2. NAVIGATION REGULATIONS

(1) This chapter contains sections from the **Code of Federal Regulations ()** that are of most importance in the areas covered by Coast Pilot 4. Included are:

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 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 169 Mandatory Ship Reporting Systems
Part 207 Navigation Regulations
Part 334 Danger Zones and Restricted Area Regulations

Title 50 (50 CFR): Wildlife and Fisheries

Part 222 General Endangered and Threatened Marine Species
Part 224 Endangered Marine and Anadromous Species
Part 226 Designated Critical Habitat
Part 622 Fisheries of the Caribbean, Gulf, and South Atlantic

(2) **Note.**–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:

(3) **National Oceanic and Atmospheric Administration:** (15 CFR 922);

(4) **U.S. Coast Guard:** (33 CFR 26, 80, 110, 117, 160, 161, 162, 164, 165, and 169);

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

(6) **National Marine Fisheries Service, National Oceanic and Atmospheric Administration:** (50 CFR 222, 226 and 622).

TITLE 15–COMMERCE AND FOREIGN TRADE

PART 922–National Marine Sanctuary Program Regulations

Subpart A–General

(7) **§922.1 Applicability of regulations**.

(8) Unless noted otherwise, the regulations in subparts A, D and E apply to all eleven National Marine Sanctuaries for which site-specific regulations appear in subparts F through P, respectively. Subparts B and C apply to the site evaluation list and to the designation of future Sanctuaries.

(9) **§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.

(26) **§922.3 Definitions.**

(27) *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.

(28) *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.

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

(30) *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.

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

(32) *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.

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

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

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

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

(37) *Historical resource* means any resource possessing historical, cultural, archaeological or paleontological significance, including sites, contextual information, structures, districts, and objects significantly associated with or representative of earlier people, cultures, maritime heritage, and human activities and events. Historical resources include "submerged cultural resources", and also include "historical properties", as defined in the National Historic Preservation Act, as amended, and its implementing regulations, as amended.

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

(39) *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.

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

(41) *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.

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

(43) *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).

(44) *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.

(45) *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.

(46) *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.

(47) *Sanctuary quality* means any of those ambient conditions, physical-chemical characteristics and natural processes, the maintenance of which is essential to the ecological health of the Sanctuary, including, but not limited to, water quality, sediment quality and air quality.

(48) *Sanctuary resource* means any living or non-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.

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

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

(51) *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.

(52) *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.

(53) *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.

(54) *Take or taking* means:

(55) (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;

(56) (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.

(57) 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.

(58) *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.

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

(60) **§922.4 Effect of National Marine Sanctuary designation.**

(61) 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:

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

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

(64) (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

(65) **§922.30 General.**

(66) (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.

(67) (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.

(68) **§922.31 Promotion and coordination of Sanctuary use.**

(69) 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 Estuaries Research Reserve System.

Subpart E–Regulations of General Applicability

(70) **§922.40 Purpose.**

(71) The purpose of the regulations in the subpart and in subparts F through P of this part is to implement the designations of the eleven National Marine Sanctuaries for which site-specific regulations appear in subparts F through P of this part, 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 National Marine Sanctuary are found at §922.160.

(72) **§922.41 Boundaries.**

(73) The boundary for each of the eleven National Marine Sanctuaries covered by this part is described in subparts F through P of this part, respectively.

(74) **§922.42 Allowed Activities.**

(75) All activities (e.g., fishing, boating, diving, research, education) may be conducted unless prohibited or otherwise regulated in subparts F through P of this part, subject to any emergency regulations promulgated pursuant to §§922.44, 922.111(c), or §922.165, 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 Act. The Assistant Administrator may only directly regulate fishing activities pursuant to the procedure set forth in section 304(a)(5) of the NMSA.

(76) **§922.43 Prohibited or otherwise regulated activities.**

(77) Subparts F through P of this part set forth site-specific regulations applicable to the activities specified therein.

(78) **§922.44 Emergency Regulations.**

(79) Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize

the imminent risk of such destruction, loss, or injury, any and all such activities are subject to immediate temporary regulation, including prohibition. The provisions of this section do not apply to the Cordell Bank and Florida Keys National Marine Sanctuaries. See §§922.111(c) and 922.165, respectively, for the authority to issue emergency regulations with respect to those sanctuaries.

(80) **§922.45 Penalties.**

(81) (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.

(82) (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.

(83) **§922.46 Response costs and damages.**

(84) 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.

(85) **§922.47 Pre-existing authorizations or rights and certifications of pre-existing authorizations or rights.**

(86) (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.

(87) (b) The prohibitions listed in subparts F through P of this part 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 the Director deems necessary to achieve the purposes for which the Sanctuary was designated.

(88) **§922.48 National Marine Sanctuary permits-application procedures and issuance criteria.**

(89) (a) A person may conduct an activity prohibited by subparts F through O of this part if conducted in accordance with the scope, purpose, terms and conditions of a permit issued under this section and subparts F through O of this part. 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.

(90) (b) Applications for permits to conduct activities otherwise prohibited by subparts F through O of this part should be addressed to the Director and sent to the address specified in subparts F through O of this part. An application must include:

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

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

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

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

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

(96) (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.

(97) (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. The Director shall further impose, at a minimum, the conditions set forth in the relevant subpart.

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

(99) (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 this section or subparts F through O 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.

(100) **§922.49 Notification and review of applications for leases, licenses, permits, approvals, or other authorizations to conduct a prohibited activity.**

(101) (a) A person may conduct an activity prohibited by subparts L through P of this part 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:

(102) (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;

(103) (2) The applicant complies with the other provisions of this §922.49;

(104) (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

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

(106) (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 of this part.

(107) (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 through P of this part. A copy of the application must accompany the notification.

(108) (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 reasonably 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.

(109) (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 reasons therefor.

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

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

(112) (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.

(113) **§922.50 Appeals of administrative action.**

(114) (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, 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:

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

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

(117) (iii) For those Sanctuaries described in subparts L through P, 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.

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

(119) (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.

(120) (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.

(121) (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.

(122) (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.

(123) (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 F–Monitor National Marine Sanctuary

(124) **§922.60 Boundary.**

(125) The Monitor National Marine Sanctuary (Sanctuary) consists of a vertical water column in the Atlantic Ocean one mile in diameter extending from the surface to the seabed, the center of which is at 35°00'23"N. and 75°24'32"W.

(126) **§922.61 Prohibited or otherwise regulated activities.**

(127) Except as may be permitted by the Director, the following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted within the Sanctuary:

(128) (a) Anchoring in any manner, stopping, remaining, or drifting without power at any time;

(129) (b) Any type of subsurface salvage or recovery operation;
(130) (c) Diving of any type, whether by an individual or by a submersible;
(131) (d) Lowering below the surface of the water any grappling, suction, conveyor, dredging or wrecking device;
(132) (e) Detonating below the surface of the water any explosive or explosive mechanism;
(133) (f) Drilling or coring the seabed;
(134) (g) Lowering, laying, positioning or raising any type of seabed cable or cable-laying device;
(135) (h) Trawling; or
(136) (i) Discharging waster material into the water in violation of any Federal statute or regulation.
(137) **922.62 Permit procedure and criteria.**
(138) (a) Any person or entity may conduct in the Sanctuary any activity listed in §922.61 if such activity is either: (1) For the purpose of research related to the Monitor, or (2) Pertains to salvage or recovery operations in connection with an air or marine casualty and such person or entity is in possession of a valid permit issued by the Director authorizing the conduct of such activity; except that, no permit is required for the conduct of any activity immediately and urgently necessary for the protection of life, property or the environment.
(139) (b) Any person or entity who wishes to conduct in the Sanctuary an activity for which a permit is authorized by this section (hereafter a permitted activity) may apply in writing to the Director for a permit to conduct such activity citing this section as the basis for the application. Such application should be made to: Director, Office of Ocean and Coastal Resource Management; ATTN: Manager, Monitor National Marine Sanctuary, Building 1519, NOAA, Fort Eustis, VA 23604-5544.
(140) (c) In considering whether to grant a permit for the conduct of a permitted activity for the purpose of research related to the Monitor, the Secretary shall evaluate such matters as:
(141) (1) The general professional and financial responsibility of the applicant;
(142) (2) The appropriateness of the research method(s) envisioned to the purpose(s) of the research;
(143) (3) The extent to which the conduct of any permitted activity may diminish the value of the MONITOR as a source of historic, cultural, aesthetic and/or maritime information;
(144) (4) The end value of the research envisioned; and
(145) (5) Such other matters as the Director deems appropriate.
(146) (d) In considering whether to grant a permit for the conduct of a permitted activity in the Sanctuary in relation to an air or marine casualty, the Director shall consider such matters as:
(147) (1) The fitness of the applicant to do the work envisioned;
(148) (2) The necessity of conducting such activity;
(149) (3) The appropriateness of any activity envisioned to the purpose of the entry into the Sanctuary;
(150) (4) The extent to which the conduct of any such activity may diminish the value of the Monitor as a source of historic, cultural, aesthetic and/or maritime information; and
(151) (5) Such other matters as the Director deems appropriate.
(152) (e) In considering any application submitted pursuant to this section, the Director shall seek and consider the views of the Advisory Council on Historic Preservation.
(153) (f) The Director may observe any activity permitted by this section; and/or may require the submission of one or more reports of the status or progress of such activity.

Subpart I–Gray's Reef National Marine Sanctuary

(154) **§922.90 Boundary.**
(155) The Gray's Reef National Marine Sanctuary (Sanctuary) consists of 16.68 square nautical miles (NM) of high sea waters off the coast of Georgia. The Sanctuary boundary includes all waters within a rectangle starting at coordinate
(156) 31°21'45"N., 80°55'17"W.; commencing to coordinate
(157) 31°25'15"N., 80°55'17"W.; thence to coordinate
(158) 31°25'15"N., 80°49'42"W.; thence to coordinate
(159) 31°21'45"N., 80°49'42"W.; thence back to the point of origin.
(160) **§922.91 Prohibited or otherwise regulated activities.**
(161) (a) Except as may be necessary for national defense (subject to the terms and conditions of Article 5, Section 2 of the Designation Document) or to respond to an emergency threatening life, property, or the environment, or except as may be permitted by the Director in accordance with §922.48 and §922.92, the following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted within the Sanctuary:
(162) (1) Dredging, drilling, or otherwise altering the seabed in any way nor constructing any structure other than a navigation aid.
(163) (2) Discharging or depositing any material or other matter except:
(164) (i) Fish or parts, bait, and chumming materials;
(165) (ii) Effluent from marine sanitation devices; and
(166) (iii) Vessel cooling waters.
(167) (3) Operating a watercraft other than in accordance with the Federal rules and regulations that would apply if there were no Sanctuary.
(168) (4) Using, placing, or possessing wire fish traps.
(169) (5) Using a bottom trawl, specimen dredge, or similar vessel-towed bottom sampling device.
(170) (6)(i)(A) Breaking, cutting, or similarly damaging, taking, or removing any bottom formation, marine invertebrate, or marine plant.
(171) (B) Taking any tropical fish.
(172) (C) Using poisons, electric charges, explosives, or similar methods to take any marine animal not otherwise prohibited to be taken.
(173) (ii) There shall be a rebuttable presumption that any bottom formation, marine invertebrate, tropical fish, marine plant, or marine animal found in the possession of a person within the Sanctuary have been collected within or removed from the Sanctuary.
(174) (7) Tempering with, damaging, or removing any historic or cultural resources.
(175) (b) All activities currently carried out by the Department of Defense within the Sanctuary are essential for the national defense and, therefore, not subject to the prohibitions in this section. The exemption of additional activities having significant impacts shall be determined in consultation between the Director and the Department of Defense.
(176) **§922.92 Permit procedures and criteria.**
(177) (a) Any person in possession of a valid permit issued by the Director in accordance with this section and §922.48 may conduct the specific activity in the Sanctuary including any activity specifically prohibited under §922.91, if such activity is
(178) (1) Research related to the resources of the Sanctuary,
(179) (2) To further the educational value of the Sanctuary, or
(180) (3) For salvage or recovery operations.

(181) (b) Permit applications shall be addressed to the Director, Office of Ocean and Coastal Resource Management, ATTN: Manager, Gray's Reef National Marine Sanctuary, 10 Ocean Science Circle, Savannah, GA 31411.

(182) (c) In considering whether to grant a permit, the Director shall evaluate

(183) (1) The general professional and financial responsibility of the applicant,

(184) (2) The appropriateness of the methods envisioned to the purpose(s) of the activity,

(185) (3) The extent to which the conduct of any permitted activity may diminish or enhance the value of the Sanctuary,

(186) (4) The end value of the activity, and

(187) (5) Other matters as deemed appropriate.

(188) (d) The Director may observe any permitted activity and/or require the submission of one or more reports of the status or progress of such activity. Any information obtained will be made available to the public.

Subpart P–Florida Keys National Marine Sanctuary

(189) **§922.160 Purpose.**

(190) (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.

(191) (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.

(192) **§922.161 Boundary.**

(193) The Sanctuary consists of an area of approximately 2900 square nautical miles (9,800 square kilometers) of coastal and ocean waters, and the submerged lands thereunder, surrounding the Florida Keys in Florida. Appendix I to this subpart sets forth the precise Sanctuary boundary.

(194) **§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 hydrocorals); 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) *Hardbottom* means a submerged marine community comprised of organisms attached to exposed solid rock substrate, Hardbottom 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 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.

Ver. 1.0 This information is not certified for navigation purposes. For test purposes only.

(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.

(245) **§922.163 Prohibited activities—Sanctuary-wide.**

(246) (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:

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

(248) (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.

(249) (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.

(250) (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:

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

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

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

(254) (iv) Harbor maintenance in areas necessarily associated with Federal water resource development projects in existence on [insert effect date of these regulations], including maintenance dredging of entrance channels and repair, replacement, or rehabilitation of breakwaters or jetties;

(255) (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.

(256) (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:

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

(258) (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.;

(259) (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

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

(261) (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.

(262) (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.

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

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

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

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

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

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

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

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

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

(272) (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).

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

(274) (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.

(275) (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.

(276) (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.

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

(278) (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.

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

(280) (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.

(281) (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.

(282) (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.

(283) (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.

(284) (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.

(285) (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.

(286) (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.

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

(288) **§922.164 Additional activity regulations by Sanctuary area.**

(289) 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.

(290) (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.

(291) (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:

(292) (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.

(293) (ii) Taking any tropical fish.

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

(295) (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, Hawaiian slings, rubber powdered arbaletes, pneumatic and spring-loaded guns or similar devices known as spearguns.

(296) (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:

(297) (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.

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

(299) (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.

(300) (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.

(301) (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.

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

(303) (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.

(304) (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:

(305) (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

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

(307) (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:

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

(309) (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,

Ver. 1.0 This information is not certified for navigation purposes. For test purposes only.

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.

(310) (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.

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

(312) (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 living 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 organism. No further diving shall take place until the anchor is placed in accordance with these requirements.

(313) (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.

(314) (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.

(315) (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.

(316) (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 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.

(317) (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.

(318) (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:

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

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

(321) (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

(322) (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.

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

(324) (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:

(325) (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;

(326) (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

(327) (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.

(328) (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:

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

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

(331) (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.

(332) (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**.

(333) (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.

(334) (g) *Anchoring on Tortugas Bank*. Vessels 50 meters or greater in registered length, are prohibited from anchoring on the portion of 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):

(335) (1) 24°32.00'N., 83°00.05'W.

(336) (2) 24°37.00'N., 83°06.00'W.

(337) (3) 24°39.00'N., 83°06.00'W.

(338) (4) 24°39.00'N., 83°00.05'W.

(339) (5) 24°32.00'N., 83°00.05'W

(340) **§922.165 Emergency regulations.**

(341) 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.

(342) **§922.166 Permits other than for access to the Tortugas Ecological Reserve—application procedures and issuance criteria.**

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

(344) (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).

(345) (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:

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

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

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

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

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

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

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

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

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

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

(356) (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;

(357) (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;

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

(359) (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.

(360) (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.

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

(362) (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.

(363) (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:

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

(365) (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

(366) (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.

(367) 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.

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

(369) (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).

(370) (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:

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

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

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

(374) (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.

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

(376) (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.

(377) (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.

(378) (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:

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

(380) (A) Number of personnel;

(381) (B) Personnel hours;

(382) (C) Equipment;

(383) (D) Biological assessments;

(384) (E) Copying; and

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

(386) (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:

(387) (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;

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

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

(390) (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.

(391) (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.

(392) (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:

(393) (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;

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

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

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

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

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

(399) (vii) Such other information as the Director may request depending on the type of activity.

(400) Copies of all other required licenses, permits, approvals, or other authorizations must be attached to the application.

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

(402) (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:

(403) (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;

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

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

(406) (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.

(407) (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.

(408) (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.

(409) (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.

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

(411) (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.

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

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

(414) (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:

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

(416) (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.

(417) (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).

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

(419) (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:

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

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

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

(423) (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.

(424) (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.

(425) **§992.167 Permits for access to the Tortugas Ecological Reserve.**

(426) (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.

(427) (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:

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

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

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

(431) (i) Vessel name.

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

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

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

(435) (v) Home port.

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

(437) (vii) Number of divers.

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

(439) (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.

(440) **§922.168 Certification of preexisting leases, licenses, permits, approvals, other authorizations, or rights to conduct a prohibited activity.**

(441) (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:

(442) (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 boundary expansion, of the existence of such authorization or right and requests certification of such authorization or right.

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

(444) (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.

(445) (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.

(446) (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.

(447) (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.

(448) (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.

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

(450) (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.

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

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

(453) (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.

Ver. 1.0 This information is not certified for navigation purposes. For test purposes only.

Appendix I to Subpart P of Part 922–Florida Keys National Marine Sanctuary Boundary Coordinates (Appendix based on North American Datum of 1983)

(454) (1) The boundary of the Florida Keys National Marine Sanctuary—

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

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

(457) (i) 25°34'N., 80°04'W.,

(458) (ii) 25°28'N., 80°05'W., and

(459) (iii) 25°21'N., 80°07'W.;

(460) (iv) 25°16'N., 80°08'W.;

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

(462) (i) 25°07'N., 80°13'W.,

(463) (ii) 24°57'N., 80°21'W.,

(464) (iii) 24°39'N., 80°52'W.,

(465) (iv) 24°30'N., 81°23'W.,

(466) (v) 24°25'N., 81°50'W.,

(467) (vi) 24°22'N., 82°48'W.,

(468) (vii) 24°37'N., 83°06'W.,

(469) (viii) 24°46'N., 83°06'W.,

(470) (ix) 24°46'N., 82°54'W.,

(471) (x) 24°44'N., 81°55'W.,

(472) (xi) 24°51'N., 81°26'W., and

(473) (xii) 24°55'N., 80°56'W.;

(474) (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;

(475) (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;

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

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

(478) (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:

(479) (a) 24°34'00"N., 82°54'00"W.;

(480) (b) 24°34'00"N., 82°58'00"W.;

(481) (c) 24°39'00"N., 82°58'00"W.;

(482) (d) 24°43'00"N., 82°54'00"W.;

(483) (e) 24°43'00"N., 82°52'00"W.;

(484) (f) 24°43'00"N., 82°48'00"W.;

(485) (g) 24°42'00"N., 82°46'00"W.;

(486) (h) 24°40'00"N., 82°46'00"W.,

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

(488) (j) 24°34'00"N., 82°54'00"W.

(489) (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:

(490) (a) 24°33'N., 83°09'W.;

(491) (b) 24°33'N., 83°05'W.;

(492) (c) 24°18'N., 83°05'W.;

(493) (d) 24°18'N., 83°09'W.; and

(494) (e) 24°33'N., 83°09'W.;

Appendix II to Subpart P of Part 922—Existing Management Areas boundary coordinates

(495) (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

[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	24°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

[Based on differential Global Positioning Systems data]

Point	Latitude	Longitude
1	24°31.62'N.	81°26.00'W.
2	24°33.57'N.	81°26.00'W.
3	24°34.15'N.	81°23.00'W.
4	24°32.20'N.	81°23.00'W.
5	24°31.62'N.	81°26.00'W.

United States Fish and Wildlife Service

GREAT WHITE HERON NATIONAL WILDLIFE REFUGE

[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°49.8'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.
13	24°42.6'N.	81°16.2'W.
14	24°42.6'N.	81°21.0'W.
15	24°41.4'N.	81°21.0'W.
16	24°41.4'N.	81°22.2'W.

Point	Latitude	Longitude
17	24°43.2'N.	81°22.2'W.
18	24°43.2'N.	81°22.8'W.
19	24°43.8'N.	81°22.8'W.
20	24°43.8'N.	81°24.0'W.
21	24°43.2'N.	81°24.0'W.
22	24°43.2'N.	81°26.4'W.
23	24°43.8'N.	81°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°30.6'W.
29	24°41.4'N.	81°30.6'W.
30	24°41.4'N.	81°31.2'W.
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
[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.

(496) (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

Coordinates

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

WESTERN SAMBO
[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.

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

(499) (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°48.00'W.
4	24°43.53'N.	82°48.00'W.
5	24°43.53'N.	82°52.00'W.
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.

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

TORTGUAS 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

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

Ver. 1.0 This information is not certified for navigation purposes. For test purposes only.

Appendix to Subpart P of Part 922—Wildlife Management Areas Access Restrictions

Area	Access restrictions
Bay Keys	No-motor zone (300 feet) around one key; idle speed only/no-wake zones in tidal creeks.
Boca Grande Key	South one-half of beach closed (beach above mean high water closed by Department of Interior).
Woman Key	One-half of beach and sand spit on southeast side closed (beach and sand spit above mean high water closed by Department of the Interior).
Cayo Agua Keys	Idle speed only/no-wake zones in all navigable tidal creeks.
Cotton Key	No-motor zone on tidal flat.
Snake Creek	No-motor zone on tidal flat.
Cottrell Key	No-motor zone (300 feet) around entire key.
Little Mullet Key	No-access buffer zone (300 feet) around entire key.
Big Mullet Key	No-motor zone (300 feet) around entire key
Crocodile Lake	No-access buffer zone (100 feet) along shoreline between March 1 and October 1.
East Harbor Key	No-access buffer zone (300 feet) around northernmost island.
Lower Harbor Keys	Idle speed only/no-wake zones in selected tidal creeks.
Eastern Lake Surprise	Idle speed only/no-wake zone east of highway U.S. 1.
Horseshoe Key	No-access buffer zone (300 feet) around main island (main island closed by Department of Interior).
Marquesas Keys	(i) No-motor zones (300 feet) around three smallest keys on western side of chain; (ii) no-access buffer zone (300 feet) around one island at western side of chain; (iii) idle speed only/no-wake zone in southwest tidal creek.
Tidal flat south of Marvin Key	No-access buffer zone on tidal flat
Mud Keys	(i) Idle speed only/no-wake zones in the two main tidal creeks; (ii) two smaller creeks on west side closed.
Pelican Shoal	No-access buffer zone-out to 50 meters from shore between April 1 and August 31 (shoal closed by the Florida Game Freshwater Fish Commission).
Rodriguez Key	No-motor zone on tidal flats.
Dove Key	No-motor zone on tidal flats; area around the two small islands closed.
Tavernier Key	No-motor zone on tidal flats.
Sawyer Keys	Tidal creeks on south side closed.
Snipe Keys	(i) Idle speed only/no-wake zone in main tidal creek; (ii) no-motor zone in all other tidal creeks.
Upper Harbor Key	No-access buffer zone (300 feet) around entire key.
East Content Keys	Idle speed only/no-wake zones in tidal creeks between southwesternmost keys.
West Content Keys	Idle speed only/no-wake zones in selected tidal creeks; no-access buffer zone in one cove.
Little Crane Key	No-access buffer zone (300 feet) around entire key.

ALLIGATOR REEF
[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
[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
[Based on differential Global Positioning System 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
[Based on differential Global Positioning System 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
[Based on differential Global Positioning System 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.

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

DAVIS REEF
[Based on differential Global Positioning System 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 ROCKS
[Based on differential Global Positioning System data]

Point	Latitude	Longitude
1	25°07.59'N.	80°17.91W.
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
[Based on differential Global Positioning System data]

Point	Latitude	Longitude
1	25°06.91'N.	80°18.20W.
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
[Based on differential Global Positioning System 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°27.29'N.	81°50.55'W.

THE ELBOW
[Based on differential Global Positioning System 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.

Ver. 1.0 This information is not certified for navigation purposes. For test purposes only.

FRENCH REEF
[Based on differential Global Positioning System 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.

HENS AND CHICKENS
[Based on differential Global Positioning System data]

Point	Latitude	Longitude
1	24°56.38'N.	80°32.86'W.
2	24°56.21'N.	80°32.63'W.
3	24°55.86'N.	80°32.95'W.
4	24°56.04'N.	80°33.19'W.
5	24°56.38'N.	80°32.86'W.

LOOE KEY
[Based on differential Global Positioning System 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°32.70'W.
4	24°33.12'N.	81°24.81'W.
5	24°33.24'N.	81°24.03'W.

MOLASSES REEF
[Based on differential Global Positioning System data]

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

NEWFOUND HARBOR KEY
[Based on differential Global Positioning System 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
[Based on differential Global Positioning System 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
[Based on differential Global Positioning System 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.

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

SOMBRERO KEY
[Based on differential Global Positioning System 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°06.89'W.
4	24°37.91'N.	81°06.78'W.

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

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

Coordinates and Use Designations

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

CONCH REEF
(Research Only)—[Based on differential Global Positioning System 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°27.42'W.
4	24°57.34'N.	80°27.26'W.
5	24°56.83'N.	80°27.26'W.

EASTERN SAMBOS
(Research Only)—[Based on differential Global Positioning System 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
(Research Only)—[Based on differential Global Positioning System 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.
4	24°34.23'N.	81°23.68'W.
5	24°34.17'N.	81°23.01'W.

TENNESSEE REEF
(Research Only)—[Based on differential Global Positioning System data]

Point	Latitude	Longitude
1	24°44.77'N.	80°47.12'W.
2	24°45.57'N.	80°46.98'W.
3	24°44.68'N.	80°46.59'W.
4	24°44.95'N.	80°45.74'W.
5	24°44.77'N.	80°47.12'W.

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

In the Vicinity of the Florida Keys
(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.	81°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
(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	34°27.95'N.	81°48.65'W.

Area Surrounding the Dry Marquesas Keys
(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
(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.

