5122) Dog snapper, *Lutjanus jocu*
(5123) Lane snapper, *Lutjanus synagris*
(5124) Silk snapper, *Lutjanus vivanus*

(5125) Yellowtail snapper, *Ocyurus chrysurus*
(5126) Vermilion snapper, *Rhomboplites aurorubens*
(5127) **Malacanthidae—Tilefishes**
(5128) Blueline tilefish, *Caulolatilus microps*
(5129) Golden tilefish, *Lopholatilus chamaeleonticeps*
(5130) Sand tilefish, *Malacanthus plumieri*
(5131) **Percichthyidae—Temperate basses**
(5132) Wreckfish, *Polyprion americanus*
(5133) **Serranidae—Sea Basses and Groupers**
(5134) Bank sea bass, *Centropristis ocyurus*
(5135) Rock sea bass, *Centropristis philadelphica*
(5136) Black sea bass, *Centropristis striata*
(5137) Rock hind, *Epinephelus adscensionis*
(5138) Graysby, *Epinephelus cruentatus*
(5139) Speckled hind, *Epinephelus drummondhayi*
(5140) Yellowedge grouper, *Epinephelus flavolimbatus*
(5141) Coney, *Epinephelus fulvus*
(5142) Red hind, *Epinephelus guttatus*
(5143) Jewfish, *Epinephelus itajara*
(5144) Red grouper, *Epinephelus morio*
(5145) Misty grouper, *Epinephelus mystacinus*
(5146) Warsaw grouper, *Epinephelus nigritus*
(5147) Snowy grouper, *Epinephelus niveatus*
(5148) Nassau grouper, *Epinephelus striatus*
(5149) Black grouper, *Mycteroperca bonaci*
(5150) Yellowmouth grouper, *Mycteroperca interstitialis*
(5151) Gag, *Mycteroperca microlepis*
(5152) Scamp, *Mycteroperca phenax*
(5153) Tiger grouper, *Mycteroperca tigris*
(5154) Yellowfin grouper, *Mycteroperca venenosa*
(5155) **Sparidae—Porgies**
(5156) Sheepshead, *Archosargus probatocephalus*
(5157) Grass porgy, *Calamus arctifrons*
(5158) Jolthead porgy, *Calamus bajonado*
(5159) Saucereye porgy, *Calamus calamus*
(5160) Whitebone porgy, *Calamus leucosteus*
(5161) Knobbed porgy, *Calamus nodosus*
(5162) Red porgy, *Pagrus pagrus*
(5163) Longspine porgy, *Stenotomus caprinus*
(5164) Scup, *Stenotomus chrysops*