Ver. 1.0 This information is not certified for navigation purposes. For test purposes only.

Point	Latitude	Longitude
48	24°45.60'N.	82°47.20'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.

Appendix VIII to Subpart P of Part 922—Marine Life Rule [as Excerpted From Chapter 46–42 of the Florida Administrative Code]

(507) 46–42.001 Purpose and Intent; Designation of Restricted Species; Definition of "Marine Life Species."
(508) 46–42.002 Definitions.
(509) 46–42.003 Prohibition of Harvest: Longspine Urchin, Bahama Starfish.
(510) 46–42.0035 Live Landing and Live Well Requirements.
(511) 46–42.0036 Harvest in Biscayne National Park.*
(512) 46–42.004 Size Limits.
(513) 46–42.005 Bag Limits.
(514) 46–42.006 Commercial Season, Harvest Limits.
(515) 46–42.007 Gear Specifications and Prohibited Gear.
(516) 46–42.008 Live Rock.*
(517) 46–42.009 Prohibition on the Taking, Destruction, or Sale of Marine Corals and Sea Fans.
(518) *Part 42.0036 was not reproduced because it does not apply to the Sanctuary.
(519) *Part 42.008 was not reproduced because it is regulated pursuant to §922.163(a)(2)(ii).

46–42.001 Purpose and Intent; Designation of Restricted Species; Definition of "Marine Life Species."

(520) (1)(a) The purpose and intent of this chapter are to protect and conserve Florida's tropical marine life resources and assure the continuing health and abundance of these species. The further intent of this chapter is to assure that harvesters in this fishery use nonlethal methods of harvest and that the fish, invertebrates, and plants so harvested be maintained alive for the maximum possible conservation and economic benefits.
(521) (b) It is the express intent of the Marine Fisheries Commission that landing of live rock propagated through aquaculture will be allowed pursuant to the provisions of this chapter.
(522) (2) The following fish species, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 370.01(20), Florida Statutes:
(523) (a) Moray eels–Any species of the Family Muraenidae.
(524) (b) Snake eels–Any species of the Genera Myrichthys and Myrophis of the Family Ophichthidae.
(525) (c) Toadfish–Any species of the Family Batrachoididae.
(526) (d) Frogfish–Any species of the Family Antennariidae.
(527) (e) Batfish–Any species of the Family Ogcocephalidae.
(528) (f) Clingfish–Any species of the Family Gobiesocidae.
(529) (g)Trumpetfish–Any species of the Family Aulostomidae.
(530) (h) Cornetfish–Any species of the Family Fistulariidae.
(531) (i) Pipefish/seahorses–Any species of the Family Syngnathidae.
(532) (j) Hamlet/seabass–Any species of the Family Serranidae, expect groupers of the genera Epinephalus and Mycteroperca, and seabass of the genus Centropristis.
(533) (k) Basslets–Any species of the Family Grammistidae.
(534) (l) Cardinalfish–Any species of the Family Apogonidae.
(535) (m) High-hat, Jackknife-fish, Spotted drum, Cubbyu–Any species of the genus Equetus of the Family Sciaenidae.
(536) (n) Reef Croakers–Any of the species Odontocion dentex.
(537) (o) Sweepers–Any species of the Family Pempherididae.
(538) (p) Butterflyfish–Any species of the Family Chaetodontides.
(539) (q) Angelfish–Any species of the Family Pomacanthidae.
(540) (r) Damselfish–Any species of the Family Pomacentridae.
(541) (s) Hawkfish–Any species of the Family Cirrhitidae.
(542) (t) Wrasse/hogfish/razorfish–Any species of the Family Labridae, except hogfish, Lachnolaimus maximus.
(543) (u) Parrotfish–Any species of the Family Scaridae.
(544) (v) Jawfish–Any species of the Family Opistognathidae.
(545) (w) Blennies–Any species of the Families Clinidae or Blenniidae.
(546) (x) Sleepers–Any species of the Family Eleotrididae.
(547) (y) Gobies–Any species of the Family Gobiidae.
(548) (z) Tangs and surgeonfish–Any species of the Family Acanthuridae.
(549) (aa) Filefish/triggerfish–Any species of the Family Balistes, except gray triggerfish, Balistdae capriscus.
(550) (bb) Trunkfish/cowfish–Any species of the Family Ostraciidae.
(551) (cc) Pufferfish/burrfish/balloonfish–Any of the following species:
(552) 1. Balloonfish–Diodon holocanthus.
(553) 2. Sharpnose puffer–Canthigaster rostrata.
(554) 3. Striped burrfish–Chilomycterus schoepfi.
(555) (3) The following invertebrate species, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to Section 370.01(20), Florida Statutes:
(556) (a) Sponges–Any species of the Class Demospongia, except sheepswool, yellow, grass, glove, finger, wire, reef, and velvet sponges, Order Dictyoceratida.
(557) (b) Upside-down jellyfish–Any species of the Genus Cassiopeia.
(558) (c) Siphonophores/hydroids–Any species of the Class Hydrozoa, except fire corals, Order Milleporina.
(559) (d) Soft corals–Any species of the Subclass Octocorallia, except sea fans Gorgonia flabellum and Gorgonia ventalina.
(560) (e) Sea anemones–Any species of the Orders Actinaria Zoanthidea, Corallimorpharia, and Ceriantharia.
(561) (f) Featherduster worms/calcareous tubeworms–Any species of the Families Sabellidae and Serpulidae.
(562) (g) Star-shells–Any of the species Astraea americana or Astraea phoebia.
(563) (h) Nudibranchs/sea slugs–Any species of the Subclass Opisthobranchia.
(564) (i) Fileclams–Any species of the Genus Lima.
(565) (j) Octopods–Any species of the Order Octopoda, except the common octopus, Octopodus vulgaris.
(566) (k) Shrimp–Any of the following species:
(567) 1. Cleaner shrimp and peppermint shrimp–Any species of the Genera Periclimenes or Lysmata.
(568) 2. Coral shrimp–Any species of the Genus Stenopus.
(569) 3. Snapping shrimp–Any species of the Genus Alpheus.
(570) (1) Crabs–Any of the following species:
(571) 1. Yellowline arrow crab–Stenorhynchus seticornis.
(572) 2. Furcate spider or decorator crab–Stenocionops furcata.
(573) 3. Thinstripe hermit crab–Clibanarius vittatus.

(574) 4. Polkadotted hermit crab–Phimochirus operculatus.
(575) 5. Spotted porcelain crab–Porcellana sayana.
(576) 6. Nimble spray or urchin crab–Percnon gibbesi.
(577) 7. False arrow crab–Metoporhaphis calcarata.
(578) (m) Starfish–Any species of the Class Asteroidea, except the Bahama starfish, Oreaster reticulatus.
(579) (n) Brittlestars–Any species of the Class Ophiuroidea.
(580) (o) Sea urchins–Any species of the Class Echinoidea, except longspine urchin, Diadema antillarum, and sand dollars and sea biscuits, Order Clyeasterodia.
(581) (p) Sea cucumbers–Any species of the Class Holothuroidea.
(582) (q) Sea lillies–Any species of the Class Crinoidea.
(583) (4) The following species of plants, as they occur in waters of the state and in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, are hereby designated as restricted species pursuant to section 370.01(20), Florida Statutes:
(584) (a) Caulerpa–Any species of the Family Caulerpaceae.
(585) (b) Halimeda/mermaid's fan/mermaid's shaving brush–Any species of the Family Halimedaceae.
(586) (c) Coralline red algae–Any species of the Family Corallinaceae.
(587) (5) For the purposes of Section 370.06(2)(d), Florida Statutes, the term "marine life species" is defined to mean those species designated as restricted species in subsections (2), (3), and (4) of this rule.
(588) Specific Authority 370.01(20), 370.027(2), 370.06(2)(d), F.S. Law Implemented 370.01(20), 370.025, 370.027, 370.06(2)(d), F.S. History–New 1-1-91, Amended 7-1-92, 1-1-95.

46–42.002 Definitions.–As used in this rule chapter
(589) (1) "Barrier net," also known as a "fence net," means a seine used beneath the surface of the water by a driver to enclose and concentrate tropical fish and which may be made of either nylon or monofilament.
(590) (2) "Drop net" means a small, usually circular, net with weighs attached along the outer edge and a single float in the center, used by a diver to enclose and concentrate tropical fish.
(591) (3) "Hand held net" means a landing or dip net as defined in Rule 46–4.002(4), except that a portion of the bag may be constructed of clear plastic material, rather than mesh.
(592) (4) "Harvest" means the catching or taking of a marine organism by any means whatsoever, followed by a reduction of such organism to possession. Marine organisms that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a marine animal for the purpose of measuring it to determine compliance with the minimum or maximum size requirements of this chapter shall not constitute harvesting such animal, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize or oversize.
(593) (5) "Harvest for commercial purposes" means the taking or harvesting of any tropical ornamental marine life species or tropical ornamental marine plant for purposes of sale or with intent to sell. The harvest of tropical ornamental marine life species or tropical ornamental marine plants in excess of the bag limit shall constitute prima facie evidence of intent to sell.
(594) (6) "Land," when used in connection with the harvest of marine organisms, means the physical act of bringing the harvested organism ashore.
(595) (7) "Live rock" means rock with living marine organisms attached to it.
(596) (8) "Octocoral" means any erect, nonecrusting species of the Subclass Octocorallia, except the species Gorgonia flabellum and Gorgonia ventalina.
(597) (9) "Slurp gun" means a self-contained, handheld device that captures tropical fish by rapidly drawing seawater containing such fish into a closed chamber.
(598) (10) "Total length" means the length of a fish as measured from the tip of the snout to the tip of the tail.
(599) (11) "Trawl" means a net in the form of an elongated bag with the mouth kept open by various means and fished by being towed or dragged on the bottom.
(600) "Roller frame trawl" means a trawl with all of the following features and specifications:
(601) (a) A rectangular rigid frame to keep the mouth of the trawl open while being towed.
(602) (b) The lower horizontal beam of the frame has rollers to allow the trawl to roll over the bottom and any obstructions while being towed.
(603) (c) The trawl opening is shielded by a grid of vertical bars spaced no more than 3 inches apart.
(604) (d) The trawl is towed by attaching a line or towing cable to a tongue located above or at the center of the upper horizontal beam of the frame.
(605) (e) The trawl has no doors attached to keep the mouth of the trawl open.
(606) (12) "Tropical fish" means any species included in subsection (2) of Rule 46–42.001, or any part thereof.
(607) (13) "Tropical ornamental marine life species" means any species included in subsections (2) or (3) of Rule 46–42.001, or any part thereof.
(608) (14) "Tropical ornamental marine plant" means any species included in subsection (4) of Rule 46–42.001.
(609) Specific Authority 370.027(2), F.S. Law Implemented 370.025, 370.027, F.S. History –New 1-1-91, Amended 7-1-92, 1-1-95.

46–42.003 Prohibition of Harvest: Longspine Urchin, Bahama Starfish.– No person shall harvest, possess while in or on the waters of the state, or land any of the following species
(610) (1) Longspine urchin, Diadema antillarum.
(611) (2) Bahama starfish, Oreaster reticulatus.
(612) Specific Authority 370.027(2), F.S. Law Implemented 370.025, 370.027, F.S. History–New-1-1-91, Amended 7-1-92.

46–4200.35 Live Landing and Live Well Requirements
(613) (1) Each person harvesting any tropical ornamental marine life species or any tropical ornamental marine plant shall land such marine organism alive.
(614) (2) Each person harvesting any tropical ornamental marine life species or any tropical ornamental marine plant shall have aboard the vessel being used for such harvest a continuously circulating live well or aeration or oxygenation system of adequate size and capacity to maintain such harvested marine organisms in a healthy condition.
(615) Specific Authority 370.027(2), F.S. Law Implemented 370.025, 370.027, F.S. History–New 7-1-92.

46–42.004 Size Limits
(616) (1) Angelfishes.–

(617) (a) No person harvesting for commercial purposes shall harvest, possess while in or on the waters of the state, or land any of the following species of angelfish, of total length less than that set forth below:

(618) 1. One-and-one half (1½) inches for:

(619) a. Gray angelfish (Pomacanthus arcuatus).

(620) b. French angelfish (Pomacanthus paru).

(621) 2. One-and-three-quarters (1¾) inches for:

(622) a. Blue angelfish (Holacanthus bermudensis).

(623) b. Queen angelfish (Holacanthus ciliaris).

(624) 3. Two (2) inches for rock beauty (Holacanthus tricolor).

(625) (b) No person shall harvest, possess while in or on the waters of the state, or land any angelfish (Family Pomacanthidae), of total length greater than that specified below:

(626) 1. Eight (8) inches for angelfish, except rock beauty (Holacanthus tricolor).

(627) 2. Five (5) inches for rock beauty.

(628) (c) Except as provided herein, no person shall purchase, sell, or exchange any angelfish, smaller than the limits specified in paragraph (a) or larger than the limits specified in paragraph (b). This prohibition shall not apply to angelfish legally harvested outside of state waters or federal Exclusive Economic Zone (EEZ) waters adjacent to state waters, which angelfish are entering Florida in interstate or international commerce. The burden shall be upon any person possessing such angelfish for sale or exchange to establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and any customs receipts, and to show that such angelfish originated from a point outside the waters of the State of Florida or federal Exclusive Economic Zone (EEZ) waters adjacent to Florida waters and entered the state in interstate or international commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly
authorized law enforcement officer shall constitute prima facie evidence that such angelfish were harvested from Florida waters or adjacent EEZ waters for purposes of this paragraph.

(629) (2) Butterflyfishes.–

(630) (a) No person harvesting for commercial purposes shall harvest, possess while in or on the waters of the state, or land any butterflyfish (Family Chaetodontidae) of total length less than one (1) inch.

(631) (b) No person shall harvest, possess while in or on the waters of the state, or land any butterflyfish to total length greater than 4 inches.

(632) (3) Gobies–No person shall harvest, possess while in or on the waters of the state, or land any gobie (Family Gobiidae) of total length greater than 2 inches.

(633) (4) Jawfishes–No person shall harvest, possess while in or on the waters of the state, or land any jawfish (Family Opistognathidae) of total length greater than 4 inches.

(634) (5) Spotfin and Spanish hogfish–

(635) (a) No person shall harvest, possess while in or on the waters of this state, or land any Spanish hogfish (Bodianus rufus) of total length less than 2 inches.

(636) (b) No person shall harvest, possess while in or on the waters of this state, or land any Spanish hogfish (Bodianus rufus) or spotfin hogfish (Bodianus pulchellus) of total length greater than 8 inches.

(637) Specific Authority 370.027(2), F.S. Law Implemented 370.025, 370.027, F.S. History–New 1-1-91, Amended 7-1-92, 1-1-95.

46–42.005 Bag limit

(638) (1) Except as provided in Rule 46–42.006 or subsections (3) or (4) of this rule (46–42.005) no person shall harvest, possess while in or on the waters of the state, or land more than 20 individuals per day of tropical ornamental marine life species, in any combination.

(639) (2) Except as provided in Rule 46–42.006, no person shall harvest, possess while in or on the waters of the state, or land more than one (1) gallon per day of tropical ornamental marine plants, in any combination of species.

(640) (3) Except as provided in Rule 46–42.006, no person shall harvest, possess while in or on the waters of the state, or land more than 5 angelfishes (Family Pomacanthidae) per day. Each angelfish shall be counted for purposes of the 20 individual bag limit specified in subsection (1) of this rule (46–42.005).

(641) (4)(a) Unless the season is closed pursuant to paragraph (b), no person shall harvest, possess while in or on the waters of the state, or land more than 6 colonies per day of octocorals. Each colony of octocoral or part thereof shall be considered an individual of the species for purposes of subsection (1) of this rule (46–42-005) and shall be counted for purposes of the 20 individual bag limit specific therein. Each person harvesting any octocoral as authorized by this rule (46–42-005) may also harvest substrate within 1 inch of the perimeter of the holdfast at the base of the octocoral, provided that such substrate remains attached to the octocoral.

(642) (b) If the harvest of octocorals in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters is closed to all harvesters prior to September 30 of any year, the season for harvest of octocorals in state waters shall also close until the following October 1, upon notice given by the Secretary of the Department of Environmental Protection, in the manner provided in s.120.52(16)(d), Florida Statutes.

(643) Specific Authority 370.027(2), F.S. Law Implemented 370.025, 370.027, F.S. History–New 1-1-91, Amended 1-1-95.

46–42.006 Commercial Season, Harvest Limits

(644) (1) Except as provided in Rule 46–42.008(7), no person shall harvest, possess while in or on the waters of the state or land quantities of tropical ornamental marine life species or tropical ornamental marine plants in excess of the bag limits established in Rule 46–42.005 unless such person possesses a valid saltwater products license with both a marine life fishery endorsement and a restricted species endorsement issued by the Department of Environmental Protection.

(645) (2) Persons harvesting tropical ornamental marine life species or tropical ornamental marine plants for commercial purposes shall have a season that begins on October 1 of each year and continues through September 30 of the following year. These persons shall not harvest, possess while in or the waters of the state, or land tropical ornamental marine life species in excess of the following limits:

(646) (a) A limit of 75 angelfish (Family Pomacanthidae) per person per day or 150 angelfish per vessel per day, whichever is less.

(647) (b) A limit of 75 butterflyfishes (Family Chaetodontidae) per vessel per day.

(648) (c) There shall be no limits on the harvest for commercial purposes of octocorals unless and until the season for all harvest of octocorals in federal Exclusive Economic Zone (EEZ) waters adjacent to state waters is closed. At such time the season for

harvest of octocorals in state waters shall also close until the following October 1, upon notice given by the Secretary of the Department of Environmental Protection, in the manner provided in Section 120.52(16)(d), Florida Statutes. Each person harvesting any octocoral as authorized by this rule may also harvest substrate within 1 inch of the perimeter of the holdfast at the base of the octocoral, provided that such substrate remains attached to the octocoral.

(649) (d) A limit of 400 giant Caribbean or "pink-tipped" anemones (Genus Condylactus) per vessel per day.

(650) Specific Authority 370.027(2), F.S. Law Implemented 370.025, 370.027, F.S. History–New 1-1-91, Amended 7-1-92, 1-1-95.

46–42.007 Gear Specifications and Prohibited Gear

(651) (1) The following types of gear shall be the only types allowed for the harvest of any tropical fish, whether from state waters or from federal Exclusive Economic Zone (EEZ) waters adjacent to state waters:

(652) (a) Hand held net.

(653) (b) Barrier net, with a mesh size not exceeding ¾ inch stretched mesh.

(654) (c) Drop net, with a mesh size not exceeding ¾ inch stretch mesh.

(655) (d) Slurp gun.

(656) (e) Quinaldine may be used for the harvest of tropical fish if the person using the chemical or possessing the chemical in or on the waters of the state meets each of the following conditions:

(657) 1. The person also possesses and maintains aboard any vessel used in the harvest of tropical fish with quinaldine a special activity license authorizing the use of quinaldine, issued by the Division of Marine Resources of the Department of Environmental Protection pursuant to Section 370.08(8), Florida Statutes.

(658) 2. The quinaldine possessed or applied while in or on the waters of the state is in a diluted form of no more than 2% concentration in solution with seawater. Prior to dilution in seawater, quinaldine shall only be mixed with isopropyl alcohol or ethanol.

(659) (f) A roller frame trawl operated by a person possessing a valid live bait shrimping license issued by the Department of Environmental Protection pursuant to Section 370.15, Florida Statutes, if such tropical fish are taken as an incidental bycatch of shrimp lawfully harvested with such trawl.

(660) (g) A trawl meeting the following specifications used to collect live specimens of the dwarf seahorse, Hippocampus zosterae, if towed by a vessel no greater than 15 feet in length at no greater than idle speed:

(661) 1. The trawl opening shall be no larger than 12 inches by 48 inches.

(662) 2. The trawl shall weigh no more than 5 pounds wet when weighed out of the water.

(663) (2) This rule shall not be construed to prohibit the use of any bag or container used solely for storing collected specimens or the use of a single blunt rod in conjunction with any allowable gear, which rod meets each of the following specifications:

(664) (a) The rod shall be made of nonferrous metal, fiberglass, or wood.

(665) (b) The rod shall be no longer than 36 inches and have a diameter no greater than ¾ inch at any point.

(666) (3) No person shall harvest in or from state waters any tropical fish by or with the use of any gear other than those types specified in subsection (1); provided, however, that tropical fish harvested as an incidental bycatch of other species lawfully harvested for commercial purposes with other types of gear shall not be deemed to be harvested in violation of this rule, if the quantity of tropical fish so harvested does not exceed the bag limits established in Rule 46–42.005.

(667) Specific Authority 370.027(2), F.S. Law Implemented 370.025, 370.027, F.S. History–New-1-1-91, Amended 7-1-92, 1-1-95.

46–42.009 Prohibition on the Taking, Destruction, or Sale of Marine Corals and Sea Fans; Exception; Repeal of Section 370.114, Florida Statutes

(668) (1) Except as provided in subsection (2), no person shall take, attempt to take, or otherwise destroy, or sell, or attempt to sell, any sea fan of the species Gorgonia flabellum or of the species Gorgonia ventalina, or any hard or stony coral (Order Scleractinia) or any fire coral (Genus Millepora). No person shall possess any such fresh, uncleaned, or uncured sea fan, hard or stony coral, or fire coral.

(669) (2) Subsection (1) shall not apply to:

(670) (a) Any sea fan, hard or stony coral, or fire coral legally harvested outside of state waters or federal Exclusive Economic Zone (EEZ) waters adjacent to state waters and entering Florida in interstate or international commerce. The burden shall be upon any person possessing such species to establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and any customs receipts, and to show that such species originated from a point outside the waters of the State of Florida or federal Exclusive Economic Zone (EEZ) adjacent to state waters and entered the state in interstate or international commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute prima facie evidence that such species were harvested from Florida waters in violation of this rule.

(671) (b) Any sea fan, hard or stony coral, or fire coral harvested and possessed pursuant to permit issued by the Department of Environment Protection for scientific or educational purposes as authorized in Section 370.10(2), Florida Statutes.

(672) (c) Any sea fan, hard or stony coral, or fire coral harvested and possessed pursuant to the aquacultured live rock provisions of Rule 46–42.008(3)(a) pursuant to a Live Rock Aquaculture Permit issued by the National Marine Fisheries Service under 50 CFR Part 638 and meeting the following requirements:

(673) 1. Persons possessing these species in or on the waters of the state shall also possess a state submerged lands lease for live rock aquaculture and a Department of Environmental Protection permit for live rock culture deposition and removal or a federal Live Rock Aquaculture Permit. If the person possessing these species is not the person named in the documents required herein, then the person in such possession shall also possess written permission from the person so named to transport aquacultured live rock pursuant to this exception.

(674) 2. The nearest office of the Florida Marine Patrol shall be notified at least 24 hours in advance of any transport in or on state waters of aquacultured live rock pursuant to this exception.

(675) 3. Persons possessing these species off the water shall maintain and produce upon the request of any duly authorized law enforcement officer sufficient documentation to establish the chain of possession from harvest on a state submerged land lease for live rock aquaculture or in adjacent Exclusive Economic

Zone (EEZ) waters pursuant to a federal Live Rock Aquaculture Permit.

(676) 4. Any sea fan, hard or stony coral, or fire coral harvested pursuant to Rule 46–42.008(3)(a) shall remain attached to the cultured rock.

(677) Specific Authority 370.027(2), F.S.; Section 6, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. Law Implemented 370.025, 370.027, F.S.; Section 6, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History–New 1-1-95.2222.

TITLE 33–NAVIGATION AND NAVIGABLE WATERS

Part 26–Vessel Bridge-to-Bridge Radiotelephone Regulations

(678) **§26.01 Purpose.**

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

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

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

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

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

(684) **§26.02 Definitions.**

(685) For the purpose of this part and interpreting the Act -

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

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

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

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

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

(691) V*essel 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.

(692) *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.

(693) **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.

(694) **§26.03 Radiotelephone required.**

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

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

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

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

(699) (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.

(700) (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.

(701) (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.

(702) (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).

(703) (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):

(704) (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;

(705) (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 Inner Harbor Navigation Canal; and

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

(707) (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 26.03(f) (VTS Call Signs, Designated Frequencies, and Monitoring Areas).

(708) **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.

(709) **§26.04 Use of the designated frequency.**

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

(711) (b) Each person who is required to maintain a listening watch under section 5 of the Act shall, when necessary, transmit

Table 26.03(f)–VESSEL TRAFFIC SERVICES (VTS) CALL SIGNS, DESIGNATED FREQUENCIES, AND MONITORING AREAS

Vessel traffic services[1] (call sign)	Designated frequencies[2] (channel designation)	Monitoring area
New York[3]		
New York Traffic[4].	156.550 MHz (Ch.11) and 156.700 MHz (Ch.14).	The navigable waters of the Lower New York Harbor bounded on the east by a line drawn from the Norton Point to Breezy Point; on the south by a line connecting the entrance buoys at the Asmbrose Channel, Swash Channel and Sandy Hook Channel to Sandy Hook Point; and on the southeast including the waters of the 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°41.95'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 continuing east including the waters of the East River to the Throgs Neck Bridge, excluding the Harlem River.
	156.600 MHz (Ch. 12)	Each vessel at anchor within the above areas.
Houston[3]		
		The navigable waters orth of 29°N., west of 94°20'W., south of 29°49'N., and east of 95°20'W.:
Houston Traffic.	156.550 MHz (Ch.11).	The navigable waters north of a line extending due west from the southernmost end of Exxon Dock #1 (29°43.37'N., 95°01.27'W.)
	156.600 MHz (Ch 12).	The navigable waters south of a line extending due west from the southernmost end of Exxon Dock #1 (29°43.37'N., 95°01.27'W.)
Berwick Bay		
Berwick Traffic	156.550 MHz (Ch. 11)	The navigable waters south of 29°45'N., west of 91°10'W., north of 29°37'N., and east of 91°18'W.
St. Marys River		
Soo Control	156.600 MHz (Ch. 12)	The navigable 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).
San Francisco[3]		
San Francisco Off-shore Vessel Movement.	156.600 MHz (Ch. 12)	The waters within a 38 nautical mile radius of Mount Tamalpais (37°55.8'N., 122°34.6'W.) excluding the San Francisco Offshore Precautionary Area.
Reporting Service San Francisco Traffic.	156.700 MHz (Ch. 14)	The waters of the San Francisco Offshore Precautionary Area eastward to San Francisco Bay including its tributaries extending to the ports of Stockton, Sacramento and Redwood City.
Puget Sound[5]		
Seattle Traffic[6]	156.700 MHz (Ch. 14)	The navigable waters of Puget Sound, Hood Canal and adjacent waters south of a line connecting Nodule Point (48°01.5'N., 122°40.05'W.) and Bush Point (48°01.5'N., 122°36.23'W.) in Admiralty Inlet and south of a line drawn due east from the southernmost tip of Possession Point (47°34'N., 122°40'W.) on Whidbey Island to the shoreline.
	156.250 MHz (Ch. 5A)	The navigable 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 (48°18'N., 123°32'W.); the navigable waters of the Strait of Georgia east of 122°52'W.; the San Juan Island Archipelago, Rosario Strait, Bellingham Bay; Admiralty of Juan de Fuca north and east of Race Rocks (48°18'N., 123°32'W.); 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 Nodule Point (48°01.5'N., 122°40.05'W.) and Bush Point (48°01.5'N., 122°36.23'W.) and all waters of Whidbey Island north of a line drawn due east from the southernmost tip of Possession Point (47°34'N., 122°40'W.) on Whidbey Island to the shoreline.

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Table 26.03(f)–VESSEL TRAFFIC SERVICES (VTS) CALL SIGNS, DESIGNATED FREQUENCIES, AND MONITORING AREAS

Vessel traffic services[1] (call sign)	Designated frequencies[2] (channel designation)	Monitoring area
Tofino Traffic[7]	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 48°N., and east of 127°W.
Vancouver Traffic.	156.550 MHz (Ch. 11)	The navigable 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.
Prince William Sound[8]		
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.
Louisville[8]		
Louisville Traffic.	156.650 MHz (Ch. 13)	The navigable 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.

NOTES:

1. VTS regulations are denoted in 33 CFR Part 161. All geographic coordinates (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).

2. In the event of a communication failure either by the vessel traffic center or the vessel or radio congestion on a designated VTS frequency, communications may be established on an alternate VTS frequency. The bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13), is monitored in each VTS area; and it may be used as an alternate frequency, however, only to the extent that doing so provides a level of safety beyond that provided by other means.

3. Designated frequency monitoring is required within U.S. Navigable waters. In areas which are outside the U.S. Navigable waters, designated frequency monitoring is voluntary. However, prospective VTS Users are encouraged to monitor the designated frequency.

4. VMRS participants shall make their initial report (Sail Plan) to New York Traffic on Channel 11 (156.550 MHz). All other reports, including the Final Report, shall be made on Channel 14 (156.700 MHz). VMRS and other VTS Users shall monitor Channel 14 (156.700 MHz) while transiting the VTS area. New York Traffic may direct a vessel to monitor and report on either primary frequency depending on traffic density, weather conditions, or other safety factors. This does not require a vessel to monitor both primary frequencies.

5. A Cooperative Vessel Traffic Service was established by the United States and Canada within adjoining waters. The appropriate vessel traffic center administers the rules issued by both nations; however, it will enforce only its own set of rules within its jurisdiction.

6. Seattle Traffic may direct a vessel to monitor the other primary VTS frequency 156.250 MHz or 156.700 MHz (Channel 5A or 14) depending on traffic density, weather conditions, or other safety factors, rather than strictly adhering to the designated frequency required for each monitoring area as defined above. This does not require a vessel to monitor both primary frequencies.

7. A portion of Tofino Sector's monitoring area extends beyond the defined CVTS area. Designated frequency monitoring is voluntary in these portions outside of VTS jurisdiction, however, prospective VTS Users are encouraged to monitor the designated frequency.

8. The bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13), is used in these VTSs because the level of radiotelephone transmissions does not warrant a designated VTS frequency. The listening watch required by §26.05 of this chapter is not limited to the monitoring area.

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and confirm, on the designated frequency, the intentions of his vessel and any other information necessary for the safe navigation of vessels.

(712) (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.

(713) (d) On the navigable waters of the United States, channel 13 (156.65 MHz) is the designated frequency required to be monitored in accordance with §26.05(a) except that in the area prescribed in §26.03(e), channel 67 (156.375 MHz) is the designated frequency.

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

(715) **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.

(716) **§26.05 Use of radiotelephone.**

(717) 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.

(718) **§26.06 Maintenance of radiotelephone; failure of radiotelephone. Section 6 of the Act states–**

(719) (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.

(720) **§26.07 Communications.**

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

(722) **§26.08 Exemption procedures.**

(723) (a) The Commandant has redelegated to the Assistant Commandant for Marine Safety 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.

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

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

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

(727) (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.

(728) **§26.09 List of exemptions.** (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.

(729) (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

(730) **§80.01 General basis and purpose of demarcation lines.** (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.

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

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

(733) **§80.510 Chesapeake Bay Entrance, Va.**

(734) A line drawn from Cape Charles Light to Cape Henry Light.

(735) **§80.515 Cape Henry, Va. to Cape Hatteras, N.C.** (a) A line drawn from Rudee Inlet Jetty Light 2 to Rudee Inlet Jetty Light 1.

(736) (b) A line formed by the centerline of the highway bridge across Oregon Inlet.

(737) **§80.520 Cape Hatteras, N.C. to Cape Lookout, N.C.** (a) A line drawn from Hatteras Inlet Lookout Tower (30°11.8'N., 75°44.9'W.) 255° true to the eastern end of Ocracoke Island.

(738) (b) A line drawn from the westernmost extremity of Ocracoke Island at latitude 35°04.0'N. longitude 76°00.8'W. to the northeastern extremity of Portsmouth Island at latitude 35°03.7'N. longitude 76°02.3'W.

(739) (c) A line drawn across Drum Inlet parallel with the general trend of the highwater shoreline.

(740) **§80.525 Cape Lookout, N.C. to Cape Fear, N.C.** (a) A line drawn from Cape Lookout Light to the seaward tangent of the southeastern end of Shackleford Banks.

(741) (b) A line drawn from Morehead City Channel Range Front Light to the seaward extremity of the Beaufort Inlet west jetty.

(742) (c) A line drawn from the southernmost extremity of Bogue Banks at latitude 34°38.7'N. longitude 77°06.0'W. across Bogue Inlet to the northernmost extremity of Bear Beach at latitude 34°38.5'N., Longitude 77°07.1'W.

(743) (d) A line drawn from the southeasternmost extremity on the southwest side of New River inlet at latitude 34°31.5'N., longitude 77°20.6'W., to the seaward tangent of the shoreline on the northeast side on New River Inlet.

(744) (e) A line drawn across New Topsail Inlet between the closest extremities of the shore on either side of the inlet from latitude 34°20.8'N. longitude 77°39.2'W. to latitude 34°20.6'N. longitude 77°39.6'W.

(745) (f) A line drawn from the seaward extremity of the jetty on the northeast side of Masonboro Inlet to the seaward extremity of the jetty on the southeast side of the Inlet.

(746) (g) Except as provided elsewhere in this section from Cape Lookout to Cape Fear, lines drawn parallel with the general trend of the highwater shoreline across the entrance of small bays and inlets.

(747) **§80.530 Cape Fear, N.C. to Little River Inlet, N.C.** (a) A line drawn from the abandoned lighthouse charted in approximate position latitude 33°52.4'N. longitude 78°00.1'W. across the Cape Fear River Entrance to Oak Island Light.

(748) (b) Except as provided elsewhere in this section from Cape Fear to Little River Inlet, lines drawn parallel with the general trend of the highwater shoreline across the entrance to small inlets.

(749) **§80.703 Little River Inlet, S.C. to Cape Romain, S.C.** (a) A line drawn from the westernmost extremity of the sand spit on Bird Island to the easternmost extremity of Waties Island across Little River Inlet.

(750) (b) From Little River Inlet, a line drawn parallel with the general trend of the highwater shoreline across Hog Inlet; thence a line drawn across the seaward ends of the Murrels Inlet jetties; thence a line drawn parallel with the general trend of the highwater shoreline across Midway Inlet, Pawleys Inlet, and North Inlet.

(751) (c) A line drawn from the charted position of Winyah Bay North Jetty End Buoy 2N south to the Winyah Bay South Jetty.

(752) (d) A line drawn from Santee Point to the seaward tangent of Cedar Island.

(753) (e) A line drawn from Cedar Island Point west to Murphy Island.

(754) (f) A north-south line (longitude 79°20.3'W.) drawn from Murphy Island to the northernmost extremity of Cape Island Point.

(755) **§80.707 Cape Romain, S.C. to Sullivans Island, S.C.** (a) A line drawn from the western extremity of Cape Romain 292° true to Racoon Key on the west side of Racoon Creek.

(756) (b) A line drawn from the westernmost extremity of Sandy Point across Bull Bay to the northernmost extremity of Northeast Point.

(757) (c) A line drawn from the southernmost extremity of Bull Island to the easternmost extremity of Capers Island.

(758) (d) A line formed by the overhead power cable from Capers Island to Dewees Island.

(759) (e) A line formed by the overhead power cable from Dewees Island to Isle of Palms.

(760) (f) A line formed by the centerline of the highway bridge between Isle of Palms and Sullivans Island over Breach Inlet.

(761) **§80.710 Charleston Harbor, S.C.** (a) A line formed by the submerged north jetty from the shore to the west end of the north jetty.

(762) (b) A line drawn from across the seaward extremity of the Charleston Harbor Jetties.

(763) (c) A line drawn from the west end of the South Jetty across the South Entrance to Charleston Harbor to shore on a line formed by the submerged south jetty.

(764) **§80.712 Morris Island, S.C. to Hilton Head Island, S.C.** (a) A line drawn from the easternmost tip of Folley Island to the abandoned lighthouse tower on the north side of Lighthouse Inlet; thence west to the shoreline of Morris Island.

(765) (b) A straight line drawn from the seaward tangent of Folly Island through Folly River Daybeacon 10 across Stono River to the shoreline of Sandy Point.

(766) (c) A line drawn from the southernmost extremity of Seabrook Island 257° true across the North Edisto River Entrance to the shore of Botany Bay Island.

(767) (d) A line drawn from the microwave antenna tower on Edisto Beach charted in approximate position latitude 32°29.3'N. longitude 80°19.2'W. across St. Helena Sound to the abandoned lighthouse tower on Hunting Island.

(768) (e) A line formed by the centerline of the highway bridge between Hunting Island and Fripp Island.

(769) (f) A line drawn from the westernmost extremity of Bull Point on Capers Island to Port Royal Sound Channel Range Rear Light, latitude 32°13.7'N., longitude 80°36.0'W.; thence 259° true to the easternmost extremity of Hilton Head at 32°13.0'N., 80°40.1'W.

(770) **§80.715 Savannah River.**

(771) A line drawn from the southernmost tank on Hilton Head Island charted in approximate position latitude 32°06.7'N. longitude 80°49.3'W. to Bloody Point Range Rear Light; thence to Tybee (Range Rear) Light.

(772) **§80.717 Tybee Island, Ga. to St. Simons Island, Ga.** (a) A line drawn from the southernmost extremity of Savannah Beach on Tybee Island 255° true across Tybee Inlet to the shore of Little Tybee Island south of the entrance to Buck Hammock Creek.

(773) (b) A straight line drawn from the northeasternmost extremity of Wassaw Island 031° true through Tybee River Daybeacon 1 to the shore of Little Tybee Island.

(774) (c) A line drawn approximately parallel with the general trend of the highwater shorelines from the seaward tangent of Wassaw Island to the seaward tangent of Bradley Point on Ossabaw Island.

(775) (d) A north-south line (longitude 81°08.4'W.) drawn from the southernmost extremity of Ossabaw Island to St. Catherine Island.

(776) (e) A north-south line (longitude 81°10.6'W.) drawn from the southernmost extremity of St. Catherines Island to Northeast Point on Blackbeard Island.

(777) (f) A line following the general trend of the seaward highwater shoreline across Cabretta Inlet.

(778) (g) A north-south line (longitude 81°16.9'W.) drawn from the southwesternmost point on Sapelo Island to Wolf Island.

(779) (h) A north-south line (longitude 81°17.1'W.) drawn from the southeasternmost point of Wolf Island to the northeasternmost point on Little St. Simons Island.

(780) (i) A line drawn from the northeastern extremity of Sea Island 045° true to Little St. Simons Island.

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(781) (j) An east-west line from the southernmost extremity of Sea Island across Goulds Inlet to St. Simons Island.

(782) **§80.720 St. Simons Island, Ga. to Amelia Island, Fla.** (a) A line drawn from St. Simons Light to the northernmost tank on Jekyll Island charted in approximate position latitude 31°05.9'N. longitude 81°24.5'W.

(783) (b) A line drawn from the southernmost tank on Jekyll Island charted in approximate position latitude 31°01.6'N. longitude 81°25.2'W. to coordinate latitude 30°59.4'N. longitude 81°23.7'W. (0.5 nautical mile east of the charted position of St. Andrew Sound Lighted Buoy 32); thence to the abandoned lighthouse tower on the north end of Little Cumberland Island charted in approximate position 30°58.5'N., 81°24.8'W.

(784) (c) A line drawn across the seaward extremity of the St. Marys River Entrance Jetties.

(785) **§80.723 Amelia Island, Fla. to Cape Canaveral, Fla.** (a) A line drawn from the southernmost extremity of Amelia Island to the northeasternmost extremity of Little Talbot Island.

(786) (b) A line formed by the centerline of the highway bridge from Little Talbot Island to Fort George Island.

(787) (c) A line drawn across the seaward extremity of the St. Johns River Entrance Jetties.

(788) (d) A line drawn across the seaward extremity of the St. Augustine Inlet Jetties.

(789) (e) A line formed by the centerline of the highway bridge over Matanzas Inlet.

(790) (f) A line drawn across the seaward extremity of the Ponce de Leon Inlet Jetties.

(791) **§80.727 Cape Canaveral, Fla. to Miami Beach, Fla.** (a) A line drawn across the seaward extremity of the Port Canaveral Entrance Channel Jetties.

(792) (b) A line drawn across the seaward extremity of the Sebastian Inlet Jetties.

(793) (c) A line drawn across the seaward extremity of the Fort Pierce Inlet Jetties.

(794) (d) A north-south line (longitude 80°09.7'W.) drawn across St. Lucie Inlet.

(795) (e) A line drawn from the seaward extremity of Jupiter Inlet North Jetty to the northeast extremity of the concrete apron on the south side of Jupiter Inlet.

(796) (f) A line drawn across the seaward extremity of the Lake Worth Inlet Jetties.

(797) (g) A line drawn across the seaward extremity of the Boynton Inlet Jetties.

(798) (h) A line drawn from Boca Raton Inlet North Jetty Light 2 to Boca Raton Inlet South Jetty Light 1.

(799) (i) A line drawn from Hillsboro Inlet Light to Hillsboro Inlet Entrance Light 2; thence to Hillsboro Inlet Entrance Light 1; thence west to the shoreline.

(800) (j) A line drawn across the seaward extremity of the Port Everglades Entrance Jetties.

(801) (k) A line formed by the centerline of the highway bridge over Bakers Haulover Inlet.

(802) **§80.730 Miami Harbor, Fla.**

(803) A line drawn across the seaward extremity of the Miami Harbor Government Cut Jetties.

(804) **§80.735 Miami, Fla. to Long Key, Fla.** (a) A line drawn from the southernmost extremity of Fisher Island 212° true to the point in latitude 25°45.0'N. longitude 80°08.6'W. on Virginia Key.

(805) (b) A line formed by the centerline of the highway bridge between Virginia Key and Key Biscayne.

(806) (c) A line drawn from Cape Florida Light to the northernmost extremity on Soldier Key.

(807) (d) A line drawn from the southernmost extremity on Soldier Key to the northernmost extremity of the Ragged Keys.

(808) (e) A line drawn from the Ragged Keys to the southernmost extremity of Angelfish Key following the general trend of the seaward shoreline.

(809) (f) A line drawn on the centerline of the Overseas Highway (U.S. 1) and bridges from latitude 25°19.3'N. longitude 80°16.0'W. at Little Angelfish Creek to the radar dome charted on Long Key at approximate position latitude 24°49.3'N. longitude 80°49.2'W.

(810) **§80.740 Long Key, Fla. to Cape Sable, Fla.**

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

Part 110–Anchorage Regulations

(812) **§110.1 General.** (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).

(813) (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).

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

(815) (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

(816) **§110.72b St. Simons Island, Ga.** The area beginning at a point southwest of Frederica River Bridge, St. Simons Island Causeway at

(817) 31°09'58"N., 81°24'55"W.; thence southwesterly to

(818) 31°09'42"N., 81°25'10"W.; thence westerly to the shoreline at

(819) 31°09'45"N., 81°25'20"W.; thence northeasterly along the shoreline to

(820) 31°10'02"N., 81°25'00"W.; thence southeasterly to the point of origin.

(821) **§110.72d Ashley River anchorage areas, SC.**

(822) The following locations are special anchorage areas:

(823) (a) Ashley River Anchorage 1. The waters lying within an area across the Ashley River Channel from the George M. Lockwood Municipal Marina bounded by the southeast side of the channel beginning at

(824) 32°46'42.7"N., 079°57'19.3"W.; thence to

(825) 32°46'38.0"N., 079°57'24.0"W.; thence to

(826) 32°46'32.0"N., 079°57'15.0"W.; thence to

(827) 32°46'29.0"N., 079°57'00.9"W.; thence back to the beginning following the southwest boundary of the Ashley River Channel. All coordinates referenced use datum: NAD 1983.

(828) (b) Ashley River Anchorage 2. The waters lying within an area across the Ashley River Channel from the Ashley Marina Bounded by the southwest side of the channel beginning at

(829) 32°46'53.0"N., 079°57'34.5"W.; thence to

(830) 32°46'50.5"N., 079°57'40.5"W.; thence to

(831) 32°46'46.0"N., 079°57'34.5"W.; thence to

(832) 32°46'49.0"N., 079°57'28.7"W.; thence back to the beginning following the southwest boundary of the Ashley River Channel. All coordinates referenced use datum: NAD 1983.

(833) **§110.73 St. Johns River, Fla.** (a) Area A. The waters lying within an area bounded by a line beginning at a point located at the west bank of St. Johns River at

(834) 30°15'11", 81°41'23"; thence to

(835) 30°15'13", 81°41'14"; thence to

(836) 30°15'03", 81°41'11"; thence to

(837) 30°15'04", 81°41'20"; and thence to the point of beginning.

(838) (b) Area B. The waters lying within an area bounded by a line beginning at

(839) 30°15'03", 81°41'28"; thence to

(840) 30°15'02", 81°41'10"; thence to

(841) 30°14'56", 81°41'08"; thence to

(842) 30°14'54.5", 81°41'10.5"; and thence to the point of beginning.

(843) **§110.73a Indian River at Sebastian, Florida.** Beginning at a point on the shoreline at latitude 27°49'40"N., longitude 80°28'26"W.; thence 060° to latitude 27°49'46"N., longitude 80°28'13"W.; thence 156° to latitude 27°49'31"N., longitude 80°28'05"W.; thence 242° to latitude 27°49'25"N., longitude 80°28'18"W.; thence northerly along the shoreline to the point of beginning.

(844) Note: This area is principally for use by commercial fishing vessels less than 65 feet in length.

(845) **§110.73b Indian River at Vero Beach, Fla.**

(846) (a) Area A. Beginning at a point located on the eastern shore of Fritz Island at latitude 27°39'32.5"N., longitude 80°22'20.6"W., following the shoreline northward to the northwest point at 27°39'46"N., 80°22'25.9"W., thence due east to a point on Orchid Island at approximately 27°39'46"N., 80°22'16.2"W., thence southerly along the shoreline of Orchid Island to 27°39'32.5"N., 80°22'13.4"W., thence due west to the point of beginning.

(847) (b) Area B. Beginning at a point located at the entrance channel marker No. 2 at 27°39'12"N., 80°22'17.3"W., thence northeasterly to channel marker No. 4 at 27°39'21"N., 80°22'15.8"W., thence due east to Orchid Island at approximately 27°39'21"N., 80°22'11.8"W., thence southerly along the western shoreline of Orchid Is. to 27°39'12"N., 80°22'15.6"W., thence due west to the point of beginning.

(848) (c) Vessels shall be so anchored so that no part of the vessel obstructs the turning basin or channels adjacent to the special anchorage areas.

(849) **§110.73c. Okeechobee Waterway, St. Lucie River, Stuart, FL.**

(850) The following is a special anchorage area: Beginning on the Okeechobee Intracoastal Waterway between mile marker 7 and 8 on the St. Lucie River, bounded by a line beginning at

(851) 27°12'06.583"N., 80°15'33.447"W.; thence to

(852) 27°12'07.811"N., 80°15'38.861"W.; thence to

(853) 27°12'04.584"N., 80°15'41.437"W.; thence to

(854) 27°11'49.005"N., 80°15'44.796"W.; thence to

(855) 27°11'47.881"N., 80°15'38.271"W.; thence to the point of beginning. All coordinates reference Datum NAD: 83.

Subpart B–Anchorage Grounds

(856) **§110.170 Lockwoods Folly Inlet, N.C.** (a) *Explosives Anchorage*. Beginning at a point southeast of Shallotte Inlet at

(857) 33°52'31"N., 78°18'49"W.; thence south to

(858) 33°51'31"N., 78°18'42"W.; thence east to

(859) 33°51'51"N., 78°14'35"W.; thence north to

(860) 33°52'52"N., 78°14'40"W.; thence west to the point of beginning.

(861) (b) *General regulations*. (1) This anchorage is reserved for the exclusive use of vessels carrying explosives.

(862) (2) Vessels in this anchorage shall not anchor closer than 1,500 yards to one another. This provision is not intended to prohibit barges or lighters from lying alongside vessels for transfer of cargo.

(863) (3) The maximum quantity of explosives aboard any vessel that may be in this anchorage is 8,000 tons.

(864) (4) Nothing in this section shall be construed as relieving the owner, master, or person in charge of any vessel from the penalties of the law for obstructing navigation or for not complying with the navigation laws in regard to lights, fog signals, etc.

(865) **§110.173 Port of Charleston, S.C.**

(866) (a) *The anchorage grounds*. (1) *Commercial Anchorage A*. This anchorage is located adjacent to the western edge of Folly Island Channel and southwest of Rebellion Reach and is bounded by the following coordinates:

(867) 32°45'34"N., 79°52'12"W.; to

(868) 32°46'17"N., 79°53'21"W.; to

(869) 32°45'51"N., 79°53'23"W.; to

(870) 32°45'34"N., 79°52'55"W.; thence back to

(871) 32°45'34"N., 79°52'12"W.

(872) (2) *Commercial Anchorage B*. This anchorage is located adjacent to the south side of South Channel and bounded by the following coordinates:

(873) 32°45'28"N., 79°53'40"W.; to

(874) 32°45'28"N., 79°54'46"W.; to

(875) 32°45'19"N., 79°54'46"W.; to

(876) 32°45'12"N., 79°54'06"W.; to

(877) 32°45'16"N., 79°53'40"W.; thence back to

(878) 32°45'28"N., 79°53'40"W.

(879) (3) *Commercial Anchorage C*. This anchorage is located 1,800 yards, 118° true from St. Michaels Church Spire and has a diameter of 500 yards. Vessels using this anchorage must anchor in the center.

(880) (4) *Commercial Anchorage D*. This anchorage is located 051°30' true, 1,375 yards from St. Michaels Church Spire and has a diameter of 1,400 feet. The use of this anchorage is limited to loaded vessels for a period of not more than 24 hours.

(881) (b) *The regulations*. (1) Except in cases of great emergency, no vessel shall be anchored in the main ship channels as defined by broken lines marking their boundaries on NOAA Chart 11524. Vessels must be anchored in such a way as not to interfere with the free navigation of channels in the port, including Cooper, Ashley, Wando Rivers, and Town Creek, nor to obstruct the approach to any pier or entrance to any slip, nor to impede the movement of any vessel or craft.

(882) (2) Vessels using the anchorages opposite the eastern waterfront of Charleston shall place their anchors as near as possible in the center of the anchorage. Vessels not using a designated commercial anchorage shall not place their anchors within the main ship channels, nor shall be so anchored as to swing within 400 feet of any wharf or pier on the eastern waterfront of Charleston. Vessels may be so anchored as to swing into the main ship channels only if they are so placed with reference to the customary winds, tides, and currents of the harbor, as to swing only during slack water, and that during this period there shall remain in the waters adjacent to the channel an area of sufficient depth as to permit the safe passage of loaded vessels.

(883) (3) No vessel may anchor within the designated anchorages for more than 72 hours without the prior approval of the Captain of the Port.

(884) (4) No vessel may anchor unless it maintains a bridge watch, guards and answers Channel 16 FM, and maintains an accurate position plot.

(885) (5) If any anchored vessel is so close to another that a collision is probable, each vessel must communicate with the other vessel and the Captain of the Port on Channel 16 FM and shall act to eliminate the close proximity situation.

(886) (6) No vessel may anchor unless it maintains the capability to get underway within 4 hours.

(887) (7) No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal operations) without the prior approval of the Captain of the Port.

(888) (8) Dragging of anchors in or across main ship channels and cable areas is prohibited.

(889) (9) Vessels which, through force of great emergency, are anchored contrary to the foregoing regulations in this section shall be shifted to new berths in accordance with such regulations at the earliest opportunity.

(890) (10) A vessel, upon notification from the Captain of the Port to shift its position in anchorage grounds must get underway at once or signal for a tug, and must change position as directed with reasonable promptness.

(891) (11) No vessel may conduct lightering operations in an anchorage without permission from the Captain of the Port.

(892) (12) When the use of an anchorage is required by naval vessels, the vessels anchored therein shall move when the Captain of the Port directs them.

(893) (13) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of law for obstructing navigation, or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, etc.

(894) **§110.179 Skidaway River, Isle of Hope, Ga.** (a) *The anchorage ground*. An area in Skidaway River beginning at a point on the mean low water line 400 feet south of Brady Boat Works, thence 076°30', 300 feet to a buoy; thence 152°30', 900 feet to a buoy; thence 251°00', 450 feet to the mean low water line at Wymberly Yacht Club dock.

(895) (b) *The regulations*. (1) Except in cases of great emergency, no vessels shall anchor in Skidaway River between the north end of Barbee's dock and southward to Day Marker 48 except in the anchorage area hereby defined and established: Provided, however, that vessels may moor to any lawfully constructed wharf.