Appendix B to Part 622—Gulf Areas

TABLE 1 OF APPENDIX B TO PART 622.—SEAWARD COORDINATES OF THE LONGLINE AND BUOY GEAR RESTRICTED AREA

Point No. and reference location[1]		Latitude	Longitude
1	Seaward limit of Florida's waters north of Dry Tortugas	24°48.0'N.	82°48.0'W.
2	North of Rebecca Shoal	25°07.5'N.	82°34.0'W.
3	Off Sanibel Island—Offshore	26°26.0'N.	82°59.0'W.
4	West of Egmont Key	27°30.0'N.	83°21.5'W.
5	Off Anclote Keys—Offshore	28°10.0'N.	83°45.0'W.
6	Southeast corner of Florida Middle Ground	28°11.0'N.	84°00.0'W.
7	Southwest corner of Florida Middle Ground	28°11.0'N.	84°07.0'W.
8	West corner of Florida Middle Ground	28°26.6'N.	84°24.8'W.
9	Northwest corner of Florida Middle Ground	28°42.5'N.	84°24.8'W.
10	South of Carrabelle	29°05.0'N.	84°47.0'W.
11	South of Cape St. George	29°02.5'N.	85°09.0'W.
12	South of Cape San Blas lighted bell buoy—20 fathoms	29°21.0'N.	85°30.0'W.
13	South of Cape San Blas lighted bell buoy—50 fathoms	28°58.7'N.	85°30.0'W.
14	De Soto Canyon	30°06.0'N.	86°55.0'W.
15	South of Pensacola	29°46.0'N.	87°19.0'W.
16	South of Perdido Bay	29°29.0'N.	87°27.5'W.
17	East of North Pass of the Mississippi River	29°14.5'N.	88°28.0'W.
18	South of Southwest Pass of the Mississippi River	28°46.5'N.	89°26.0'W.
19	Northwest tip of Mississippi Canyon	28°38.5'N.	90°08.5'W.
20	West side of Mississippi Canyon	28°34.5'N.	89°59.5'W.
21	South of Timbalier Bay	28°22.5'N.	90°02.5'W.
22	South of Terrebonne Bay	28°10.5'N.	90°31.5'W.
23	South of Freeport	27°58.0'N.	95°00.0'W.
24	Off Matagorda Island	27°43.0'N.	96°02.0'W.
25	Off Aransas Pass	27°30.0'N.	96°23.5'W.
26	Northeast of Port Mansfield	27°00.0'N.	96°39.0'W.
27	East of Port Mansfield	26°44.0'N.	96°37.5'W.
28	Northeast of Port Isabel	26°22.0'N.	96°21.0'W.
29	U.S./Mexico EEZ boundary	26°00.5'N.	96°24.5'W.
Thence westerly along U.S./Mexico EEZ boundary to the seaward limit of Texas' waters.			

[1]Nearest identifiable landfall, boundary, navigational aid, or submarine area.

TABLE 2 OF APPENDIX B TO PART 622.—SEAWARD COORDINATES OF THE STRESSED AREA

Point No. and reference location[1]		Latitude	Longitude
1	Seaward limit of Florida's waters northeast of Dry Tortugas	24°45.5'N.	82°41.5'W.
2	North of Marquesas Keys	24°48.0'N.	82°06.5'W.
3	Off Cape Sable	25°15.0'N.	82°02.0'W.
4	Off Sanibel Island—Inshore	26°26.0'N.	82°29.0'W.
5	Off Sanibel Island—Offshore	26°26.0'N.	82°59.0'W.
6	West of Egmont Key	27°30.0'N.	83°21.5'W.
7	Off Anclote Keys—Offshore	28°10.0'N.	83°45.0'W.
8	Off Anclote Keys—Inshore	28°10.0'N.	83°14.0'W.
9	Off Deadman Bay	29°38.0'N.	84°00.0'W.
10	Seaward limit of Florida's waters east of Cape St. George	29°35.5'N.	84°38.6'W.
Thence westerly along the seaward limit of Florida's waters to:			
11	Seaward limit of Florida's waters south of Cape San Blas	29°32.2'N.	85°27.1'W.
12	Southwest of Cape San Blas	29°30.5'N.	85°52.0'W.
13	Off St. Andrew Bay	29°53.0'N.	86°10.0'W.
14	De Soto Canyon	30°06.0'N.	86°55.0'W.
15	South of Florida/Alabama border	29°34.5'N.	87°38.0'W.
16	Off Mobile Bay	29°41.0'N.	88°00.0'W.
17	South of Alabama/Mississippi border	30°01.5'N.	88°23.7'W.
18	Horn/Chandeleur Islands	30°01.5'N.	88°40.5'W.
19	Chandeleur Islands	29°35.5'N.	88°37.0'W.
20	Seaward limit of Louisiana's waters off North Pass of the Mississippi River	29°16.3'N.	89°00.0'W.
Thence southerly and westerly along the seaward limit of Louisiana's waters to:			
21	Seaward limit of Louisiana's waters off Southwest Pass of the Mississippi River	28°57.3'N.	89°28.2'W.
22	Southeast of Grand Isle	29°09.0'N.	89°47.0'W.
23	Quick flashing horn buoy south of Isles Dernieres	28°32.5'N.	90°42.0'W.
24	Southeast of Calcasieu Pass	29°10.0'N.	92°37.0'W.
25	South of Sabine Pass—10 fathoms	29°09.0'N.	93°41.0'W.
26	South of Sabine Pass—30 fathoms	28°21.5'N.	93°28.0'W.
27	East of Aransas Pass	27°49.0'N.	96°19.5'W.
28	East of Baffin Bay	27°12.0'N.	96°51.0'W.
29	Northeast of Port Mansfield	26°46.5'N.	96°52.0'W.
30	Northeast of Port Isabel	26°21.5'N.	96°35.0'W.
31	U.S./Mexico EEZ boundary	26°00.5'N.	96°36.0'W.
Thence westerly along U.S./Mexico EEZ boundary to the seaward limit of Texas' waters.			