(896) (2) Except in cases of great emergency, no vessel shall be anchored where it can swing within 50 feet of any lawfully constructed wharf or within 50 feet of the mean low water line, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundary of the anchorage area.

(897) (3) Any vessel anchoring under circumstances of great emergency outside the anchorage area should be placed in such a position as not to interfere with the free navigation of the channel nor obstruct the approach to any lawfully constructed wharf nor impede the movement of any boat, and shall move away immediately after the emergency ceases or upon notification of the District Commander.

(898) (4) No vessels with an overall length greater than 65 feet will use the anchorage area except in cases of great emergency.

(899) (5) Vessels operating within the anchorage area will not exceed a speed of five (5) miles per hour.

(900) **§110.182 Atlantic Ocean off Fort George Inlet, near Mayport, Fla.** (a) *The Anchorage areas*–(1) Anchorages for aircraft carriers and other deep draft vessels. Four circular areas each with a radius of 600 yards and with their centers located at:

(901) "A"–30°25'35"N., 81°21'23"W.;

(902) "B"–30°26'13"N., 81°21'13"W.;

(903) "C"–30°26'19"N., 81°20'27"W.;

(904) "D"–30°26'55"N., 81°20'47"W.

(905) (2) *Anchorages for destroyers and other ships of similar size*. Six circular areas each with a radius of 300 yards and with their centers located at:

(906) "1"–30°24'38"N., 81°21'57"W.;

(907) "2"–30°24'57"N., 81°21'58"W.;

(908) "3"–30°24'56"N., 81°21'38"W.;

(909) "4"–30°25'13"N., 81°22'05"W.;

(910) "5"–30°25'13"N., 81°21'43"W;

(911) "6"–30°25'07"N., 81°21'24"W.

(912) (3) *Explosives anchorage*. The circular area "A" described in paragraph (a) (1) of this section is also designated as an explosives anchorage for use during periods when ammunition must be handled outside the limits of the U.S. Naval Station, Mayport, Fla.

(913) (b) *The regulations for all designated areas*. (1) Usage of these areas by naval vessels shall predominate only when necessary for military requirements; at such times other vessels shall remain clear of the areas.

(914) (2) Prudent assignment of the anchorage areas shall be made by the Commanding Officer, U.S. Naval Station, Mayport, Fla.

(915) (c) *Additional regulations for Explosives Anchorage Area "A."* (1) When occupied by a vessel handling explosives, no other vessel may enter the area unless authorized by the enforcing agency.

(916) (2) Only one vessel handling explosives may anchor in the area at one time. A patrol craft shall be utilized to assure that other vessels remain clear when explosives are exposed or being transferred to and from the anchorage.

(917) (3) No more than 500,000 pounds net high explosives or equivalent may be exposed in the area at any one time.

Ver. 1.0 This information is not certified for navigation purposes. For test purposes only.

(918) (d) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Station, Mayport, Fla., or other agencies that he may designate.

(919) **§110.183 St. Johns River, Florida.**

(920) (a) *The anchorage grounds–*

(921) (1) *Anchorage A*. (Upper Anchorage) The Anchorage is established within the following coordinates, the area enclosed by a line starting at the south shore westerly of the entrance to Miller Creek at

(922) 30°18'43.8"N., 81°38'15.0"W.; thence to

(923) 30°18'52.8"N., 81°38'15.0"W.; thence to

(924) 30°18'47.6"N., 81°37'47.6"W.; thence to

(925) 30°18'55.0"N., 81°37'29.0"W.; thence to

(926) 30°19'06.0"N., 81°37'27.0"W.; thence to

(927) 30°19'06.0"N., 81°37'02.0"W.; thence to

(928) 30°19'01.2"N., 81°37'02.0"W.; thence returning to the point of beginning.

(929) (2) *Anchorage B.* (Lower Anchorage) The Anchorage is established within the following coordinates, the area enclosed by a line starting at a point on the eastern shore of the river at Floral Bluff at

(930) 30°21'00.0"N., 81°36'41.0"W.; thence to

(931) 30°20'00.0"N., 81°37'03.0"W.; thence to

(932) 30°21'00.0"N., 81°37'06.0"W.; thence to

(933) 30°21'50.0"N., 81°36'56.0"W.; thence to

(934) 30°21'54.0"N., 81°36'48.0"W.; thence to returning to the point of beginning.

(935) (b) *The regulations*.

(936) (1) Except in cases of emergency, only vessels meeting the conditions and restrictions of this paragraph will be authorized by the Captain of the Port to anchor in the St. Johns River, as depicted on NOAA chart 11491, between the entrance buoy (STJ) and the Main Street Bridge (in position 30°19'20"N., 81°39'32"W). Vessels unable to meet any of the following conditions and restrictions must obtain specific authorization from the Captain of the Port prior to anchoring in Anchorage A or B.

(937) (2) All vessels intending to enter and anchor in Anchorage A or B shall notify the Captain of the Port prior to entering.

(938) (3) Anchorages A and B are temporary anchorages. Additionally, Anchorage B is used as a turning basin. Vessels may not anchor for more than 24 hours in either anchorage without specific written authorization from the Captain of the Port.

(939) (4) All vessels at anchor must maintain a watch on VHF-FM channels 13 and 16 by a person fluent in English, and shall make a security broadcast on channel 13 upon anchoring and every 4 hours thereafter.

(940) (5) Anchorage A is restricted to vessels less than 250 feet in length.

(941) (6) Anchorage B is restricted to vessels with a draft of 24 feet or less, regardless of length.

(942) (7) Any vessel transferring petroleum products within Anchorage B shall have a pilot or Docking Master aboard, and employ sufficient assist tugs to assure the safety of the vessel at anchor and any vessels transiting the area.

(943) (8) Any vessel over 300 feet in length within Anchorage B shall have a Pilot or Docking Master aboard, and employ sufficient assist tugs to assure the safety of the vessel at anchor and any vessels transiting the area.

(944) **§110.185 Atlantic Ocean, off the Port of Palm Beach, FL**

(945) (a) The anchorage grounds. (1) Anchorage A. The waters lying within an area bounded by a line beginning at

(946) 26°50'00"N., 80°01'12"W.; thence westerly to

(947) 26°50'00"N., 80°01'30"W.; thence southerly to

(948) 26°47'30"N., 80°01'30"W.; thence easterly to

(949) 26°47'30"N., 80°01'12"W.; and thence northerly to the point of beginning.

(950) (2) Anchorage B. The waters lying within an area bounded by a line beginning at

(951) 26°45'06"N., 80°01'12"W.; thence westerly to

(952) 26°45'06"N., 80°01'42"W.; thence southerly to

(953) 26°43'48"N., 80°01'42"W.; thence easterly to

(954) 26°43'48"N., 80°01'12"W.; and thence northerly to the point of beginning.

(955) (b) The regulations. (1) Vessels in the Atlantic Ocean near Lake Worth Inlet awaiting berthing space at the Port of Palm Beach, shall only anchor within the anchorage areas hereby defined and established, except in cases of great emergency.

(956) (2) Vessels anchoring under circumstances of great emergency outside the anchorage areas shall be shifted to new positions within the anchorage areas immediately after the emergency ceases.

(957) **§110.186 Port Everglades, Florida.**

(958) (a) *The anchorage grounds*. (1) *Anchorage A*. A rectangular area the center of which is approximately two miles northeast of the entrance to Port Everglades with the following NAD 83 coordinates:

(959) 26°07'46"N., 80°04'51"W.

(960) 26°07'46"N., 80°05'01"W.

(961) 26°06'20"N., 80°05'01"W.

(962) 26°06'20"N., 80°05'10"W.

(963) (2) Anchorage B. An area bounded by a line connecting points with the following NAD 83 coordinates:

(964) 26°07'16"N., 80°04'38"W.

(965) 26°07'56"N., 80°04'34"W.

(966) 26°07'56"N., 80°02'42"W.

(967) 26°07'16"N., 80°02'54"W.

(968) (b) *The regulations*. (1) Commercial vessels in the Atlantic Ocean in the vicinity of Port Everglades shall anchor only within the anchorage area hereby defined and established, except in cases of emergency.

(969) (2) Prior to entering the anchorage area, all vessels shall notify the Coast Guard Captain of the Port, via the Port Everglades Harbormaster, on VHF-FM Channel 14.

(970) (3) All vessels within the anchorage area shall maintain a 24-hour bridge watch by an English speaking licensed deck officer monitoring VHF-FM channel 16. This individual shall perform frequent checks of the vessel's position to ensure the vessel is not dragging anchor.

(971) (4) Vessels experiencing casualties such as a main propulsion, main steering or anchoring equipment malfunction or which are planning to perform main propulsion engine repairs or maintenance, shall immediately notify the Coast Guard Captain of the Port via the Coast Guard Group Miami on VHF-FM Channel 16.

(972) (5) The Coast Guard Captain of the Port may close the anchorage area and direct vessels to depart the anchorage during periods of adverse weather or at other times as deemed necessary in the interest of port safety.

(973) (6) Commercial vessels anchoring under emergency circumstances outside the anchorage area shall shift to new positions within the anchorage area immediately after the emergency ceases.

Ver. 1.0 This information is not certified for navigation purposes. For test purposes only.

(974) **§110.188 Atlantic Ocean off Miami and Miami Beach, Fla.** (a) *The anchorage grounds*. The area to the eastward of a line bearing 012° through a point X, which is 1½ nautical miles due east of the intersection of the Miami Beach shoreline with the north jetty; to the northward of a line bearing 102° and intersecting the 012° line at a point A, one-half nautical mile north of the said point X; and to the southward of a line bearing 102° and intersecting the 012° line at a point B, 2½ nautical miles north of the said point X. The northern and southern extremities of the 012° line are marked by spar buoys. The entire anchorage area lies north of the entrance channel to Miami Harbor.

(975) (b) *The rules and regulations*. (1) Except in cases of great emergency, no vessel shall be anchored in the Atlantic Ocean in the vicinity of the entrances to the approach channels leading to the cities of Miami Beach and Miami, Fla., outside of the anchorage area hereby defined and established–that is, they shall not anchor shoreward of the line first named nor southward of the second nor northward of the third line–but may anchor as far to the eastward as may be desired.

(976) (2) Any vessel anchoring under circumstances of great emergency outside of the anchorage area shall be shifted to new berths within the area immediately after the emergency ceases.

(977) (3) All vessels shall lie at anchor with as short a cable as conditions will permit.

(978) (4) A vessel upon being notified to move into the anchorage limits or to shift its position on the anchorage ground must get under way at once or signal for a tug, and must change position as directed with reasonable promptness.

(979) (5) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port, U.S. Coast Guard, Miami, Fla., is hereby empowered to shift the position of any vessel anchored on the anchorage ground or outside thereof, or of any vessel moored or anchored so as to impede or obstruct vessel movements or obstruct or interfere with range lights.

(980) (6) Vessels carrying explosives shall be anchored only under a written permit issued by the Captain of the Port and at such point as he may direct.

(981) (7) Vessels carrying explosives shall be at all times in charge of a competent person, and must display by day a red flag, of not less than 16 square feet, at the masthead, or not less than 10 feet above the upper deck if the vessel has no mast; at night a red light shall be displayed in the positions specified for the red flag.

(982) (8) Nothing in this paragraph shall be construed as relieving the owner or person in charge of any vessel from the penalties of the law for obstructing navigation, or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or other aids to navigation, or for otherwise violating law.

(983) (9) All vessels desiring to use the Anchorage must notify the Coast Guard Captain of the Port, via the Biscayne Bay Pilots on VHF-FM channel 12 or 16.

(984) (10) All vessels anchored within the anchorage area shall maintain a 24-hour bridge watch by an English speaking licensed deck officer monitoring VHF-FM Channel 16. This individual shall perform frequent checks of the vessels's position to ensure the vessel is not dragging anchor.

(985) (11) Vessels experiencing casualties such as a main propulsion, main steering or anchoring equipment malfunction or which are planning to perform main propulsion engine repairs or maintenance, shall immediately notify the Coast Guard Captain of the Port via the Coast Guard Group Miami on VHF-FM Channel 16.

(986) (12) The Coast Guard Captain of the Port may close the anchorage area and direct vessels to depart the anchorage during periods of adverse weather or at other times as deemed necessary in the interest of port safety.

(987) **§110.189a Key West Harbor, Key West, Fla.; naval explosives anchorage area.** (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 pier-side handling.

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

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

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

(991) (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.

Part 117–Drawbridge Operation Regulations

Subpart A–General Requirements

(992) **§117.1 Purpose.**

(993) This subpart prescribes general requirements relating to the use and operation of drawbridges across the navigable waters of the United States.

(994) **Note–**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.

(995) **§117.3 Applicability.**

(996) The provisions of this subpart not in conflict with the provisions of Subpart B apply to each drawbridge.

(997) **Note.–**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.

(998) **§117.4 Definitions.**

(999) Certain terms used in this part are defined in this section.

(1000) *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.

(1001) *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.

(1002) *Nonstructural*. The term "nonstructural" means that the item is not rigidly fixed to the vessel and is thus susceptible to relocation or alteration.

(1003) *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.

(1004) **§117.5 When the draw shall open.**

(1005) 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.

(1006) **§117.7 General duties of drawbridge owners and tenders.**

(1007) (a) Drawbridge owners and tenders shall operate the draw in accordance with the requirement in this part.

(1008) (b) Except for drawbridges not required to open for the passage of vessels, owners of drawbridges shall ensure that:

(1009) (1) The necessary drawtenders are provided for the safe and prompt opening of the draw;

(1010) (2) The operating machinery of the draw is maintained in a serviceable condition; and

(1011) (3) The draws are operated at sufficient intervals to assure their satisfactory operation.

(1012) **§117.9 Delaying opening of a draw.**

(1013) No person shall unreasonably delay the opening of a draw after the signals required by §117.15 have been given.

(1014) **Note.–**Trains are usually controlled by the block method. That is, the track is divided into blocks or segments of a mile or more in length. When a train is in a block with a drawbridge, the draw may not be able to open until the train has passed out of the block and the yardmaster or other manager has "unlocked" the drawbridge controls. The maximum time permitted for delay is defined in Subpart B for each affected bridge. Land and water traffic should pass over or through the draw as soon as possible in order to prevent unnecessary delays in the opening and closure of the draw.

(1015) **§117.11 Unnecessary opening of the draw.**

(1016) No vessel owner or operator shall -

(1017) (a) Signal a drawbridge to open if the vertical clearance is sufficient to allow the vessel, after all lowerable nonstructural vessel appurtenances that are not essential to navigation have been lowered, to safely pass under the drawbridge in the closed position; or

(1018) (b) Signal a drawbridge to open for any purpose other than to pass through the drawbridge opening.

(1019) **§117.15 Signals.**

(1020) (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.

(1021) (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.

(1022) (3) Any of the means of signaling described in this subpart sufficient to alert the party being signaled may be used.

(1023) (b) *Sound signals*. (1) Sound signals shall be made by whistle, horn, megaphone, hailer, or other device capable of producing the described signals loud enough to be heard by the drawtender.

(1024) (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.

(1025) (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.

(1026) (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.

(1027) (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.

(1028) (c) *Visual signal*s. (1) The visual signal to request the opening of a draw is–

(1029) (i) A white flag raised and lowered vertically; or

(1030) (ii) A white, amber, or green light raised and lowered vertically.

(1031) (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 -

(1032) (i) A white flag raised and lowered vertically;

(1033) (ii) A white, amber, or green light raised and lowered vertically, or

(1034) (iii) A fixed or flashing white, amber, or green light or lights.

(1035) (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 -

(1036) (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

(1037) (ii) A fixed or flashing red light or lights given not more than 30 seconds after the vessel's opening signal.

(1038) (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.

(1039) (d) *Radiotelephone communications*. (1) Radiotelephones may be used to communicate the same information provided by sound and visual signals.

(1040) **NOTE**: Call signs and radio channels for drawbridges equipped with radiotelephones are included with the bridge descriptions in chapters 4 through 12.

(1041) (2) The vessel and the drawtender shall monitor the frequency used until the vessel has cleared the draw.

(1042) (3) When radiotelephone contact cannot be initiated or maintained, sound or visual signals under this section shall be used.

(1043) **§117.17 Signalling for contiguous drawbridges.**

(1044) 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.

(1045) **§117.19 Signalling when two or more vessels are approaching a drawbridge.**

(1046) 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.

(1047) **§117.21 Signalling for an opened drawbridge.**

(1048) 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.

(1049) **§117.23 Installation of radiotelephones.**

(1050) (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.

(1051) (b) The District Commander gives written notice of the proposed requirement to the bridge owner.

(1052) (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.

(1053) (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.

(1054) **§117.24 Radiotelephone installation identification.**

(1055) (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.

(1056) (b) The sign shall give notice of the radiotelephone and its calling and working channels-

(1057) (1) In plain language; or

(1058) (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.

(1059) **§117.31 Operation of draw for emergency situations.**

(1060) (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.

(1061) (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:

(1062) (1) Federal, State, and local government vessels used for public safety;

(1063) (2) vessels in distress where a delay would endanger life or property;

(1064) (3) commercial vessels engaged in rescue or emergency salvage operations; and

(1065) (4) vessels seeking shelter from severe weather.

(1066) **§117.33 Closure of draw for natural disasters or civil disorders.**

(1067) 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.

(1068) **§117.35 Operations during repair or maintenance.**

(1069) (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.

(1070) (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.

(1071) (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.

(1072) (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.

(1073) **§117.37 Opening or closure of draw for public interest concerns.**

(1074) (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.

(1075) (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.

(1076) (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.

(1077) **§117.39 Closure of draw due to infrequent use.**

(1078) 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

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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.

(1079) **§117.41 Maintenance of draw in fully open position.**

(1080) 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.

(1081) **§117.43 Changes in draw operation requirements for regulatory purposes.**

(1082) 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.

(1083) **§117.45 Operation during winter in the Great Lakes area.**

(1084) (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.

(1085) (b) Notice of these determinations is disseminated in Local Notices to Mariners and other appropriate media. Notices indicate–

(1086) (1) The name and location of the bridge affected;

(1087) (2) The period of time covered; and

(1088) (3) The telephone number and address of the party to whom requests for openings are given.

(1089) **§117.47 Clearance gauges.**

(1090) (a) Clearance gauges are required for drawbridges across navigable waters of the United States discharging into the Atlantic Ocean south of Delaware Bay (including the Lewes and Rehoboth Canal, DE) or into the Gulf of 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.

(1091) (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).

(1092) **Note.–**Clearance gauge requirements, if any, for drawbridges other than those referred to in this section are listed in Subpart B under the appropriate bridge.

(1093) **§117.49 Process of violations.**

(1094) (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.

(1095) (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

(1096) **§117.51 Purpose.**

(1097) This subpart prescribes specific requirements relating to the operation of certain drawbridges.

(1098) **Note.–**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 upsteam. The drawbridges on the Atlantic Intracoastal Waterway are listed from north to south and on the Gulf Intracoastal Waterway from east to west.

(1099) **§117.53 Applicability.**

(1100) (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.

(1101) (b) A requirement in this subpart which varies from a general requirement in Subpart A supersedes the general requirement.

(1102) (c) All other general requirements in Subpart A not at variance apply to the bridges listed in this subpart.

(1103) (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.

(1104) **§117.55 Posting of requirements.**

(1105) (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.

(1106) (b) The signs shall be of sufficient size and so located as to be easily read at any time from an approaching vessel.

(1107) (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.

(1108) **§117.57 Advance notice.**

(1109) 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.

(1110) **§117.59 Special requirements due to hazards.**

(1111) 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.

(1112) **FLORIDA**

(1113) **§117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.**

(1114) (a) *General*. 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 through the draw of each bridge listed in this section at any time.

(1115) (b) *McCormick Bridge, mile 747.5 at Jacksonville Beach*. The draw shall open on signal; except that, during April, May, October, and November, from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m. Monday through Friday except federal holidays, the draw need open only on the hour and half-hour. During April, May, October, and November, from 12 noon to 6 p.m. Saturdays, Sundays, and federal holidays, the draw need open only on the hour and half-hour.

(1116) (c) *Vilano Beach (SR A1A), Mile 775.8 at Vilano Beach*. The draw shall open on signal, except that from March 15

through December 15, from 7 a.m. to 6 p.m. Monday through Friday, except federal holidays, and from 9 a.m. to sunset on Saturdays, Sundays and federal holidays, the draw need open only on the hour, twenty minutes after the hour, and forty minutes after the hour.

(1117) (d) *Bridge of Lions (SR A1A) bridge, mile 777.9 at St. Augustine*. The draw 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, however, the draw need not open at 8 a.m., 12 noon, and 5 p.m. Monday through Friday except federal holidays. From 7 a.m. to 6 p.m. on Saturdays, Sundays and federal holidays the draw need only open on the hour and half-hour.

(1118) (e)–(f) [Reserved]

(1119) (g) *Memorial bridge, mile 830.6 at Daytona Beach*. The draw shall open on signal; except that, from 7:45 a.m. to 8:45 a.m. and 4:45 p.m. to 5:45 p.m. Monday through Saturday except federal holidays, the draw need open only at 8:15 a.m. and 5:15 p.m.

(1120) (h) (Reserved)

(1121) (i) (Reserved)

(1122) (j) NASA Railroad bridge, mile 876.6 at Kennedy Space Center.

(1123) (1) The draw is not constantly tended.

(1124) (2) The draw is normally in the fully open position displaying flashing green lights to indicate that vessels may pass.

(1125) (3) When a train approaches the bridge, it stops and the operator initiates a command to lower the bridge. The lights go to flashing red and the draw lowers and locks, providing scanning equipment reveals nothing under the draw. The draw remains down until a manual raise command is initiated, or will raise automatically 5 minutes after the intermediate track circuit is no longer occupied by a rail car.

(1126) (4) After the train has cleared, the draw opens and the lights return to flashing green.

(1127) (k) *State Road 402, Max Brewer bridge, mile 878.9 at Titusville*. The draw shall open on signal; except that, from 6 a.m. to 7:15 a.m. and 3:15 p.m. to 4:30 p.m., Monday through Friday, except federal holidays, the draw need not open.

(1128) (1) *John F. Kennedy Space Center bridge, mile 885 at Addison Point*. The draw shall open on signal; except that from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 5 p.m. Monday through Friday, except Federal holidays, the draw need not open.

(1129) (m) (Reserved)

(1130) (n) (Reserved)

(1131) (o) Jensen Beach (SR 707a) bridge, mile 981.4 at Stuart. The draw shall open on signal; except that from December 1 through May 1, 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.

(1132) (p) *Ernest Lyons (SR A1A) bridge, mile 984.9 at Stuart*. The draw shall open on signal; except that, from December 1 through May 1, 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.

(1133) (q) reserved.

(1134) (r) The draw of the Donald Ross Road Bridge, mile 1009.3 shall open on signal, except that from 1 October to 31 May, Monday through Friday, except federal holidays, from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., the draw need open only on the hour, quarter-hour, half-hour, and three quarter-hour.

(1135) (s) *PGA Boulevard Bridge, mile 1012.6*. The draw shall open on signal; except that, from 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m., Monday through Friday except Federal holidays, the draw need open only on the quarter-hour and three-quarter hour. On Saturdays, Sundays and Federal holidays from 8 a.m. to 6 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. On weekdays except Federal holidays from November 1 through April 30 from 9 a.m. to 4 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(1136) (t) *Parker (US 1) bridge, mile 1013.7*. The draw shall open on signal; except that, from 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m. Monday through Friday except Federal holidays, the draw need open only on the hour and half-hour. On Saturdays, Sundays and Federal holidays from 8 a.m. to 6 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. On weekdays except Federal holidays from November 1 through April 30 from 9 a.m. to 4 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(1137) (u) Flagler Memorial (SR A1A) bridge, mile 1021.9 at Palm Beach. The draw shall open on signal, except that from October 1 to May 31, Monday through Friday except Federal holidays, from 7:30 a.m. to 9:30 a.m. and from 4 p.m. to 5:45 p.m., the draw need open only at 8:30 a.m. and 4:45 p.m.; and from 9:30 a.m. to 4 p.m., the draw need open only on the hour and half-hour.

(1138) (v) Royal Park (SR 704) bridge, mile 1022.6 at Palm Beach. The draw shall open on signal, except that from October 1 through May 31, Monday through Friday except Federal holidays, from 7:45 a.m. to 9:45 a.m. and from 3:30 p.m. to 5:45 p.m., the draw need open only at 8:45 a.m., 4:30 p.m., and 5:15 p.m. and from (9:30 a.m. to 3:30 p.m., the draw need open only on the quarter-hour and three-quarter hour.

(1139) (w) Southern Boulevard (SR 700/80) bridge, mile 1024.7 at Palm Beach. The draw shall open on signal, except that, from October 1 through May 31, Monday through Friday except Federal holidays, from 7:30 a.m. to 9:15 a.m. and from 4:30 p.m. to 6:30 p.m., the draw need open only at 8:15 a.m. and 5:30 p.m. and from 9:15 a.m. to 4:30 p.m., the draw need open only on the quarter-hour and three-quarter hour.

(1140) (x) *Ocean Avenue bridge, mile 1031.0 at Lantana*. The draw shall open on signal; except that, from December 1 to April 30, from 7 a.m. to 6 p.m. Monday through Friday, and from 10 a.m. to 6 p.m. Saturdays, Sundays and federal holidays, the bridge need open only on the hour, quarter-hour, half-hour, and three-quarter-hour.

(1141) (y) (Reserved)

(1142) (z) *N.E. 8th Street bridge, mile 1038.7 at Delray Beach*. The draw shall open on signal; except that, from November 1 to May 31, 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.

(1143) (aa) *Atlantic Avenue (SR806) bridge, mile 1039.6 at Delray Beach*. The draw shall open on signal; except that, from November 1 to May 31 from 10 a.m. to 6 p.m. Monday through Friday, the draw need open only on the hour and half-hour.

(1144) (aa-1) *Boca Club, Camino Real bridge, mile 1048.2 at Boca Raton*. The draw shall open on signal, except that from 7 a.m. to 6 p.m., the draw need open only on the hour, quarter-hour, half-hour, and three-quarter-hour.

(1145) (bb) *Hillsboro Boulevard drawbridge (SR 810), mile 1050.0, at Deerfield Beach*. The draw shall open on signal; except that from October 1 to May 31, from 7 a.m. to 6 p.m., the

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draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(1146) (cc) *N.E. 14th Street bridge, mile 1055.0 at Pompano*. The draw shall open on signal; except that, from 7 a.m. to 6 p.m., the draw need open only on the quarter-hour and three-quarter-hour.

(1147) (dd) *Atlantic Boulevard (SR814) bridge, mile 1056.0 at Pompano*. The draw 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.

(1148) (ee) *Commercial Boulevard bridge (SR 870), mile 1059.0, at Lauderdale-by-the-Sea*. The draws shall open on signal; except that, from November 1 through May 15 from 8 a.m. to 6 p.m., Monday through Friday, the draw need open only on the hour, quarter-hour, half-hour, and three-quarter hour, and from 8 a.m. to 6 p.m. on Saturdays, Sundays, and federal holidays, the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

(1149) (ff) *Oakland Park Boulevard Bridge, mile 1060.5 at Fort Lauderdale*. The draw shall open on signal; except that from November 15 through May 15 from 7 a.m. to 10 p.m., Monday through Friday, the draw need open only on the hour, 20 minutes past the hour, and 40 minutes past the hour, and from 10 a.m. to 10 p.m. on Saturdays, Sundays, and federal holidays, the draw need open only on the hour, quarter-hour, half-hour, and three-quarter-hour.

(1150) (gg) The draw of the East Sunrise Boulevard drawbridge (SR 838), mile 1062.6, at Fort Lauderdale shall open on signal; except that from November 15 to May 15, from 10 a.m. to 6 p.m., the draw need open only on the hour, quarter-hour, half-hour and three-quarter-hour.

(1151) (hh) The draw of the Brooks Memorial (S.E. 17th Street) bridge, mile 1065.9 at Fort Lauderdale, shall open on signal; except that from 7 a.m. to 7 p.m. the draw need open only on the hour and half-hour.

(1152) (ii) (Reserved)

(1153) (jj) *Hollywood Beach Boulevard (SR820) bridge, mile 1072.2 at Hollywood*. The draw shall open on signal; except that from November 15 through May 15 from 10 a.m. to 6 p.m., the draw need open only on the hour and half-hour. From May 16 through November 14 on Saturdays, Sundays, and federal holidays, from 9 a.m. to 7 p.m., the draw need open only on the hour and half-hour.

(1154) (kk) *Hallandale Beach Boulevard (SR824) bridge, mile 1074.0 at Hallandale*. The draw shall open on signal; except that, from 7:15 a.m. to 6:15 p.m., the draw need open only on the quarter-hour and three-quarter-hour.

(1155) (ll) *N.E. 163rd Street (SR826) bridge, mile 1078.0 at Sunny Isles*. The draw shall open on signal; except that, from 7 a.m. to 6 p.m. on Monday through Friday except federal holidays, and from 10 a.m. to 6 p.m. on Saturdays, Sundays, and federal holidays, the draw need open only on the quarter-hour and three-quarter-hour.

(1156) (mm) *Broad Causeway bridge, mile 1081.4 at Bay Harbor Islands*. The draw shall open on signal; except that, from 8 a.m. to 6 p.m., the draw need open only on the quarter-hour and three-quarter-hour.

(1157) (nn) *West Span of the Venetian Causeway, mile 1088.6 at Miami*. The draw shall open on signal; except that, from November 1 through April 30, Monday through Friday except federal holidays, from 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., the draw need be opened only on the hour and half-hour.

(1158) (pp)(Reserved).

(1159) (qq) *Jewfish Creek, mile 1134, Key Largo*. The draw shall open on signal; except that from 10 a.m. to sunset, Thursday through Sunday and federal holidays, the draw need open only on the hour and half-hour.

(1160) **§117.263 Banana River.**

(1161) (a) The draw of the Mathers (SR A-1-A) Bridge, mile 0.5 at Indian Harbor Beach, shall open on signal; except that, from 10 p.m. to 6 a.m. Monday through Friday except Federal holidays, the draw shall open on signal if at least two hours notice is given.

(1162) (b) The draw of the NASA Causeway bridge, mile 27.6 at Cape Canaveral, shall open on signal if at least four hours notice is given to the NASA Security Office by telephone or in person.

(1163) **§117.269 Biscayne Bay.**

(1164) The draw of the East Span of the Venetian Causeway bridge, between Miami and Miami Beach, shall open on signal; except that, from November 1 through April 30 from 7:15 a.m. to 8:45 a.m. and 4:45 p.m. to 6:15 p.m. Monday through Friday, the draw need not be opened. However, the draws shall open at 7:45 a.m., 8:15 a.m., 5:15 p.m., and 5:45 p.m. if any vessels are waiting to pass. The draw shall open on signal on Thanksgiving Day, Christmas Day, New Year's Day, and Washington's Birthday. The draw shall open at any time for public vessels of the United States, tugs with tows, regularly scheduled cruise vessels, and vessels in distress.

(1165) **§117.272 Boot Key Harbor.**

(1166) The draw of the Boot Key Harbor drawbridge, mile 0.13, between Marathon and Book Key, shall open on signal; except that during the evening hours from 10 p.m. to 6 a.m., the draw shall open on signal if at least 2 hours notice is given.

(1167) **§117.273 Canaveral Barge Canal.**

(1168) (a) The draw of the Christa McAuliffe bridge, SR 3, mile 1.0, near Indianola shall open on signal from 6 a.m. to 10 p.m. except that, from 6:15 a.m. to 7:45 a.m. and 3:30 p.m. to 5:15 p.m. Monday through Friday, except federal holidays, the draw need not open for the passage of vessels. From 10 p.m. to 6 a.m., the draw shall open on signal if at least three hours notice is given. The draw shall open as soon as possible for the passage of public vessels of the United States, tugs with tows and vessels in distress.

(1169) (b) The draw of the SR401 bridge, mile 5.5 at Port Canaveral, shall open on signal; except that, from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 5:15 p.m. Monday through Friday except Federal holidays, the draw need not be opened for the passage of vessels. From 10 p.m. to 6 a.m., the draws shall open on signal if at least three hours notice is given. The draw shall open as soon as possible for the passage of public vessels of the United States, tugs with tows, and vessels in distress.

(1170) **§117.289 Hillsboro Inlet.**

(1171) The draw of the SR A-1-A bridge, mile 0.3 at Hillsboro Beach, shall open on signal; except that, from 7 a.m. to 6 p.m., the draw need be opened 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.

(1172) **§117.295 Kissimmee River.**

(1173) The draw of the DSX Railroad bridge, mile 37.0, near Fort Basinger, shall open if at least 96 hours notice is given.

(1174) **§117.300 Loxahatchee River.**

(1175) The draw of the Florida East Coast Railway bridge across the Loxahatchee River, mile 1.2 at Jupiter, operates as follows:

(1176) (a) The bridge is not constantly tended.

(1177) (b) The draw is normally in the fully open position, displaying flashing green lights to indicate that vessels may pass.

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(1178) (c) When a train approaches, the lights go to flashing red and a horn starts four blasts, pauses, and then continues four blasts. After an eight minute delay, the draw lowers and locks, providing the scanning equipment reveals nothing under the draw. The draw remains down for a period of eight minutes or while the approach track circuit is occupied.

(1179) (d) After the train has cleared, the draw opens and the lights return to flashing green.

(1180) **§117.305 Miami River.**

(1181) The draw of each bridge from the mouth to and including N.W. 27th Avenue bridge, mile 3.7 at Miami, shall open on signal; except that, from 7:30 a.m. to 9 a.m. and 4:30 p.m. to 6 p.m. Monday through Friday except Federal holidays, the draws need not be opened for the passage of vessels. Public vessels of the United States and vessels in an emergency involving danger to life or property shall be passed at any time.

(1182) **§117.307 Miami River, North Fork.**

(1183) The draw of the Seaboard System Railroad bridge, mile 5.3 at Miami, shall open on signal from 8:30 a.m. to 5:30 p.m. Monday through Friday. At all other times, the draw shall open on signal if at least three hours notice is given.

(1184) **§117.309 Nassau Sound.**

(1185) The draw of the Fernandina Port Authority (SR A-1-A) bridge, mile 0.4 between Amelia Island and Talbot Island, shall open on signal from 6 a.m. to 6 p.m. if at least six hours notice is given. The draw need not be opened from 6 p.m. to 6 a.m.

(1186) **§117.313 New River.**

(1187) (a) The draw of the S.E. Third Avenue bridge, mile 1.4 at Fort Lauderdale, shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Friday, the draw need not be opened for the passage of vessels. Public vessels of the United States, regularly scheduled cruise vessels, tugs with tows, and vessels in distress shall be passed at any time.

(1188) (b) The draw of the Andrews Avenue bridge, mile 2.3 at Fort Lauderdale, shall open on signal; however, the draw need not be opened for upbound vessels when the draw of the Florida East Coast railroad bridge, mile 2.5 at Fort Lauderdale, is in the closed position for the passage of a train.

(1189) **§117.315 New River, South Fork.**

(1190) (a) The draw of the Southwest 12th Street bridge, mile 0.9 at Fort Lauderdale, shall open on signal; except that, from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. Monday through Friday, the draws need not be opened for the passage of vessels. Public vessels of the United States, regularly scheduled cruise vessels, tugs with tows, and vessels in distress shall be passed through the draw as soon as possible.

(1191) (b) The draw of the SR84 bridge, mile 4.4 at Fort Lauderdale, shall open on signal if at least 24 hours notice is given. Public vessels of the United States, regularly scheduled cruise vessels, tugs with tows, and vessels in distress shall be passed through the draw as soon as possible.

(1192) **§117.317 Okeechobee Waterway.**

(1193) (a) *Exempt Vessels*. This term means public vessels of the United States, tugs with tows, and vessels in a situation where a delay would endanger life or property.

(1194) (b) *Evans Crary (SR A1A) bridge, mile 3.4 at Stuart*. The draw shall open on signal; except that from December 1 through May 1, 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 Saturdays, Sundays, and federal holidays, December 1, through May 1, from 8 a.m. to 6 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. Exempt vessels shall be passed at any time.

(1195) (c) *Florida East Coast Railroad bridge, mile 7.4 at Stuart*. The draw shall operate as follows:

(1196) (1) The bridge is not constantly tended.

(1197) (2) The draw is normally in the fully open position, displaying flashing green lights to indicate that vessels may pass.

(1198) (3) When a train approaches the bridge, the navigation lights go to flashing red and a horn sounds four blasts, pauses, and then repeats four blasts. After an eight minute delay, the draw lowers and locks, providing the scanning equipment reveals nothing under the draw. The draw remains down for a period of eight minutes or while the approach track circuit is occupied.

(1199) (4) After the train has cleared, the draw opens and the lights return to flashing green.

(1200) (d) *Roosevelt (US1) bridge, mile 7.4 at Stuart*. The draw shall open on signal; except Monday through Friday, except federal holidays, from 7 a.m. to 6 p.m. the draw need open only on the hour and half hour. However, the draw need not open between 7:30 a.m. and 9 a.m. and 4 p.m. and 5:30 p.m. except at 8:15 a.m. and 4:45 p.m. On Saturdays, Sundays, and federal holidays from 8 a.m. to 6 p.m. the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. When the adjacent railway bridge is in the closed position at the time of a scheduled opening the draw need not open, but it must then open immediately upon opening of the railroad bridge to pass all accumulated vessels. Exempt vessels shall be passed at any time.

(1201) (e) *Seaboard System Railroad bridge, mile 28.2 at Indiantown*. The draw shall open on signal; except that, from 10 p.m. to 6 a.m. the draw shall open on signal if at least three hours notice is given.

(1202) (f) Florida East Coast Railroad bridge, mile 38.0, at Port Mayaca.

(1203) (1) The bridge is not constantly tended.

(1204) (2) The draw is normally in the fully open position, displaying flashing green lights to indicate that vessels may pass.

(1205) (3) When a train approaches the bridge, it will stop and a crew member will observe the waterway for approaching vessels, which will be allowed to pass. Upon manual signal, the bridge lights will go to flashing red, and the horn will sound four blasts, pause, then repeat four blasts, then the draw will lower and lock, providing scanning equipment reveals nothing under the span.

(1206) (4) After the train has cleared, the draw will open, and the lights will return to flashing green.

(1207) (g) *Belle Glade Dike (SR 71) bridge, mile 60.7 between Torry Island and Lake Shore*. The draw shall open on signal from 7 a.m. to 6 p.m. Monday through Thursday, and from 7 a.m. to 7 p.m. Friday through Sunday. At all other times, the draw need not be opened for passage of vessels.

(1208) (h) *Seaboard System Railroad bridge, mile 78.3 at Moore Haven*. The draw shall open on signal; except that, from 10 p.m. to 6 a.m. the draw need not be opened for the passage of vessels.

(1209) (i) *Highway bridges at Moore Haven (mile 78.4), La Belle (mile 103.0), Denaud (mile 108.2), Alva (mile 116.0), and Olga (mile 126.3)*. The draws shall open on signal; except that, from 10 p.m. to 6 a.m. the draws shall open on signal if at least three hours notice is given.

(1210) **§117.319 Oklawaha River.**

(1211) (a) The draws of the Sharpes Ferry (SR 40) bridge, mile 55.1, and Muclan Farms bridge, mile 63.9, shall open on signal if at least three hours notice is given.

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(1212) (b) The draw of the Moss Bluff (SR464) bridge, mile 66.0, need not open for the passage of vessels.

(1213) **§117.325 St. Johns River.**

(1214) (a) The draws of the Main Street (US17) Bridge, mile 24.7, the Acosta (SR13) Bridge, mile 24.9 and the Fuller Warren (I10-I95) Bridge, mile 25.4, all at Jacksonville, shall open on signal except that, from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m., Monday through Saturday except federal holidays, the draws need not be opened for the passage of vessels. The draws shall open at any time for vessels in an emergency involving life or property.

(1215) (b) The draw of the Florida East Coast automated railroad bridge, mile 24.9, shall operate as follows:

(1216) (1) The bridge shall be constantly tended and have a mechanical override capability for the automated operation. A radiotelephone shall be maintained at the bridge for the safety of navigation.

(1217) (2) The draw is normally in the fully open position, displaying flashing green lights to indicate that vessels may pass.

(1218) (3) When a train approaches, large signs on both the upstream and downstream sides of the bridge flash "Bridge Coming Down," the lights go to flashing red, and siren signals sound. After an eight minute delay, the draw lowers and locks if there are no vessels under the draw. The draw remains down for a period of eight minutes or while the approach track circuit is occupied.

(1219) (4) After the train has cleared, the draw opens and the lights return to flashing green.

(1220) **§117.329 St. Marys River.**

(1221) The draws of US17 bridge, mile 23.0, and the Seaboard System Railroad bridge, mile 23.1, both at Kingsland, shall open on signal if at least 48 hours notice is given.

(1222) **§117.331 Snake Creek.**

(1223) The draw of the Snake Creek bridge, at Islamorada, Florida, shall open on signal, except that from 8 a.m. to 4 p.m., the draw need open only on the hour and half-hour.

(1224) **§117.335 Taylor Creek.**

(1225) The draw of US441 bridge, mile 0.3 at Okeechobee, shall open on signal if at least two hours notice is given.

(1226) **§117.337 Trout River.**

(1227) The draw of the Seaboard System Railroad bridge, mile 0.9 at Panama Park, shall open on signal from 6 a.m. to 10 p.m. From 10 p.m. to 6 a.m., the draw shall open on signal if at least 12 hours notice is given.

(1228) **GEORGIA**

(1229) **§117.351 Altamaha River.**

(1230) (a) The draws of all bridges, except the Seaboard System Railroad bridge, mile 59.4 at Doctortown, shall open on signal if at least 24 hours notice is given.

(1231) (b) The draw of the Seaboard System Railroad bridge, mile 59.4 at Doctortown, shall open on signal if at least seven days notice is given.

(1232) **§117.353 Atlantic Intracoastal Waterway, Savannah River to St. Marys River.**

(1233) (a) *General*. 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 through the draw of each bridge in this section at any time.

(1234) (b) *Causton Bluff, SR 26, mile 579.9 near Causton Bluff*. The draw shall open on signal, except that from 6:30 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. Monday through Friday, except Federal holidays, the draw need open only at 7 a.m., 8 a.m. and 5:30 p.m.

(1235) **§117.363 Ocmulgee River.**

(1236) The draws of each bridge shall open on signal if at least 24 hours notice is given.

(1237) **§117.365 Oconee River.**

(1238) The draw of the SR46 bridge, mile 44.3 near Soperton, shall open on signal if at least 24 hours notice is given.

(1239) **§117.367 Ogeechee River.**

(1240) (a) The draw of the Seaboard System Railroad bridge, mile 30.7 at Richmond Hill, shall open on signal if at least 15 days notice is given.

(1241) (b) The draw of the highway bridge, mile 37.8 near Richmond Hill, need not be opened for the passage of vessels.

(1242) **§117.369 Satilla River.**

(1243) The draw of the Seaboard System Railroad bridge, mile 25.7 at Woodbine, shall open on signal if at least 24 hours notice is given.

(1244) **§117.371 Savannah River.**

(1245) (a) The draw of the Houlihan bridge (US 17) mile 21.6 at Savannah shall open on signal if at least three hours advance notice is given to the Georgia Department of Transportation Area Engineer in Savannah.

(1246) (b) The draw of the Seaboard System Railroad bridge, mile 27.4 near Hardeeville, South Carolina, shall open on signal if at least three hours advance notice is given. VHF radiotelephone communications will be maintained at the railroad's chief dispatcher's office in Savannah.

(1247) (c) The draw of the CSX Transportation railroad bridge, mile 60.9, near Clyo, Georgia, shall open on signal if at least 48 hours advance notice is given. Openings can be arranged by contacting CSX Transportation on Channel 16 VHF or by telephone at 1-800-232-0146. VHF radiotelephone communications will be maintained at the dispatcher's office in Savannah, Georgia.

(1248) (d) The draw of the Seaboard System Railroad bridge, mile 195.4 near Augusta, shall open on signal if at least three hours notice is given.

(1249) **§117.373 St. Marys River.**

(1250) See §117.329, St. Marys River, listed under Florida.

(1251) **NORTH CAROLINA**

(1252) **§117.821 Atlantic Intracoastal Waterway, Albermarle Sound to Sunset Beach.**

(1253) (a) The drawbridges across the Atlantic Intracoastal Waterway in North Carolina shall open on signal for commercial vessels at all times and on signal for pleasure vessels, except at the times and during the periods specified in this paragraph:

(1254) (1) S.H. 94 Bridge, mile 113.7, at Fairfield, NC, from April 1 to November 30, between 7 a.m. and 7 p.m., the draw need only open on the hour and half hour.

(1255) (2) S.R. 304 Bridge, mile 157.2, at Hobucken, NC, from April 1 to November 30, between 7 a.m. and 7 p.m., the draw need only open on the hour and half hour.

(1256) (3) Onslow Beach Swing Bridge, mile 240.7, at Camp Lejeune, NC, between 7 a.m. and 7 p.m., the draw need only open on the hour and half hour.

(1257) (4) S.R. 50 Bridge, mile 260.7, at Surf City, NC, between 7 a.m. and 7 p.m., the draw need only open on the hour.

(1258) (5) Figure Eight Swing Bridge, mile 278.1, at Scotts Hill, NC, the draw need only open on the hour and half hour.

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(1259) (6) S.R. 74 Bridge, mile 283.1, at Wrightsville Beach, NC, between 7 a.m. and 7 p.m., the draw need only open on the hour.

(1260) (7) S.R. 1172 Bridge, mile 337.9, at Sunset Beach, NC, shall open on the hour on signal between 7 a.m. and 7 p.m., April 1 to November 30, except that on Saturdays, Sundays and Federal holidays, from June 1 through September 30, the bridge shall open on signal on the hour between 7 a.m. and 9 p.m.

(1261) (b) If a pleasure vessel is approaching a drawbridge which is only required to open on the hour or on the hour and half hour, and cannot reach the drawbridge on the hour or on the half hour, drawtender may delay the required opening up to 10 minutes past the hour or half hour.

(1262) **§117.822 Beaufort Channel, N.C.**

(1263) The draw of the US 70 bridge, mile 0.1, at Beaufort, shall open as follows:

(1264) (a) From 6 a.m. to 10 p.m., the draw need only open every hour on the hour and on the half hour; except that Monday through Friday the bridge need not open between the hours of 6:30 a.m. to 8 a.m. and 4:30 p.m. to 6 p.m.

(1265) (b) From 10 p.m. to 6 a.m., the bridge shall open on signal.

(1266) **§117.823 Neuse River.**

(1267) (a) The draw of the U.S. 17 bridge, mile 33.7, at New Bern:

(1268) (1) Need not open from 6:30 a.m. to 8:30 a.m. and from 4:00 p.m. to 6:00 p.m., Monday through Friday, for pleasure vessels. However, the draw shall open at 7:30 a.m. and 5:00 p.m., for any vessel waiting to pass.

(1269) (2) Need not open from 2:00 p.m. to 7:00 p.m. from May 24 through September 8, on Sundays and Federal holidays, for pleasure vessels. However, the draw shall open at 4:00 p.m. and 6:00 p.m., for any vessel waiting to pass.

(1270) (3) Shall always open on signal for public vessels of the United States, State or local vessels used for public safety, tugs with tows, vessels in distress.

(1271) (4) Shall open on signal at all other times.

(1272) (b) The draw of the Atlantic and East Carolina Railway bridge, mile 80.0 at Kinston, shall open on signal if at least 24 hours notice is given.

(1273) **§117.825 Newport River.**

(1274) The draw of the Atlantic and East Carolina Railway bridge, mile 13.0 at Newport, need not be opened for the passage of vessels.

(1275) **§117.829 Northeast River.**

(1276) The draw of the Seaboard System Railroad bridge across the Northeast River, mile 27.0, at Castle Hayne, North Carolina, shall open on signal if at least 4 hours notice is given.

(1277) **§117.831 Pamlico and Tar Rivers.**

(1278) The draws of the US17-264 bridge, mile 37.2 at Washington, and the Boyds Ferry bridge, mile 44.8 at Grimesland, shall open on signal if at least 24 hours notice is given. The bridge owners shall restore constant attendance when so directed by the District Commander.

(1279) **§117.833 Pasquotank River.**

(1280) (a) The draw of the Albermarle & Chesapeake railroad bridge, mile 47.7, at Elizabeth City, North Carolina, shall be maintained in the open position; the draw may close only for the crossing of trains and maintenance of the bridge. When the draw is closed, a bridgetender shall be present to reopen the draw after the train has cleared the bridge.

(1281) (b) The draw of the US 158 Highway Bridge, mile 50.7, at Elizabeth City, shall open on signal; except that between 7 a.m. and 9 a.m., and 4 p.m. and 6 p.m., Monday through Friday, the draw need open only at 7:30 a.m., 8:30 a.m., 4:30 p.m., and 5:30 p.m. for any pleasure vessels waiting to pass.

(1282) **§117.835 Perquimans River.**

(1283) The draw of the US17 bridge, mile 12.0 at Hertford, shall open on signal from 8 a.m. to midnight from April 1 through September 30 and from 10 a.m. to 10 p.m. from October 1 through March 31. The draw need not be opened at all other times.

(1284) **§117.837 Roanoke River.**

(1285) The draw of the Seaboard System Railroad bridge, mile 94.0 at Palmyra, need not be opened for the passage of vessels.

(1286) **§117.841 Smith Creek.**

(1287) The draw of the S117-S133 bridge, mile 1.5 at Wilmington, shall open on signal if at least 24 hours notice is given.

(1288) **§117.843 Trent River.**

(1289) (a) The draw of the U.S. 70 bridge, mile 0.0, at New Bern:

(1290) (1) Need not open from 6:30 a.m. to 8:30 a.m. and from 4:00 p.m. to 6:00 p.m., Monday through Friday, for pleasure vessels. However, the draw shall open at 7:30 a.m. and 5:00 p.m. for any vessel waiting to pass.

(1291) (2) Need not open from 2:00 p.m. to 7:00 p.m. from May 24 through September 8, on Sundays and Federal holidays, for pleasure vessels. However, the draw shall open at 4:00 p.m. and 6:00 p.m. for any vessel waiting to pass.

(1292) (3) Shall always open on signal for public vessels of the United States, State or local vessels used for public safety, tugs with tows, and vessels in distress.

(1293) (4) Shall open on signal at all other times.

(1294) (b) The draws of the Seaboard System Railroad bridge, mile 18.0 near Pollocksville, need not be opened for the passage of vessels.

(1295) **SOUTH CAROLINA**

(1296) **§117.911 Atlantic Intracoastal Waterway, Little River to Savannah River.**

(1297) (a) *General*. 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 through the draw of each bridge listed in this section at any time.

(1298) (b) *Socastee (SR544) bridge, mile 371 at Socastee*. The draw shall open on signal except that from April 1 through June 30 and October 1 through November 30 from 7 a.m. to 10 a.m. and 2 p.m. to 6 p.m. Monday through Friday, except federal holidays, the draw need open only on the quarter hour and three-quarter hour. From May 1 through June 30 and October 1 through October 31 from 10 a.m. to 2 p.m., Saturdays, Sundays and federal holidays, the draw need open only on the quarter-hour and three-quarter-hour.

(1299) (c) *Ben Sawyer (SR703) bridge across Sullivan's Island Narrows, mile 462.2 between Sullivan's Island and Mount Pleasant*. The draw shall open on signal, except that the draw need not open from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday except federal holidays. On Saturdays, Sundays, and federal holidays, from 9 a.m. to 7 p.m., the draw need open only on the hour.

(1300) (d) *SR 171/700 bridge across Wappoo Creek Mile 470.8 at Charleston*. The draw shall open on signal, except that from April 1 to November 30 from 9 a.m. to 4 p.m. Monday through Friday, except federal holidays, and from 9 a.m. to 7 p.m., on Saturdays, Sundays and federal holidays, the bridge need not open except on the hour and half-hour. From June 1 to September 30

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and from December 1 to March 30 the draw need not open from 6:30 a.m. to 9 a.m. and from 4 p.m. to 6:30 p.m. Monday through Friday, except federal holidays, and from April 1 to May 31 and from October 1 to November 30 Monday through Friday, except federal holidays, the draw need not open from 6 a.m. to 9 a.m. and from 4 p.m. to 6:30 p.m.