[1] Nearest identifiable landfall, boundary, navigational aid, or submarine area.

APPENDIX C TO PART 622—FISH LENGTH MEASUREMENTS

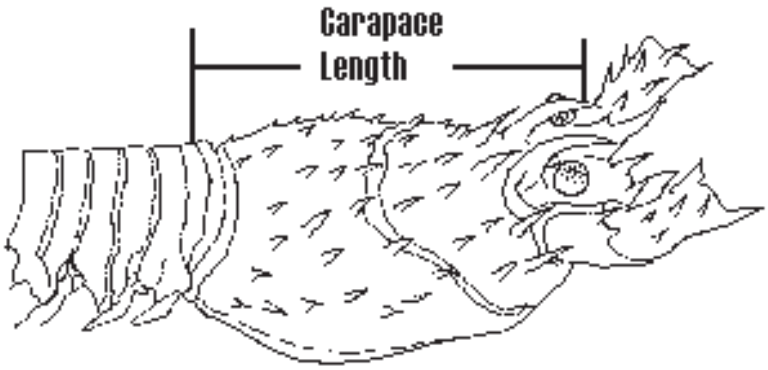


Figure 1 of Appendix C to Part 622—Carapace Length

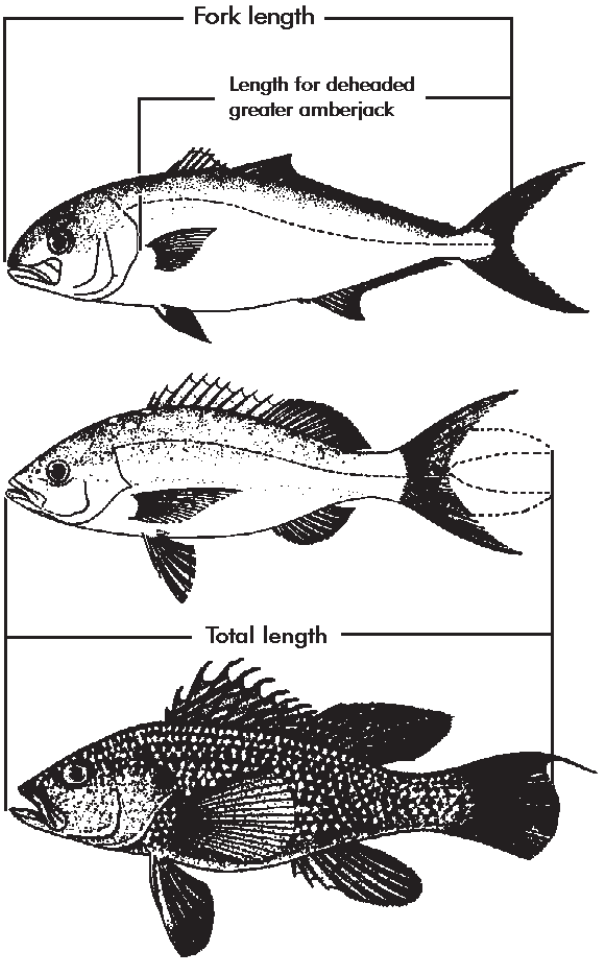


Figure 2 of Appendix C to Part 622—Illustration of Length Measurements