(1301) (e) *John Limehouse Bridge across the Stone River, mile 479.3 at Johns Island*. The draw of the John Limehouse Bridge shall open on signal; except that the draw need not open from 6:30 a.m. to 9 a.m. and from 4 p.m. to 6:30 p.m., Monday through Friday except Federal holidays. Between 9 a.m. and 4 p.m., Monday through Friday except Federal holidays, the draw need open only on the hour and half hour. The draw shall open as soon as possible for the passage of tugs with tows, public vessels of the United States and vessels in a situation where a delay would endanger life or property.

(1302) (f) *Lady's Island Bridge, across the Beaufort River, Mile 536.0 at Beaufort.* The draw shall operate as follows:

(1303) (1) On Monday through Friday, except Federal holidays:

(1304) (i) from 7:30 a.m. to 9 a.m. and 4 p.m. to 6 p.m., the draw need not open, and,

(1305) (ii) from 9 a.m. to 4 p.m., the draw need open only on the hour and half-hour.

(1306) (2) At all other times the draw shall open on signal.

(1307) **§117.913 Ashepoo River.**

(1308) The draw of the Seaboard System Railroad bridge, mile 32.0 at Ashepoo, need not be opened for the passage of vessels. However, the draw shall be returned to operable condition within six months after notification by the District Commander to do so.

(1309) **§117.915 Ashley River.**

(1310) (a) The draws of the US17 highway bridges, miles 2.4 and 2.5 at Charleston, shall open on signal; except that, from 7 a.m. to 9 a.m. Monday through Friday and 4 p.m. to 7 p.m. daily, the draws need be opened only if at least 12 hours notice is given. The draws of either bridge shall open as soon as possible for the passage of vessels in an emergency involving danger to life or property.

(1311) (b) The draw of the Seaboard System Railroad bridge, mile 12.0 near Drayton Hall, shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m., the draw shall open on signal if at least three hours notice is given.

(1312) **§117.917 Battery Creek.**

(1313) The draw of the State highway bridge, mile 2.1 between Beaufort and Parris Island, shall open on signal if at least 24 hours notice is given.

(1314) **§117.921 Broad River.**

(1315) (a) The draw of the S170 bridge, mile 14.0 near Beaufort, shall open on signal if at least 24 hours notice is given.

(1316) (b) The draw of the Seaboard System Railroad bridge, mile 17.0 near Whale Branch, shall open on signal if at least 24 hours notice is given.

(1317) **§117.923 Congaree River.**

(1318) The draw of the Southern Railway bridge, mile 4.3 at Moye's Station, shall open on signal if at least 24 hours notice is given.

(1319) **§117.925 Cooper River.**

(1320) The draw of the Seaboard System Railroad bridge, mile 42.8 near Cordesville, shall open on signal if at least six hours advance notice is given.

(1321) **§117.927 Coosaw River (Whale Branch).**

(1322) The draw of the Seaboard System Railroad bridge, mile 5.3 at Seabrook, and the draw of the US21 bridge, mile 7.0 at Beaufort, shall open on signal from 6 a.m. to 8 p.m. Monday through Friday if at least 24 hours notice is given. At all other times, the draw need not be opened for the passage of vessels.

(1323) **§117.929 Durham Creek.**

(1324) The removable span of the Seaboard System Railroad bridge, mile 1.7 at Bushy Park, shall be removed to allow the passage of dredges and construction equipment if at least 20 days notice is given. When notified by the City of Charleston of an emergency in the Bushy Park Reservoir, the span shall be removed as soon as possible to permit the passage of dredges and construction equipment.

(1325) **§117.933 Pee Dee River.**

(1326) The draws of the Seaboard System Railroad bridges, mile 72.6 near Poston and mile 107.2 near Pee Dee, need not be opened for the passage of vessels.

(1327) **§117.935 Rantowles Creek.**

(1328) The draw of the Seaboard System Railroad bridge, 1.1 near Rantowles, need not be opened for the passage of vessels.

(1329) **§117.936 Savannah River.**

(1330) **See §117.371, Savannah River, listed under Georgia**.

(1331) **§117.937 Stono River, mile 11.0 at Johns Island, SC**.

(1332) The draw of the Maybank Highway Bridge shall open on signal; except that the draw need not open from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday except Federal holidays. Between 9 a.m. and 4 p.m., Monday through Friday except Federal holidays, the draw need open only on the hour and half hour. The draw shall open as soon as possible for the passage of tugs with tows, public vessels of the United States and vessels in a situation where a delay would endanger life or property.

(1333) **§117.938 Waccamaw River.**

(1334) The draw of the Waccamaw Coast Line Railroad bridge, mile 44.4 at Conway, shall open on signal; except that from 8 a.m. to 6 p.m. Monday through Friday, the draw shall open on signal if at least one hour notice is given.

(1335) **§117.939 Wando River.**

(1336) The draw of the S41 bridge, mile 10.0 near Cainhoy, shall open on signal if at least 12 hours notice is given.

(1337) **VIRGINIA**

(1338) **§117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal.**

(1339) (a) The draw of the Jordan (S337) bridge, mile 2.8, in Chesapeake:

(1340) (1) Shall open on signal at any time for public vessels of the United States, vessels in distress, commercial vessels carrying liquefied flammable gas or other harmful substances, and commercial and/or public vessels assisting in any emergency situation.

(1341) (2) From 6:30 a.m. to 7:30 a.m. and from 3:30 p.m. to 5 p.m., Monday through Friday, except Federal holidays:

(1342) (i) Need not open for the passage of pleasure craft or commercial vessels that do not qualify under paragraph (a)(2)(ii) of this section.

(1343) (ii) Need not open for commercial cargo vessels, including tugs and tows, unless 2 hours advance notice has been given to the Jordan Bridge Office at (804) 545-4695.

(1344) (3) Shall open on signal at all other times.

(1345) (b) The draw of the Norfolk and Western railroad bridge across the South Branch of the Elizabeth River, mile 3.6 at

Portsmouth-Chesapeake, shall be maintained in the open position; except the draw may close for the crossing of trains and maintenance of the bridge. When the draw is closed, a drawtender shall be present and the draw shall open on signal.

(1346) (c) The draw of the Gilmerton (US13/460) bridge, mile 5.8, in Chesapeake:

(1347) (1) Shall open on signal at any time for public vessels of the United States, vessels in distress, commercial vessels carrying liquefied flammable gas or other harmful substances, and commercial and/or public vessels assisting in any emergency situation.

(1348) (2) From 6:30 a.m. to 8 a.m. and from 3:30 p.m. to 5 p.m., Monday through Friday, except Federal holidays the bridge:

(1349) (i) Need not open for the passage of pleasure craft or commercial vessels that do not qualify under paragraph (c)(2)(ii) of this section.

(1350) (ii) Need not open for commercial cargo vessels, including tugs, and tugs with tows, unless 2 hours advance notice has been given to the Gilmerton Bridge at (804) 545-1512.

(1351) (3) Shall open on signal at all other times.

(1352) (c) The draw of the I64 bridge across the South Branch of the Elizabeth River, mile 7.1 at Chesapeake, shall open on signal if at least 24 hours notice is given.

(1353) (d) The draw of the Dominion Boulevard Bridge, mile 8.8, in Chesapeake shall open on signal, except:

(1354) (1) From 7 a.m. to 8 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the drawbridge may not be opened for recreational vessels except it may be open at 5 p.m. for recreational vessels waiting to pass.

(1355) (2) Vessels in an emergency involving danger to life or property shall be passed at any time.

(1356) (e) The draw of the S168 bridge, mile 12 at Chesapeake (Great Bridge), shall open on signal; except that, from 6 a.m. to 7 p.m., the draw need be opened only on the hour. If any vessel is approaching the bridge and cannot reach the draw exactly on the hour, the drawtender may delay the hourly opening up to 10 minutes past the hour for the passage of the approaching vessel and any other vessels that are waiting to pass. Vessels in an emergency condition which presents danger to life or property shall be passed at any time.

(1357) (f) The draw of the Centerville Turnpike (SR 170) bridge across the Albemarle and Chesapeake Canal, mile 15.2, at Chesapeake, shall open on signal; except that, from 7 a.m. to 7 p.m., the draw need only be opened on the hour and half-hour, seven days a week year-around, for the passage of pleasure craft. Public vessels of the United States, commercial vessels, and vessels in an emergency condition which present danger to life or property shall be passed at any time.

(1358) **§117.999 Blackwater River.**

(1359) The draw of the S189 bridge, mile 9.2 at South Quay, shall open on signal if at least 24 hours notice is given.

(1360) **Note**.–Call signs and radio channels for drawbridges equipped with radiotelephones are included with the bridge descriptions in chapters 4 through 12.

Part 160–Ports and Waterways Safety-General

Subpart A–General

(1361) **§160.1 Purpose.**

(1362) (a) This subchapter contains regulations implementing the Ports and Waterway Safety Act (33 U.S.C. 1221) and related statutes.

(1363) **§160.3 Definitions.**

(1364) For the purposes of this subchapter:

(1365) *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.

(1366) *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.

(1367) *Commandant* means the Commandant of the United States Coast Guard.

(1368) *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.

(1369) *Deviation* means any departure from any rule in this subchapter.

(1370) *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.

(1371) *ETA* means estimated time of arrival.

(1372) *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.

(1373) *Person* means an individual, firm, corporation, association, partnership, or governmental entity.

(1374) *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.

(1375) *Tanker* means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous materials in bulk in the cargo spaces.

(1376) *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.

(1377) *Vehicle* means every type of conveyance capable of being used as a means of transportation on land.

(1378) *Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(1379) *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.

(1380) *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.

(1381) **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.

(1382) *VTS Special Area* means a waterway within a VTS area in which special operating requirements apply.

(1383) **§160.5 Delegations.**

(1384) (a) District Commanders and Captains of the Ports are delegated the authority to establish safety zones.

(1385) (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.

(1386) (c) Under the provisions 33 CFR §1.05–1, District Commanders have been delegated authority to establish regulated navigation areas.

(1387) (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.

(1388) **§160.7 Appeals.**

(1389) (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.

(1390) (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.

(1391) (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 Office of 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 Office of Marine Safety, Security and Environmental Protection. The decision of the Assistant Commandant for Office of Marine Safety, Security and Environmental Protection is based upon the materials submitted, without oral argument or presentation. The decision of the Assistant Commandant for Office of Marine Safety, Security and Environmental Protection is issued in writing and constitutes final agency action.

(1392) (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

(1393) **§160.101 Purpose.**

(1394) 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.

(1395) **§160.103 Applicability.**

(1396) (a) This subpart applies to any-

(1397) (1) Vessel on the navigable waters of the United States, except as provided in paragraphs (b) and (c) of this section;

(1398) (2) Bridge or other structure on or in the navigable waters of the United States; and

(1399) (3) Land structure or shore area immediately adjacent to the navigable waters of the United States.

(1400) (b) This subpart does not apply to any vessel on the Saint Lawrence Seaway.

(1401) (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-

(1402) (1) Innocent passage through the territorial sea of the United States;

(1403) (2) Transit through the navigable waters of the United States which form a part of an international strait.

(1404) **§160.105 Compliance with orders.**

(1405) Each person who has notice of the terms of an order issued under this subpart must comply with that order.

Ver. 1.0 This information is not certified for navigation purposes. For test purposes only.

(1406) **§160.107 Denial of entry.**

(1407) 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.

(1408) **§160.109 Waterfront facility safety.**

(1409) (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–

(1410) (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

(1411) (2) Conduct examinations to assure compliance with the safety equipment requirements for structures.

(1412) **§160.111 Special orders applying to vessel operations.**

(1413) Each District Commander or Captain of the Port may order a vessel to operate or anchor in the manner directed when -

(1414) (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;

(1415) (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

(1416) (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.

(1417) **§160.113 Prohibition of vessel operation and cargo transfers.**

(1418) (a) Each District Commander or Captain of the Port may prohibit any vessels 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.

(1419) (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:

(1420) (1) Fails to comply with any applicable regulation;

(1421) (2) Discharges oil or hazardous material in violation of any law or treaty of the United States;

(1422) (3) Does not comply with applicable vessel traffic service requirements;

(1423) (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.

(1424) (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.

(1425) (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.

(1426) **§160.115 Withholding of clearance.**

(1427) (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. App. 91 of any vessel, the owner or operator of which is subject to any penalties under 33 U.S.C. 1232.

Subpart C–Notifications of Arrivals, Departures, Hazardous Conditions, and Certain Dangerous Cargoes

(1428) **§160.201 Applicability and exceptions to applicability**

(1429) (a) This subpart prescribes notification requirements for U.S. and foreign vessels bound for or departing from ports or places in the United States.

(1430) (b) This part does not apply to recreational vessels under 46 U.S.C. 4301 et seq. and, except §160.215, does not apply to:

(1431) (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, and

(1432) (2) Oil Spill Recovery Vessels (OSRVs) when engaged in actual spill response operations or during spill response exercises.

(1433) (c) **[Suspended]**

(1434) (d) **[Suspended]**

(1435) (e) Section 160.T208 does not apply to the following:

(1436) (1) Each vessel of 300 gross tons or less, except a foreign vessel of 300 gross tons or less entering any port or place in the Seventh Coast Guard District as described by §3.35–1(b) of this chapter.

(1437) (2) Each vessel operating exclusively within a Captain of the Port zone.

(1438) (3) [Reserved]

(1439) (4) Each vessel arriving at a port or place under force majeure.

(1440) (5) [Reserved]

(1441) (6) Each barge.

(1442) (7) Each public vessel.

(1443) (8) [Reserved].

(1444) (9) U.S. vessels, except tank vessels, operating solely between U.S. ports on the Great Lakes.

(1445) (f) Sections 160.T212 and 160.T214 apply to each vessel arriving at or departing from a port or place in the United States carrying certain dangerous cargo. A vessel submitting a notice of arrival under §160.T212 need not submit another notice as required in §160.T208.

(1446) (g) Sections 160.T208, 160.T212, and 160.T214 apply to each vessel upon the waters of the Mississippi River between its mouth and mile 235, Lower Mississippi River, above Head of Passes. Sections 160.T208, 160.T212, and 160.T214 do not apply to each vessel upon the waters of the Mississippi River between its sources and mile 235, above the Head of Passes, and all the tributaries emptying thereinto and their tributaries, and that part of the Atchafalya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

(1447) **§160.203 Definitions.**

(1448) As used in this subpart:

(1449) *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.

(1450) *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.

(1451) *Certain dangerous cargo* includes any of the following:

(1452) (a) Division 1.1 or 1.2, explosive materials, as defined in 49 CFR 173.50.

(1453) (b) Division 5.1, Oxidizing materials, or Division 1.5, 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.

(1454) (c) Division 4.3, Spontaneously Combustible products in excess of 60 metric tons per vessel.

(1455) (d) Division 6.1, Poison-Inhalation Hazard, products in bulk packagings.

(1456) (e) Class 7, highway route controlled quantity radioactive material, or fissile material, controlled shipment, as defined in 49 CFR 173.403.

(1457) (f) Each cargo under Table 1 of 46 CFR part 153 when carried in bulk.

(1458) (g) Each cargo under Table 4 of 46 CFR part 154 when carried in bulk.

(1459) (h) Butylene Oxide, Chlorine, and Phosphorous, elemental when carried in bulk.

(1460) *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.

(1461) *Great Lakes* means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far east as Saint Regis, and adjacent port areas.

(1462) *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.

(1463) *Hazardous conditions* means any condition that may adversely affect (1) the safety of any vessel, bridge, structure, or shore area or (2) 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.

(1464) *Nationality* means the state (nation) in which a person is a citizen or to which a person owes permanent allegiance.

(1465) *Operator* means any person including, but not limited to, an owner, a demise- (bareboat-) charterer, or another contractor who conducts, or is responsible for, the operation of a vessel.

(1466) *Persons in addition to crewmembers* means any person onboard the vessel, including passengers, who are not included on the list of crewmembers.

(1467) *Port or place of departure* means any port or place in which a vessel is anchored or moored.

(1468) *Port or place of destination* means any port or place to which a vessel is bound to anchor or moor.

(1469) *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.

(1470) **§160.T204 Reporting of notification of arrival and Notification of departure.**

(1471) (a)(1) Until October 15, 2001, all vessels required to report the information in §160.T208, §160.T212, or §160.T214, must submit the report to the cognizant Captain of the Port (COTP).

(1472) (2) From October 15, 2001 until June 15, 2002, all vessels required to report notice of arrival and departure information in §§160.T208, 160.T212, or 160.T214, other than vessels 300 or less gross tons operating in the Seventh Coast Guard District, must submit the notice to the National Vessel Movement Center (NVMC), United States Coast Guard, 408 Coast Guard Drive, Kearneysville, W.V., 25430, by:

(1473) (i) Telephone at 1-800-708-9823;

(1474) (ii) Fax at 1-800-547-8724; or

(1475) (iii) E-mail at SANS@NVMC.USCG.gov.

(1476) Note to paragraph (a):

(1477) Information about the National Vessel Movement Center is available on its website at http://www.nvmc.uscg.gov/.

(1478) (b) Those vessels 300 or less gross tons operating in the Seventh Coast Guard District required by §160.T208, §160.T212, or §160.T214 to report notice of arrival and departure information must submit the notice to the cognizant Captain of the Port (COTP).

(1479) **§160.205 Waivers.**

(1480) 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.

(1481) **§160.207 [Suspended]**

(1482) **§160.T208 Notice of arrival: Vessels bound for ports or places in the United States.**

(1483) (a) The owner, agent, master, operator, or person in charge of a vessel on a voyage of 96 hours or more must submit the information under paragraph (c) of this section at least 96 hours before entering the port or place of destination.

(1484) (b) The owner, agent, master, operator, or person in charge of a vessel on a voyage of less than 96 hours must submit the information under paragraph (c) of this section prior to departing the port or place of departure, but no less than 24 hours before entering the port or place of destination.

(1485) (c) The following information must be submitted as prescribed by §160.T204:

(1486) (1) For each U.S. port of arrival, provide the names of the receiving facility, the port or place of destination, the city, and state;

(1487) (2) Estimated date and time of arrival at each port or place;

(1488) (3) Name of the vessel;

(1489) (4) Country of registry of the vessel;

(1490) (5) Call sign of the vessel;

(1491) (6) International Maritime Organization (IMO) international number or, if vessel does not have an assigned IMO international number, the official number of the vessel;

(1492) (7) Name of the registered owner of the vessel;

(1493) (8) Name of the operator of the vessel;

(1494) (9) Name of the classification society of the vessel;

(1495) (10) General description of cargo onboard the vessel (e.g.: grain, container, oil, etc.);

(1496) (11) Date of departure and name of the port from which the vessel last departed;

(1497) (12) Name and telephone number of a 24-hour point of contact for each port included in the notice of arrival;

(1498) (13) Location or position of the vessel at the time of the report;

(1499) (14) A list of crewmembers onboard the vessel. The list must include the following information for each person:

(1500) (i) Full name;

(1501) (ii) Date of birth;

(1502) (iii) Nationality;

(1503) (iv) Passport number or mariners document number; and

(1504) (v) Position or duties on the vessel;

(1505) (15) A list of persons in addition to the crew onboard the vessel. The list must include the following information for each person:

(1506) (i) Full name;

(1507) (ii) Date of birth;

(1508) (iii) Nationality; and

(1509) (iv) Passport number.

(1510) (d) You may submit a copy of INS Form I–418 to meet the requirements of paragraphs (c)(14) and (c)(15) of this section.

(1511) (e)(1) Any changes to the information required by paragraphs (c) or (h) of this section must be reported as soon as practicable but no less than 24 hours before entering the port of destination.

(1512) (2) Any changes to the arrival time or the departure time in a submitted notice of arrival (NOA) that are less than six (6) hours need not be reported.

(1513) (3) When reporting changes, only report specific items to be corrected in the submitted NOA report. Do not resubmit the entire NOA report.

(1514) (f) International Safety Management (ISM) Code (Chapter IX of SOLAS) Notice. If you are the owner, agent, master, operator, or person in charge of a vessel that is 500 gross tons or more and engaged on a foreign voyage to the United States, you must provide the ISM Code notice described in paragraph (g) as follows:

(1515) (1) ISM Code notice beginning January 26, 1998, if your vessel is–a passenger vessel carrying more than 12 passengers, a tank vessel, a bulk freight vessel, or a high-speed freight vessel.

(1516) (2) ISM Code notice beginning January 1, 2002, if your vessel is–a freight vessel not listed in paragraph (f)(1) of this section or a self-propelled mobile offshore drilling unit (MODU).

(1517) (g) ISM Code notice includes the following:

(1518) (1) The date of issuance for the company's Document of Compliance certificate that covers the vessel.

(1519) (2) The date of issuance for the vessel's Safety Management Certificate, and,

(1520) (3) The name of the Flag Administration, or the recognized organization(s) representing the vessel flag administration, that issued those certificates.

(1521) (h) 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 port or place of destination. The consolidated notice must include the port name and estimated arrival date for each destination of the voyage. Any vessel submitting a consolidated notice under this section must still meet the requirements of paragraph (e) of this section concerning changes to required information.

(1522) **§160.209 [Reserved]**

(1523) **§160.211 [Suspended]**

(1524) **§160.T212 Notice of arrival: Vessels carrying certain dangerous cargo.**

(1525) (a)(1) The owner, agent, master, operator, or person in charge of a vessel, other than a barge, carrying certain dangerous cargo that is bound for a port or place in the United States that is 96 hours or more away from the vessel's port of departure must report the information in paragraph (b) of this section at least 96 hours before entering the port or place of destination; or

(1526) (2) The owner, agent, master, operator, or person in charge of a vessel, other than a barge, carrying certain dangerous cargo that is bound for a port or place in the United States that is less than 96 hours away from the vessel's port of departure must report the information in paragraph (b) of this section prior to departing the port or place of departure, but no less than 24 hours before entering the port or place of destination.

(1527) (b) The following information must be submitted as prescribed by §160.T204:

(1528) (1) For each U.S. port of arrival, provide the names of the receiving facility, the port or place of destination, the city, and state;

(1529) (2) Estimated date and time of arrival at each port or place;

(1530) (3) Name of the vessel;

(1531) (4) Country of registry of the vessel;

(1532) (5) Call sign of the vessel;

(1533) (6) International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;

(1534) (7) Name of the registered owner of the vessel;

(1535) (8) Name of the operator of the vessel;

(1536) (9) Name of the classification society of the vessel;

(1537) (10) Date of departure and name of the port from which the vessel last departed;

(1538) (11) Name and telephone number of a 24-hour point of contact for each port included in the notice of arrival;

(1539) (12) Location or position of the vessel at the time of the report;

(1540) (13) Name of each of the certain dangerous cargoes carried;
(1541) (14) Amount of each of the certain dangerous cargoes carried;
(1542) (15) Stowage location of each of the certain dangerous cargoes carried;
(1543) (16) General description of cargo, other than dangerous cargoes, onboard the vessel;
(1544) (17) Operational condition of the equipment under §164.35 of this chapter;
(1545) (18) A list of crewmembers onboard the vessel. The list must include the following information for each person:
(1546) (i) Full name;
(1547) (ii) Date of birth;
(1548) (ii) Nationality;
(1549) (iv) Passport number or mariners document number; and
(1550) (v) Position or duties on the vessel;
(1551) (19) A list of persons in addition to the crew onboard the vessel. The list must include the following information for each person:
(1552) (i) Full name;
(1553) (ii) Date of birth;
(1554) (iii) Nationality; and
(1555) (iv) Passport number.
(1556) (c) You may submit a copy of INS Form I-418 to meet the requirements of paragraphs (b)(18) and (b)(19) of this section.
(1557) (d)(1) Any changes to the information required by paragraphs (b) or (f) of this section must be reported as soon as practicable but no less than 24 hours before entering the port of destination.
(1558) (2) Any changes to the information required by paragraph (e) of this section must be reported as soon as practicable but no less than 12 hours before entering the port of destination.
(1559) (3) Any changes to the arrival time or the departure time in a submitted notice of arrival (NOA) that are less than six (6) hours need not be reported.
(1560) (4) When reporting changes, only report specific items to be corrected in the submitted NOA report. Do not resubmit the entire NOA report.
(1561) (e) The owner, agent, master, operator or person in charge of a barge bound for a port or place in the United States carrying certain dangerous cargo shall report the information required in paragraphs (b)(1) through (b)(6) and (b)(10) through (b)(19) of this section as prescribed by §160.T204 at least 12 hours before entering that port or place.
(1562) (f) 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 that the first U.S. port or place of destination. The consolidated notice must include the port name and estimated arrival date for each destination of the voyage. Any vessel submitting a consolidated notice under this section must still meet the requirements of paragraphs (d) of this section concerning changes to required information.
(1563) **§160.213 [Suspended]**
(1564) **§160.T214 Notice of departure: Vessels carrying certain dangerous cargo.**
(1565) (a) The owner, agent, master, operator, or person in charge of a vessel, except a barge, departing from a port or place in the United States for any other port or place and carrying certain dangerous cargo, must submit a notice of departure as prescribed by §160.T204 at least 24 hours before departing, unless this notification was made within 2 hours after the vessel's arrival, of the:
(1566) (1) For each U.S. port of arrival, provide the names of the receiving facility, the port or place of destination, the city, and state;
(1567) (2) Estimated date and time of arrival at each port or place;
(1568) (3) Name of the vessel;
(1569) (4) Country of registry of the vessel;
(1570) (5) Call sign of the vessel;
(1571) (6) International Maritime Organization (IMO) international number or, if the vessel does not have an assigned IMO international number, the official number of the vessel;
(1572) (7) Name of the registered owner of the vessel;
(1573) (8) Name of the operator of the vessel;
(1574) (9) Name of the classification society of the vessel;
(1575) (10) Date and time of departure and name of the receiving facility, the port or place of destination, the city, and state from which the vessel last departed;
(1576) (11) Name and telephone number of a 24-hour point of contact for each port included in the notice of arrival;
(1577) (12) Location or position of the vessel at the time of the report;
(1578) (13) Name of each of the certain dangerous cargoes carried;
(1579) (14) Amount of each of the certain dangerous cargoes carried;
(1580) (15) Stowage location of each of the certain dangerous cargoes carried;
(1581) (16) General description of cargo other than dangerous cargoes, onboard the vessel;
(1582) (17) Operational condition of the equipment under §164.35 of this chapter;
(1583) (18) A list of crewmembers onboard the vessel. The list must include the following information for each person:
(1584) (i) Full name;
(1585) (ii) Date of birth;
(1586) (iii) Nationality;
(1587) (iv) Passport number or mariners document number; and
(1588) (v) Position or duties on the vessel;
(1589) (19) A list of persons in addition to the crew onboard the vessel. The list must include the following information for each person:
(1590) (i) Full name;
(1591) (ii) Date of birth;
(1592) (iii) Nationality; and
(1593) (iv) Passport number.
(1594) (b) You may submit a copy of INS Form I–418 to meet the requirements of paragraphs (a)(18) and (a)(19) of this section.
(1595) (c)(1) Any changes to the information required by paragraph (a) of this section must be reported prior to departing.
(1596) (2) Any changes to the arrival time or the departure time in a submitted notice of departure (NOD) that are less than six (6) hours need not be reported.
(1597) (3) When reporting changes, only report specific items to be corrected in the submitted NOD report. Do not resubmit the entire NOD report.
(1598) (d) The owner, agent, master, operator, or person in charge of a barge departing from a port or place in the United States for any other port or place and carrying certain dangerous cargo shall report the information required in paragraphs (a)(1) through (a)(6) and (a)(10) through (19) of this section as

prescribed by §160.T204 at least 4 hours before departing, unless this report was made within 2 hours after the barge's arrival.

(1599) **§160.215 Notice of hazardous conditions.**

(1600) 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 by itself discharge the duty of compliance with 46 CFR 4.05-10.)

Part 161–Vessel Traffic Management

Subpart A–Vessel Traffic Services

(1601) **General Rules**

(1602) **§161.1 Purpose and Intent.**

(1603) (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.

(1604) (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.

(1605) (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.

(1606) (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.

(1607) **§161.2 Definitions.**

(1608) For the purposes of this part:

(1609) *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.

(1610) *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:

(1611) (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.

(1612) (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.

(1613) (3) Vessel characteristics that affect or restrict maneuverability, such as cargo arrangement, trim, loaded condition, underkeel clearance, speed, or similar characteristics.

(1614) *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.

(1615) *Towing Vessel* means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

(1616) *Vessel Movement Reporting System (VMRS)* is a system used to manage and track vessel movements within a VTS area. This is accomplished by a vessel providing information under established procedures as set forth in this part, or as directed by the VTS.

(1617) *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 within a VTS area. VMRS participation is required for:

(1618) (1) Every power-driven vessel of 40 meters (approximately 131 feet) or more in length, while navigating;

(1619) (2) Every towing vessel of 8 meters (approximately 26 feet) or more in length, while navigating; or

(1620) (3) Every vessel certificated to carry 50 or more passengers for hire, when engaged in trade.

(1621) *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.

(1622) *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.

(1623) *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.

(1624) **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.

(1625) VTS Special Area means a waterway within a VTS area in which special operating requirements apply.

(1626) *VTS User* means a vessel, or an owner, operator, charterer, master, or person directing the movement of a vessel, that is:

(1627) (a) Subject to the Vessel Bridge-to-Bridge Radiotelephone Act; or

(1628) (b) Required to participate in a VMRS within a VTS area (VMRS User).

(1629) *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.

(1630) **§161.3 Applicability.**

(1631) 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.

(1632) **§161.4 Requirement to carry the rules.**

(1633) Each VTS User shall carry on board and maintain for ready reference a copy of these rules.

(1634) **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.

(1635) **§161.5 Deviations from the rules.**

(1636) (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.

(1637) (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.

(1638) **Services, VTS Measures, and Operating Requirements**

(1639) **§161.10 Services.**

(1640) 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:

(1641) (a) Hazardous conditions or circumstances;

(1642) (b) Vessel congestion;

(1643) (c) Traffic density;

(1644) (d) Environmental conditions;

(1645) (e) Aids to navigation status;

(1646) (f) Anticipated vessel encounters;

(1647) (g) Another vessel's name, type, position, hazardous vessel operating conditions, if applicable, and intended navigation movements, as reported;

(1648) (h) Temporary measures in effect;

(1649) (i) A description of local harbor operations and conditions, such as ferry routes, dredging, and so forth;

(1650) (j) Anchorage availability; or

(1651) (k) Other information or special circumstances.

(1652) **§161.11 VTS measures.**

(1653) (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:

(1654) (1) Designating temporary reporting points and procedures;

(1655) (2) Imposing vessel operating requirements; or

(1656) (3) Establishing vessel traffic routing schemes.

(1657) (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.

(1658) **§161.12 Vessel operating requirements.**

(1659) (a) Subject to the exigencies of safe navigation, a VTS User shall comply with all measures established or directions issued by a VTS.

(1660) (1) 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.

(1661) (b) When not exchanging communications, a VTS User must maintain a listening watch as required by §26.04(e) of this chapter on the VTS frequency designated in Table 161.12(b) (VTS Call Signs, Designated Frequencies, and Monitoring Areas). In addition, the VTS User must respond promptlywhen hailed and communicate in the English language.

(1662) **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.

(1663) (c) As soon as practicable, a VTS User shall notify the VTS of any of the following:

(1664) (1) A marine casualty as defined in 46 CFR 4.05-1;

(1665) (2) Involvement in the ramming of a fixed or floating object;

(1666) (3) A pollution incident as defined in §151.15 of this chapter:

(1667) (4) A defect or discrepancy in an aid to navigation;

(1668) (5) A hazardous condition as defined in §160.203 of this chapter;

(1669) (6) Improper operation of vessel equipment required by Part 164 of this chapter;

(1670) (7) A situation involving hazardous materials for which a report is required by 49 CFR 176.48; and

(1671) (8) A hazardous vessel operating condition as defined in §161.2.

(1672) **§161.13 VTS Special Area Operating Requirements.**

(1673) The following operating requirements apply within a VTS Special Area:

(1674) (a) A VTS User shall, if towing astern, do so with as short a hawser as safety and good seamanship permits.

(1675) (b) A VMRS User shall:

(1676) (1) Not enter or get underway in the area without prior approval of the VTS;

(1677) (2) Not enter a VTS Special Area if a hazardous vessel operating condition or circumstance exists;

(1678) (3) Not meet, cross, or overtake any other VMRS User in the area without prior approval of the VTS; and

(1679) (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

Table 161.12(b)–VESSEL TRAFFIC SERVICES (VTS) CALL SIGNS, DESIGNATED FREQUENCIES, AND MONITORING AREAS

Vessel traffic services (call sign)	Designated frequencies[1] (channel designation)	Monitoring area
New York[2]		
New York Traffic[3] . .	156.550 MHz (Ch.11) and 156.700 MHz (Ch.14) . . .	The navigable waters of the Lower New York Harbor bounded on the east by a line drawn from the 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 the 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°41.95'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 continuing east including the waters of the East River to the Throgs Neck Bridge, excluding the Harlem River.
	156.600 MHz (Ch. 12) . .	Each vessel at anchor within the above areas.
Houston[2]		
		The navigable waters north of 29°N., west of 94°20'W., south of 29°49'N., and east of 95°20'W.:
Houston Traffic . . .	156.550 MHz (Ch.11) . . .	The navigable waters north of a line extending due west from the southernmost end of Exxon Dock #1 (29°43.37'N., 95°01.27'W.)
	156.600 MHz (Ch 12) . . .	The navigable waters south of a line extending due west from the southernmost end of Exxon Dock #1 (29°43.37'N., 95°01.27'W.)
Berwick Bay		
Berwick Traffic. . . .	156.550 MHz (Ch. 11) . . .	The navigable waters south of 29°45'N., west of 91°10'W., north of 29°37'N., and east of 91°18'W.
St. Marys River		
Soo Control	156.600 MHz (Ch. 12) . . .	The navigable 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).
San Francisco[2]		
San Francisco Off-shore Vessel Movement.	156.600 MHz (Ch. 12) . . .	The waters within a 38 nautical mile radius of Mount Tamalpais (37°55.8'N., 122°34.6'W.) excluding the San Francisco Offshore Precautionary Area.
Reporting Service San Francisco Traffic.	156.700 MHz (Ch. 14) . . .	The waters of the San Francisco Offshore Precautionary Area eastward to San Francisco Bay including its tributaries extending to the ports of Stockton, Sacramento and Redwood City.
Puget Sound[4]		
Seattle Traffic[5] . . .	156.700 MHz (Ch. 14) . . .	The navigable waters of Puget Sound, Hood Canal and adjacent waters south of a line connecting Nodule Point (48°01.5'N., 122°40.05'W.) and Bush Point (48°01.5'N., 122°36.23'W.) in Admiralty Inlet and south of a line drawn due east from the southernmost tip of Possession Point (47°34'N., 122°40'W.) on Whidbey Island to the shoreline.
	156.250 MHz (Ch. 5A) . . .	The navigable 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 (48°18'N., 123°32'W.); the navigable waters of the Strait of Georgia east of 122°52'W.; the San Juan Island Archipelago, Rosario Strait, Bellingham Bay; Admiralty of Juan de Fuca north and east of Race Rocks (48°18'N., 123°32'W.); 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 Nodule Point (48°01.5'N., 122°40.05'W.) and Bush Point (48°01.5'N., 122°36.23'W.) and all waters of Whidbey Island north of a line drawn due east from the southernmost tip of Possession Point (47°34'N., 122°40'W.) on Whidbey Island to the shoreline.

Ver. 1.0 This information is not certified for navigation purposes. For test purposes only.

Table 161.12(b)–VESSEL TRAFFIC SERVICES (VTS) CALL SIGNS, DESIGNATED FREQUENCIES, AND MONITORING AREAS

Vessel traffic services (call sign)	Designated frequencies[1] (channel designation)	Monitoring area
Tofino Traffic[6] . . .	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 48°N., and east of 127°W.
Vancouver Traffic . .	156.550 MHz (Ch. 11) . .	The navigable 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.
Prince William Sound[7]		
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.
Louisville[7]		
Louisville Traffic . . .	156.650 MHz (Ch. 13) . . .	The navigable 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.

NOTES:

1. In the event of a communication failure either by the vessel traffic center or the vessel or radio congestion on a designated VTS frequency, communications may be established on an alternate VTS frequency. The bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13), is monitored in each VTS area; and it may be used as an alternate frequency, however, only to the extent that doing so provides a level of safety beyond that provided by other means.

2. Designated frequency monitoring is required within U.S. Navigable waters. In areas which are outside the U.S. Navigable waters, designated frequency monitoring is voluntary. However, prospective VTS Users are encouraged to monitor the designated frequency.

3. VMRS participants shall make their initial report (Sail Plan) to New York Traffic on Channel 11 (156.550 MHz). All other reports, including the Final Report, shall be made on Channel 14 (156.700 MHz). VMRS and other VTS Users shall monitor Channel 14 (156.700 MHz) while transiting the VTS area. New York Traffic may direct a vessel to monitor and report on either primary frequency depending on traffic density, weather conditions, or other safety factors. This does not require a vessel to monitor both primary frequencies.

4. A Cooperative Vessel Traffic Service was established by the United States and Canada within adjoining waters. The appropriate vessel traffic center administers the rules issued by both nations; however, it will enforce only its own set of rules within its jurisdiction.

5. Seattle Traffic may direct a vessel to monitor the other primary VTS frequency 156.250 MHz or 156.700 MHz (Channel 5A or 14) depending on traffic density, weather conditions, or other safety factors, rather than strictly adhering to the disignated frequency required for each monitoring area as defined above. This does not require a vessel to monitor both primary frequencies.

6. A portion of Tofino Sector's monitoring area extends beyond the defined CVTS area. Designated frequency monitoring is voluntary in these portions outside of VTS jurisdiction, however, prospective VTS Users are encouraged to monitor the designated frequency.

7. The bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13), is used in these VTSs because the level of radiotelephone transmissions does not warrant a designated VTS frequency. The listening watch required by §26.05 of this chapter is not limited to the monitoring area.

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

(1680) **§161.15 Purpose and Intent.**

(1681) (a) A Vessel Movement Reporting System (VMRS) is a system used to manage and track vessel movements within a VTS area. This is accomplished by requiring that vessels provide information under established procedures as set forth in this part, or as directed by the VTS.

(1682) (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 four reports (sailing plan, position, sailing plan deviation and final).

(1683) **§161.16 Applicability.**

(1684) The provisions of this subpart shall apply to the following VMRS Users:

(1685) (a) Every power-driven vessel of 40 meters (approximately 131 feet) or more in length, while navigating;

(1686) (b) Every towing vessel of 8 meters (approximately 26 feet) or more in length, while navigating; or

(1687) (c) Every vessel certificated to carry 50 or more passengers for hire, when engaged in trade.

(1688) **§161.17 Definitions.**

(1689) As used in this subpart: Published means available in a widely-distributed and publicly available medium (e.g., VTS User's Manual, ferry schedule, Notice to Mariners).

(1690) **§161.18 Reporting requirements.**

(1691) (a) A VTS may: (1) Direct a vessel to provide any of the information set forth in Table 161.18(a) (IMO Standard Ship Reporting System);

(1692) (2) Establish other means of reporting for those vessels unable to report on the designated frequency; or

(1693) (3) Require reports from a vessel in sufficient time to allow advance vessel traffic planning.

(1694) (b) All reports required by this part shall be made as soon as is practicable on the frequency designated in Table 161.12(b) (VTS Call Signs, Designated Frequencies, and Monitoring Areas).

(1695) (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(b) (VTS Call Signs, Designated Frequencies, and Monitoring Areas). In addition, the VMRS User must respond promptly when hailed and communicate in the English language.

(1696) **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.

(1697) (d) 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.

(1698) **§161.19 Sailing Plan (SP).**

(1699) Unless otherwise stated, at least 15 minutes before navigating a VTS area, a vessel must report the:

(1700) (a) Vessel name and type;

(1701) (b) Position;

(1702) (c) Destination and ETA;

(1703) (d) Intended route;

(1704) (e) Time and point of entry; and

(1705) (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.

(1706) **§161.20 Position Report (PR).**

(1707) A vessel must report its name and position:

(1708) (a) Upon point of entry into a VTS area;

(1709) (b) At designated reporting points as set forth in subpart C; or

(1710) (c) When directed by the VTC.

(1711) **Note:** Notice of temporary reporting points, if established, may be published via Local Notices to Mariners, general broadcast or the VTS User's Manual.

(1712) **§161.21 Sailing Plan Deviation Report (DR).**

(1713) A vessel must report:

(1714) (a) When its ETA to a destination varies significantly from a previously reported ETA;

(1715) (b) Any intention to deviate from a VTS issued measure or vessel traffic routing system; or

(1716) (c) Any significant deviation from previously reported information.

(1717) **§161.22 Final Report (FR).**

(1718) A vessel must report its name and position:

(1719) (a) On arrival at its destination; or

(1720) (b) When leaving a VTS area.

(1721) **§161.23 Reporting exemptions.**

(1722) (a) Unless otherwise directed, the following vessels are exempted from providing Position and Final Reports due to the nature of their operation:

(1723) (1) Vessels on a published schedule and route;

(1724) (2) Vessels operating within an area of a radius of three nautical miles or less; or

(1725) (3) Vessels escorting another vessel or assisting another vessel in maneuvering procedures.

(1726) (b) A vessel described in paragraph (a) of this section must:

(1727) (1) Provide a Sailing Plan at least 5 minutes but not more than 15 minutes before navigating within the VTS area; and

(1728) (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.

(1729) (c) In those VTS areas capable of receiving automated position reports from Automatic Identification Shipborne System equipment (AISSE) as required by §164.43 of this chapter and where AISSE is required, vessels equipped with an operating AISSE are not required to make voice radio position reports at designated reporting points as required by §161.20(b) of this part, unless otherwise directed by the VTC.

(1730) (1) Whenever an AISSE becomes non-operational as defined in §164.43(c) of this chapter, before entering or while underway in a VTS area, a vessel must:

(1731) (i) Notify the VTC;

(1732) (ii) Make voice radio position reports at designated reporting points as required by §161.20(b) of this part;

(1733) (iii) Make other voice radio reports as directed; and

(1734) (iv) Restore the AISSE to operating condition as soon as possible.

TABLE 161.18(a).–THE IMO STANDARD SHIP REPORTING SYSTEM

A	ALPHA	Ship	Name, cell 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	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 fullnames of communications stations/frequencies guarded.
N	NOVEMBER	Time of next report	Date time group expressed as in (B).
O	OSCAR	Maximum present static draft 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 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.

Ver. 1.0 This information is not certified for navigation purposes. For test purposes only.

(1735) (2) Whenever an AISSE becomes non-operational due to a loss of position correction information (i.e., the U.S. Coast Guard differential global positioning system (dGPS) cannot provide the required error correction messages) a vessel must:

(1736) (i) Make required voice radio position reports at designated reporting points required by §161.20(b) of this part; and

(1737) (ii) Make other voice radio reports as directed.

(1738) **Note:** Regulations pertaining to AISSE required capabilities are set forth in §164.43 of this chapter.

Subpart C–Vessel Traffic Service Areas, Cooperative Vessel Traffic Service Area, Vessel Traffic Service Special Areas and Reporting Points.

(1739) **Note:** All geographic coordinates contained in part 161 (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).

(1740) **§161.25 Vessel Traffic Service New York Area.**

(1741) 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 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.

(1742) **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.

(1743) **§161.30 Vessel Traffic Service Louisville.**

(1744) 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.

(1745) **§161.35 Vessel Traffic Service Houston/Galveston.**

(1746) (a) The VTS area consists of the following major waterways and portions of connecting waterways: Galveston Bay Entrance Channel; Outer Bar Channel; Inner Bar Channel: Bolivar Roads Channel; Galveston Channel; Gulf ICW and Galveston-Freeport Cut-Off from Mile 346 to Mile 352; Texas City Channel; Texas City Turning Basin; Texas City Channel; Texas City Canal Turning Basin; Houston Ship Channel; Bayport Channel; Bayport Turning Basin; Houston Turning Basin: and the following precautionary areas associated with these waterways.

(1747) (b) Precautionary Areas. (Table 161.35(b))

(1748) (c) Reporting Points. (Table 161.35(c))

(1749) **§161.40 Vessel Traffic Service Berwick Bay.**

(1750) (a) The VTS area consists of the navigable waters of the following segments of waterways: the Intracoastal Waterway (ICW) Morgan City to Port Allen Alternate Route from Mile Marker 0 to Mile Marker 5; the ICW from Mile Marker 93 west of Harvey Lock (WHL) to Mile Marker 102 WHL; the Atchafalaya River Route from Mile Marker 113 to Mile Marker 122; from Bayou Shaffer Junction (ICM Mile Marker 94.5 WHL) south one statute mile along Bayou Shaffer; and from Berwick Lock northwest one statute mile along the Lower Atchafalaya River.

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.

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 the 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 94°01.4'W	
7	Lynchburg	Ferry Crossing	29°45.8'N 94°04.8'W	
8	Shell Oil	Boggy Bayou	29°44.1'N 94°08.0'W	
9	Greens Bayou	Greens Bayou	29°44.8'N 94°10.1'W	
10	Hess Turning Basin	Hunting Bayou Turning Basin	29°44.3'N 94°12.1'W	
11	Lyondell Turning Basin.	Sims Bayou Turning Basin	29°43.2'N 94°14.4'W	
12	I-610 Bridge	I-610 Bridge	29°43.5'N 94°16.0'W	
13	Houston Turning Basin.	Buffalo Bayou	29°45.0'N 94°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 transitin g 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	

(1751) (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.

(1752) (c) Reporting Points. (Table 161.40(c))

Part 162–Inland Waterways Navigation Regulations

(1753) **§162.1 General.**

(1754) 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.

(1755) **§162.65 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, FL.** (a) *Description*. This section applies to the following: (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 the other waterways with the Atlantic Ocean south of Chesapeake Bay or with the Gulf of Mexico east and south of St. Marks, Florida.

(1756) (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.

(1757) (3) *Vessels and rafts*. The term "vessel" as used in this section includes all floating things moved over these waterways other than rafts.

(1758) (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.

(1759) (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.

(1760) (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.

(1761) (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.

(1762) (iv) Lights shall be displayed in accordance with provisions of the Navigation Rules, International-Inland, Commandant Instruction M16672.2 (series).

(1763) (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.

(1764) (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.

(1765) (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.

(1766) (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.

(1767) (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.

(1768) (ii) Official signs indicating limited speeds through critical portions of the waterways shall be strictly obeyed.

(1769) (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.

(1770) (4) *Assembly and handling of tows*.

(1771) (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.

(1772) (ii) No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(1773) (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.

(1774) (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.

(1775) (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.

(1776) (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 a pass at a speed sufficiently slow to insure safe navigation.

(1777) **NOTE.–**The Corps of Engineers also has regulations dealing with this section in 33 CFR 207.

Part 164–Navigation Safety Regulations (in part). For a complete description of this part see 33 CFR 164.

(1778) **§164.01 Applicability.**

(1779) (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) 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.

(1780) (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 -

(1781) (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;

(1782) (2) Used solely for assistance towing as defined by 46 CFR 10.103;

(1783) (3) Used solely for pollution response; or

(1784) (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.

(1785) (c) Provisions of §§164.11(a)(2) and (c), 164.30, and 164.33 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.

(1786) **§164.02 Applicability exception for foreign vessels.**

(1787) (a) This part (including §§164.38 and 164.39) does not apply to vessels that:

(1788) (1) Are not destined for, or departing from, a port or place subject to the jurisdiction of the United States; and

(1789) (2) Are in:

(1790) (i) Innocent passage through the territorial sea of the United States; or

(1791) (ii) Transit through navigable waters of the United States which form a part of an international strait.

(1792) **§164.03 Incorporation by reference.**

(1793) (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 on file 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-MEP), Room 2100, 2100 Second Street, SW., Washington, DC 20593-0001 and is available from the sources indicated in paragraph (b) of this section.

(1794) (b) The materials approved for incorporation by reference in this part and the sections affected are as follows:

(1795) *American Petroleum Institute* (API), 1220 L Street NW., Washington, DC 20005

(1796) API Specifications 9A, Specification for Wire Rope, Section 3, Properties and Tests for Wire and Wire Rope, May 28, 1984. . . . . **164.74**

(1797) *American Society for Testing and Materials (ASTM)*, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

(1798) ASTM D4268-93, Standard Test Method for Testing Fiber Ropes. **164.74**

(1799) *Cordage Institute*, 350 Lincoln Street, Hingham, MA 02043

(1800) CIA-3, Standard Test Methods for Fiber Rope Including Standard Terminations, Revised, June 1980 . . . . . **164.74**

(1801) *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**

(1802) *International Telecommunication Union Radiocommunication Bureau (ITU-R)*, Place de Nations CH-1211 Geneva 20 Switzerland

(1803) (1) ITU-R Recommendation M.821, Optional Expansion of the Digital Selective-Calling System for Use in the Maritime Mobile Service, 1992. . . . . **164.43**

(1804) (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**

(1805) *Radio Technical Commission for Maritime Services*, 655 Fifteenth Street, NW., Suite 300, Washington, DC 20005

(1806) (1) RTCM Paper 12-78/DO-100, Minimum Performance Standards, Loran C Receiving Equipment, 1977. . . . . 164.41

(1807) (2) RTCM Paper 194-93/SC104-STD, RTCM Recommended Standards for Differential NAVSTAR GPS Service, Version 2.1, 1994. . . . . 164.43

(1808) (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**

(1809) (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 29, 1993. . . . . **164.72**

(1810) **§164.11 Navigation under way: General.**

(1811) The owner, master, or person in charge of each vessel underway shall ensure that:

(1812) (a) The wheelhouse is constantly manned by persons who–

(1813) (1) Direct and control the movement of the vessel; and

(1814) (2) Fix the vessel's position;

(1815) (b) Each person performing a duty described in paragraph (a) of this section is competent to perform that duty;

(1816) (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;

(1817) (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;

(1818) (e) Buoys alone are not used to fix the vessel's position;

(1819) **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.

(1820) (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;

(1821) (g) Rudder orders are executed as given;

(1822) (h) Engine speed and direction orders are executed as given;

(1823) (i) Magnetic variation and deviation and gyrocompass errors are known and correctly applied by the person directing the movement of the vessel;

(1824) (j) A person whom he has determined is competent to steer the vessel is in the wheelhouse at all times (See also 46 U.S.C. 8702(d), which requires an able seaman at the wheel on U.S. vessels of 100 gross tons or more in narrow or crowded waters during low visibility.);

(1825) (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.

(1826) (1) Current velocity and direction for the area to be transited are known by the person directing the movement of the vessel;

(1827) (m) Predicted set and drift are known by the person directing movement of the vessel;

(1828) (n) Tidal state for the area to be transited is known by the person directing movement of the vessel;

(1829) (o) The vessel's anchors are ready for letting go;

(1830) (p) The person directing the movement of the vessel sets the vessel's speed with consideration for -

(1831) (1) The prevailing visibility and weather conditions;

(1832) (2) The proximity of the vessel to fixed shore and marine structures;

(1833) (3) The tendency of the vessel underway to squat and suffer impairment of maneuverability when there is small underkeel clearance;

(1834) (4) The comparative proportions of the vessel and the channel;

(1835) (5) The density of marine traffic;

(1836) (6) The damage that might be caused by the vessel's wake;

(1837) (7) The strength and direction of the current; and

(1838) (8) Any local vessel speed limit;

(1839) (q) The tests required by §164.25 are made and recorded in the vessel's log; and

(1840) (r) The equipment required by this part is maintained in operable condition.

(1841) (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.

(1842) (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.

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(1843) (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.

(1844) **§164.13 Navigation underway: tankers.**

(1845) (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.

(1846) (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.

(1847) (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.

(1848) (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:

(1849) (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).

(1850) (2) A qualified helmsman is present at the helm and prepared at all times to assume manual control.

(1851) (3) The tanker is not operating in any of the following areas:

(1852) (i) The areas of the traffic separation schemes specified in subchapter P of this chapter.

(1853) (ii) The portions of a shipping safety fairway specified in part 166 of this chapter.

(1854) (iii) An anchorage ground specified in part 110 of this chapter.

(1855) (iv) An area within one-half nautical mile of any U.S. shore.

(1856) **§164.15 Navigation bridge visibility.**

(1857) (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:

(1858) (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 (1,640 feet) from dead ahead to 10 degrees on either side of the vessel. Within this arc of visibility any blind sector caused by cargo, cargo gear, or other permanent obstruction must not exceed 5 degrees.

(1859) (2) From the conning position, the horizontal field of vision must extend over an arc from at least 22.5 degrees abaft the beam on one side of the vessel, through dead ahead, to at least 22.5 degrees abaft the beam on the other side of the vessel. Blind sectors forward of the beam caused by cargo, cargo gear, or other permanent obstruction must not exceed 10 degrees each, nor total more than 20 degrees, including any blind sector within the arc of visibility described in paragraph (a)(1) of this section.

(1860) (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.

(1861) (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.

(1862) (b) A clear view must be provided through at least two front windows at all times regardless of weather conditions.

(1863) **§164.19 Requirements for vessels at anchor.**

(1864) The master or person in charge of each vessel that is anchored shall ensure that–

(1865) (a) A proper anchor watch is maintained;

(1866) (b) Procedures are followed to detect a dragging anchor; and

(1867) (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.

(1868) **§164.25 Tests before entering or getting underway.**

(1869) (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:

(1870) (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:

(1871) (i) Each remote steering gear control system.

(1872) (ii) Each steering position located on the navigating bridge.

(1873) (iii) The main steering gear from the alternative power supply, if installed.

(1874) (iv) Each rudder angle indicator in relation to the actual position of the rudder.

(1875) (v) Each remote steering gear control system power failure alarm.

(1876) (vi) Each remote steering gear power unit failure alarm.

(1877) (vii) The full movement of the rudder to the required capabilities of the steering gear.

(1878) (2) All internal vessel control communications and vessel control alarms.

(1879) (3) Standby or emergency generator, for as long as necessary to show proper functioning, including steady state temperature and pressure readings.

(1880) (4) Storage batteries for emergency lighting and power systems in vessel control and propulsion machinery spaces.

(1881) (5) Main propulsion machinery, ahead and astern.

(1882) (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.

(1883) (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.

(1884) (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:

(1885) (1) Operation of the main steering gear from within the steering gear compartment.

(1886) (2) Operation of the means of communications between the navigating bridge and the steering compartment.

(1887) (3) Operation of the alternative power supply for the steering gear if the vessel is so equipped.

(1888) **§164.30 Charts, publications, and equipment: General.**

(1889) 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.

(1890) **§164.33 Charts and publications.**

(1891) (a) Each vessel must have the following:

(1892) (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–

(1893) (i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and

(1894) (ii) Are currently corrected.

(1895) (2) For the area to be transited, a currently corrected copy of, or applicable currently corrected extract from, each of the following publications:

(1896) (i) U.S. Coast Pilot.

(1897) (ii) Coast Guard Light List.

(1898) (3) For the area to be transited, the current edition of, or applicable current extract from:

(1899) (i) Tide tables published by private entities using data provided by the National Ocean Service.

(1900) (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.

(1901) (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.

(1902) (c) As used in this section, "currently corrected" means corrected with changes contained in all Notices to Mariners published by National Imagery and Mapping Agency, or an equivalent foreign government publication, reasonably available to the vessel, and that is applicable to the vessel's transit.

(1903) **§164.35 Equipment: All vessels.**

(1904) Each vessel must have the following:

(1905) (a) A marine radar system for surface navigation.

(1906) (b) An illuminated magnetic steering compass, mounted in a binnacle, that can be read at the vessel's main steering stand.

(1907) (c) A current magnetic compass deviation table or graph or compass comparison record for the steering compass, in the wheelhouse.

(1908) (d) A gyrocompass.

(1909) (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.

(1910) (f) An illuminated rudder angle indicator in the wheelhouse.

(1911) (g) The following maneuvering information prominently displayed on a fact sheet in the wheelhouse:

(1912) (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.

(1913) (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.

(1914) (3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(1915) (4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speeds.

(1916) (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.

(1917) (6) The maneuvering information for the normal load and normal ballast condition for–

(1918) (i) Calm weather-wind 10 knots or less, calm sea;

(1919) (ii) No current;

(1920) (iii) Deep water conditions-water depth twice the vessel's draft or greater; and

(1921) (iv) Clean hull.

(1922) (7) At the bottom of the fact sheet, the following statement:

(1923) **Warning.**

(1924) 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:

(1925) (1) Calm weather-wind 10 knots or less, calm sea;

(1926) (2) No current;

(1927) (3) Water depth twice the vessel's draft or greater;

(1928) (4) Clean hull; and

(1929) (5) Intermediate drafts or unusual trim.

(1930) (h) An echo depth sounding device.

(1931) (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.

(1932) (j) Equipment on the bridge for plotting relative motion.

(1933) (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.

(1934) (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.

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(1935) (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.

(1936) (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.

(1937) (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.

(1938) **§164.37 Equipment: Vessels of 10,000 gross tons or more.**

(1939) (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.

(1940) **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.

(1941) (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.

(1942) **§164.38 Automatic radar plotting aids (ARPA).** (See 33 CFR 164.)

(1943) **§164.39 Steering gear: Foreign tankers.**

(1944) (a) This section applies to each foreign tanker of 10,000 gross tons or more, except a public vessel, that -

(1945) (1) Transfers oil at a port or place subject to the jurisdiction of the United States; or

(1946) (2) Otherwise enters or operates in the navigable waters of the United States, except a vessel described by §164.02 of this part.

(1947) (b) *Definitions*. The terms used in this section are as follows:

(1948) *Constructed* means the same as in Chapter II-1, Regulations 1.1.2 and 1.1.3.1, of SOLAS 74.

(1949) *Existing tanker* means a tanker–

(1950) (1) For which the building contract is placed on or after June 1, 1979;

(1951) (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;

(1952) (3) The delivery of which occurs on or after June 1, 1982; or

(1953) (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.

(1954) *Public vessel, oil, hazardous materials, and foreign vessel* mean the same as in 46 U.S.C. 2101.

(1955) *SOLAS 74* means the International Convention for the Safety of Life at Sea, 1974, as amended.

(1956) *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).

(1957) (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.

(1958) (d) Each tanker constructed before September 1, 1984, must meet the requirements of Chapter II-1, Regulation 29.19, of SOLAS 74.

(1959) (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.

(1960) (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.

(1961) **§164.40 Devices to indicate speed and distance.**

(1962) (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. Vessels constructed prior to September 1, 1984, must have this equipment according to the following schedule:

(1963) (1) Each tank vessel constructed before September 1, 1984, operating on the navigable waters of the United States–

(1964) (i) If of 40,000 gross tons or more, by January 1, 1985;

(1965) (ii) If of 10,000 gross tons or more but less than 40,000 gross tons, by January 1, 1986.

(1966) (2) Each self-propelled vessel constructed before September 1, 1984, that is not a tank vessel, operating on the navigable waters of the United States–

(1967) (i) If of 40,000 gross tons or more, by September 1, 1986;

(1968) (ii) If of 20,000 gross tons or more, but less than 40,000 gross tons, by September 1, 1987;

(1969) (iii) If of 15,000 gross tons or more, but less than 20,000 gross tons, by September 1, 1988.

(1970) (b) The device must meet the following specifications:

(1971) (1) The display must be easily readable on the bridge by day or night.

(1972) (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.

(1973) (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.

(1974) **§164.41 Electronic position fixing devices.**

(1975) (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:

(1976) (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.

(1977) (2) A satellite navigation receiver with:

(1978) (i) Automatic acquisition of satellite signals after initial operator settings have been entered; and

(1979) (ii) Position updates derived from satellite information during each usable satellite pass.

(1980) (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, D.C. 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.

(1981) **Note.**–The Federal Radionavigation Plan is available from the National Technical Information Service, Springfield, Va. 22161, with the following Government Accession Numbers:

(1982) Vol 1, ADA 116468

(1983) Vol 2, ADA 116469

(1984) Vol 3, ADA 116470

(1985) Vol 4, ADA 116471

(1986) (b) Each label required under paragraph (a)(1) of this section must show the following:

(1987) (1) The name and address of the manufacturer.

(1988) (2) The following statement by the manufacturer:

(1989) This receiver was designed and manufactured to meet Part 2 (Minimum Performance Standards) of the RTCM MPS for Marine Loran-C Receiving Equipment.

(1990) **§164.42 Rate of turn indicator.**

(1991) 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.

(1992) **§164.43 Automatic Identification System Shipborne Equipment.**

(1993) (a) Each vessel required to provide automated position reports to a Vessel Traffic Service (VTS) must do so by an installed Automatic Identification System Shipborne Equipment (AISSE) system consisting of a:

(1994) (1) Twelve-channel all-in-view Differential Global Positioning System (dGPS) receiver;

(1995) (2) Marine band Non-Directional Beacon receiver capable of receiving dGPS error correction messages;

(1996) (3) VHF-FM transceiver capable of Digital Selective Calling (DSC) on the designated DSC frequency; and

(1997) (4) Control unit.

(1998) (b) An AISSE must have the following capabilities:

(1999) (1) Use dGPS to sense the position of the vessel and determine the time of the position using Universal Coordinated Time (UTC);

(2000) (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;

(2001) (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;

(2002) (4) Achieve a course error of less than 0.5 degrees from true course over ground in the course information transmitted to a VTS;

(2003) (5) Achieve a speed error of less than 0.05 knots from true speed over ground in the speed information transmitted to a VTS;

(2004) (6) Receive and comply with commands broadcast from a VTS as DSC messages on the designated DSC frequency;

(2005) (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;

(2006) (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;

(2007) (9) Display a visual alarm to indicate to shipboard personnel when a failure to receive or utilize the RTCM messages occurs;

(2008) (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

(2009) (11) Display two RTCM type 16 messages, one of which must display the position error in the position error broadcast.

(2010) (c) An AISSE is considered non-operational if it fails to meet the requirements of paragraph (b) of this section.

(2011) **Note:** Vessel Traffic Service (VTS) areas and operating procedures are set forth in Part 161 of this chapter.

(2012) **§164.51 Deviations from rules: Emergency.**

(2013) 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.

(2014) **§164.53 Deviations from rules and reporting: Non- operating equipment.**

(2015) (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.

(2016) (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.

(2017) **§164.55 Deviations from rules: Continuing operation or period of time.**

(2018) 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.

(2019) **§164.61 Marine casualty reporting and record retention.**

(2020) 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–

(2021) (a) Ensure compliance with 46 CFR 4.05, "Notice of Marine Casualty and Voyage Records," and

(2022) (b) Ensure that the voyage records required by 46 CFR 4.05–15 are retained for -

(2023) (1) 30 days after the casualty if the vessel remains in the navigable waters of the United States; or

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(2024) (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.

(2025) **§164.70 Definitions.**

(2026) For purposes of §§164.72 through 164.82, the term –

(2027) *Current edition* means the most recent published version of a publication, chart, or map required by §164.72.

(2028) *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.

(2029) *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.

(2030) *Swing-meter* means an electronic or electric device that indicates that rate of turn of the vessel on board which it is installed.

(2031) *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.

(2032) *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.

(2033) **§164.72 Navigational-safety equipment, charts or maps, and publications required on towing vessels**.

(2034) (a) Except as provided by §164.01(b), each towing vessel must be equipped with the following navigational-safety equipment:

(2035) (1) *Marine Radar*. By August 2, 1997, a marine radar that meets the following applicable requirements:

(2036) (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–

(2037) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(2038) (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.

(2039) (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–

(2040) (A) The requirements of the FCC specified by 47 CFR part 80; and

(2041) (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.

(2042) (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–

(2043) (A) The requirements of the Federal Communications Commission (FCC) specified by 47 CFR part 80; and

(2044) (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.

(2045) (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–

(2046) (A) The requirements of the FCC specified by 47 CFR Part 80; and

(2047) (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.

(2048) (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.

(2049) (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.

(2050) (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.)

(2051) (4) *Magnetic Compass*. Either–

(2052) (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

(2053) (ii) An illuminated card-type magnetic steering compass readable from the vessel's main steering station.

(2054) (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.

(2055) (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.

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(2056) (b) Each towing vessel must carry on board and maintain the following:

(2057) (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.

(2058) (i) The charts or maps must be of a large enough scale and have enough detail to make safe navigation of the areas possible.

(2059) (ii) The charts or maps must be either–

(2060) (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

(2061) (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.

(2062) (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.

(2063) (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:

(2064) (i) If the vessel is engaged in towing exclusively on Western Rivers–

(2065) (A) U.S. Coast Guard Light List;

(2066) (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

(2067) (C) River-current tables published by the ACOE or a river authority, if available.

(2068) (ii) if the vessel is engaged other than in towing exclusively on Western Rivers–

(2069) (A) Coast Guard Light List;

(2070) (B) Notices to Mariners published by National Imagery and Mapping Agency, or LNMs published by the Coast Guard;

(2071) (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:

(2072) (D) Tide tables published by private entities using data provided by the NOS; and

(2073) (E) U.S. Coast Pilot.

(2074) (c) Table 164.72, following, summarizes the navigational-safety equipment, charts or maps, and publications required for towing vessels of 12 meters or more in length engaged in towing:

(2075) **§164.74 Towline and terminal gear for towing astern**.

(2076) (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:

(2077) (1) The size and material of each towline must be–

(2078) (i) Appropriate for the horsepower or bollard pull of the vessel;

(2079) (ii) Appropriate for the static loads and dynamic loads expected during the intended service;

(2080) (iii) Appropriate for the sea conditions expected during the intended service;

(2081) (iv) Appropriate for exposure to the marine environment and to any chemicals used or carried on board the vessel;

(2082) (v) Appropriate for the temperatures of normal stowage and service on board the vessel;

(2083) (vi) Compatible with associated navigational-safety equipment; and

(2084) (vii) Appropriate for the likelihood of mechanical damage.

(2085) (2) Each towline as rigged must be–

(2086) (i) Free of knots;

(2087) (ii) Spliced with a thimble, or have a poured socket at its end; and

(2088) (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.

(2089) (3) The condition of each towline must be monitored through the–

(2090) (i) Keeping on board the towing vessel or in company files of a record of the towline's initial minimum breaking strength as determined by the manufacturer, by a classification ("class") society authorized in §157.04 of this chapter, or by a tensile test that meets API Specifications 9A, Specification for Wire Rope, Section 3; ASTM D 4268 (incorporated by reference, see §164.03), Standard Test Method for Testing Fiber Ropes; or Cordage Institute CIA 3, Standard Test Methods for Fiber Rope Including Standard Terminations;

(2091) (ii) If the towline is purchased from another owner, master, or operator of a vessel with the intent to use it as a towline or if it is retested for any reason, keeping on board the towing vessel or in company files of a record of each retest of the towline's minimum breaking strength as determined by a class society authorized in §157.04 of this chapter or by a tensile test that meets API Specification 9A, Section 3; ASTM D 4268 (incorporated by reference, see §164.03); or Cordage Institute CIA 3, Standard Test Methods;

(2092) (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);

(2093) (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–

(2094) (A) Nautical miles on, or time in service of, the towline;

(2095) (B) Operating conditions experienced by the towline;

(2096) (C) History of loading of the towline;

(2097) (D) Surface condition, including corrosion and discoloration, of the towline;

(2098) (E) Amount of visible damage to the towline;

(2099) (F) Amount of material deterioration indicated by measurements of diameter and, if applicable, measurements of lay extension of the towline; and

(2100) (G) Point at which a tensile test proves the minimum breaking strength of the towline inadequate by the standards of paragraph (a)(1) of this section, if necessary; and

(2101) (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

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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.

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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.

(2102) (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:

(2103) (1) The material and size of the terminal gear are appropriate for the strength and anticipated loading of the towline and for the environment;

(2104) (2) Each connection is secured by at least one nut with at least one cotter pin or other means of preventing its failure;

(2105) (3) The lead of the towline is appropriate to prevent sharp bends in the towline from fairlead blocks, chocks, or tackle;

(2106) (4) There is provided a method, whether mechanical or non-mechanical, that does not endanger operating personnel but that easily releases the towline;

(2107) (5) The towline is protected from abrasion or chafing by chafing gear, lagging, or other means;

(2108) (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

(2109) (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.

(2110) **§164.76 Towline and terminal gear for towing alongside and pushing ahead.**

(2111) The owner, master, or operator of each vessel towing alongside or pushing ahead shall ensure the face wires, spring lines, and push gear used–

(2112) (a) Are appropriate for the vessel's horsepower;

(2113) (b) Are appropriate for the arrangement of the tow;

(2114) (c) Are frequently inspected; and

(2115) (d) Remain serviceable.

(2116) **§164.78 Navigation under way: Towing vessels.**

(2117) (a) The owner, master, or operator of each vessel towing shall ensure that each person directing and controlling the movement of the vessel–

(2118) (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;

(2119) (2) Can fix the position of the vessel using installed navigational equipment, aids to navigation, geographic reference-points, and hydrographic contours;

(2120) (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.);

(2121) (4) Evaluates the danger of each closing visual or radar contact;

(2122) (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;

(2123) (6) Knows the speed and direction of the current, set, drift, and tidal state for the area to be transited; and

(2124) (7) Proceeds at a speed prudent for the weather, visibility, traffic density, tow draft, possibility of wake damage, speed of the current, and local speed-limits.

(2125) (b) The owner, master, or operator of each vessel towing shall ensure that the tests and inspections required by §164.80 are conducted and that the results are entered in the log or other record carried on board.

(2126) **§164.80 Tests and inspections.**

(2127) (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:

(2128) (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.

(2129) (2) *Navigational equipment*. A test of all installed navigational equipment.

(2130) (3) *Communications*. Operation of all internal vessel control communications and vessel-control alarms, if installed.

(2131) (4) *Lights*. Operation of all navigational lights and all searchlights.

(2132) (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.

(2133) (6) *Propulsion systems*. Visual inspection of the spaces for main propulsion machinery, of machinery, and of devices for monitoring machinery.

(2134) (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:

(2135) (1) *Navigational equipment*. Tests of onboard equipment as required by §164.25.

(2136) (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.

(2137) **§164.82 Maintenance, failure, and reporting**.

(2138) (a) *Maintenance*. The owner, master, or operator or each towing vessel shall maintain operative the navigational-safety equipment required by §164.72.

(2139) (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.

(2140) (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:

(2141) (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;

(2142) (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

(2143) (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.)

(2144) (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.

(2145) (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.

(2146) (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

(2147) **§165.1–Purpose of part.**

(2148) The purpose of this part is to–

(2149) (a) Prescribe procedures for establishing different types of limited or controlled access areas and regulated navigation areas;

(2150) (b) Prescribe general regulations for different types of limited or controlled access areas and regulated navigation areas;

(2151) (c) Prescribe specific requirements for established areas; and

(2152) (d) List specific areas and their boundaries.

(2153) **§165.5 Establishment procedures.**

(2154) (a) A safety zone, security zone, or regulated navigation area may be established on the initiative of any authorized Coast Guard official.

(2155) (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:

(2156) (1) The name of the person submitting the request;

(2157) (2) The location and boundaries of the safety zone, security zone, or regulated navigation area;

(2158) (3) The date, time, and duration that the safety zone, security zone, or regulated navigation area should be established;

(2159) (4) A description of the activities planned for the safety zone, security zone, or regulated navigation area;

(2160) (5) The nature of the restrictions or conditions desired; and

(2161) (6) The reason why the safety zone, security zone, or regulated navigation area is necessary.

(2162) (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.)

(2163) (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.

(2164) **§165.7 Notification.**

(2165) (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.

(2166) (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.

(2167) (c) Notification of the termination of the rule is usually made in the same form as the notification of its establishment.

(2168) **§165.8 Geographic coordinates.**

(2169) 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 B–Regulated Navigation Areas

(2170) **§165.10 Regulated navigation area.**

(2171) 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.

(2172) **§165.11 Vessel operating requirements (regulations).**

(2173) Each District Commander may control vessel traffic in an area which is determined to have hazardous conditions, by issuing regulations–

(2174) (a) Specifying times of vessel entry, movement, or departure to, from, within, or through ports, harbors, or other waters;

(2175) (b) Establishing vessel size, speed, draft limitations, and operating conditions; and

(2176) (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.

(2177) **§165.13 General regulations.**

(2178) (a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations contained in Subpart F.

(2179) (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

(2180) **§165.20 Safety zones.**

(2181) 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.

(2182) **§165.23 General regulations.**

(2183) Unless otherwise provided in this part–

(2184) (a) No person may enter a safety zone unless authorized by the COTP or the District Commander;

(2185) (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;

(2186) (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

(2187) (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

(2188) **§165.30 Security zones.**

(2189) (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.

(2190) (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–

(2191) (1) Vessels,

(2192) (2) Harbors,

(2193) (3) Ports and

(2194) (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.

(2195) **§165.33 General regulations.**

(2196) Unless otherwise provided in the special regulations in Subpart F of this part–

(2197) (a) No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port;

(2198) (b) Each person and vessel in a security zone shall obey any direction or order of the Captain of the Port;

(2199) (c) The Captain of the Port may take possession and control of any vessel in the security zone;

(2200) (d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(2201) (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

(2202) (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 Area

(2203) **§165.40 Restricted Waterfront Areas.**

(2204) 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.

(2205) **§165.514 Safety Zone: Atlantic Intracoastal Waterway and Connecting Waters, Vicinity of Marine Corps Base Camp Lejeune, North Carolina.**

(2206) (a) *Location*. The following area is a safety zone: All waters of the Atlantic Intracoastal Waterway (AICW) and connecting waters, from Bogue Sound-New River Daybeacon 58 (LLNR 39210) at approximate position 34°37'57"N., 77°12'18"W., and continuing in the AICW southwest to Bogue Sound–New River Daybeacon 70 (LLNR 39290) at approximate position 34°33'08"N., 77°20'34"W. All coordinates reference Datum: NAD 1983.

(2207) (b) Notwithstanding the provisions of 33 CFR 334.440 (e)(2)(i), no vessel may enter the safety zone described in Paragraph (a) of this section while weapons firing exercises are in progress, except as provided in Paragraph (c) of this section or unless permitted by the Captain of the Port (COTP) Wilmington.

(2208) (1) Red warning flags or red warning lights will be displayed on towers located at both end of the safety zone (Bear Creek and Cedar Point) while firing exercises are in progress. The flags or lights will be displayed by 8 a.m. on days where firing exercises are scheduled, and will be removed at the end of the firing exercise.

(2209) (2) A Coast Guard or U.S. Navy vessel will patrol each end of the safety zone to ensure the public is aware that firing exercises are in progress and that the firing area is clear of vessel traffic before weapons are fired.

(2210) (c)(1) The COTP Wilmington will announce the specific times and locations of firing exercises by Broadcast Notice to Mariners and Local Notice to Mariners. Normally, weapons firing for each firing exercise is limited to a 2-nautical-mile portion of the safety zone. The COTP may issue general permission to transit all or specified parts of the safety zone outside of the actual firing area or if firing is temporarily stopped. This general permission will be announced in a Local Notice to Mariners and Broadcast Notice to Mariners.

(2211) (2) Weapons firing will be suspended and vessels permitted to transit the specified 2-nautical-mile firing area for a 1-hour period beginning at the start of each odd-numbered hour local time (e.g., 9 a.m.; 1 p.m.). A vessel may not enter the specified firing area unless it will be able to complete its transit of the firing area before firing exercises are scheduled to re-start at the beginning of the next even-numbered hour.

(2212) (d) U.S. Navy safety vessels may be contacted on VHF marine band radio channels 13 (156.65 MHz) and 16 (156.8 MHz). The Captain of the Port may be contacted at the Marine Safety Office, Wilmington, NC by telephone at 1-(800) 325-4956.

Ver. 1.0 This information is not certified for navigation purposes. For test purposes only.

(2213) **§165.515 Safety Zone: Cape Fear River, Wilmington, North Carolina.**

(2214) (a) *Location*. The following area is a safety zone:

(2215) (1) The waters of the Cape Fear River bounded by a line connecting the following points:

(2216) 34°14'12"N., 77°57'10"W.

(2217) 34°14'12"N., 77°57'06"W.

(2218) 34°13'54"N., 77°57'00"W.

(2219) 34°13'54"N., 77°57'06"W.

(2220) (2) The safety zone boundary can be described as follows: starting at the stern of the Battleship USS NORTH CAROLINA, across the Cape Fear River to the north end of the Coast Guard moorings, down along the east bank of the Cape Fear River to the bow of the tug CAPTAIN JOHN TAXIS Memorial (Chandler's Wharf), back across the Cape Fear River to Eagle Island, and then up along the west bank of the Cape Fear River to the stern of the Battleship USS NORTH CAROLINA.

(2221) (b) *Definitions*. The designated representative of the Captain of the Port is any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port, Wilmington, North Carolina to act on his behalf.

(2222) (c) *General information*. The Captain of the Port and the Duty Officer at the Marine Safety Office, Wilmington, North Carolina, can be contacted at telephone number (910) 343-4895. The Coast Guard Patrol Commander and the senior boarding officer on each vessel enforcing the safety zone can be contacted on VHF-FM channels 16 and 81.

(2223) (d) *Regulation*. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2224) (1) The operator of any vessel in the immediate vicinity of this safety zone shall:

(2225) (i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(2226) (ii) Proceed as directed by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard Ensign.

(2227) (2) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a) of the section, but may not block a navigable channel.

(2228) (e) *Effective date*. The Captain of the Port will issue a Marine Safety Information Broadcast and a Notice to Mariners to notify the public when this section is in effect.

(2229) **§165.530 Safety Zone: Cape Fear and Northeast Cape Fear Rivers, NC.**

(2230) (a) *Location*. The following area is a moving safety zone during the specified conditions: The waters of the Cape Fear and Northeast Cape Fear Rivers for 500 yards ahead and astern, and 75 yards abeam of a vessel carrying hazardous materials when designated by the Captain of the Port Wilmington, North Carolina.

(2231) (b) *General Information*. (1) The Captain of the Port and the Duty Officer at the Marine Safety Office, Wilmington, North Carolina, can be contacted at telephone number 1-800-325-4956. The Coast Guard Patrol Commander enforcing the safety zone can be contacted on VHF–FM channels 16 and 81.

(2232) (2) The Captain of the Port may authorize and designate any Coast Guard commissioned, warrant, or petty officer to act on his behalf in enforcing this safety zone.

(2233) (3) The Marine Safety Office Wilmington 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 hazardous materials vessels via a marine broadcast Notice to Mariners.

(2234) (c) *Regulation*. The general regulations governing safety zones contained in §165.23 apply.

(2235) **§165.540 Regulated Navigation Area; Cape Fear River, Northeast Cape Fear River, Wilmington, North Carolina.**

(2236) (a) *Description of the Regulated Navigation Area (RNA)*. The RNA encompasses all waters of the Cape Fear River and Northeast Cape Fear River from the intersection of Bald Head Shoal Channel and Smith Island Channel (centerline coordinates 33°52'24.028"N., 78°00'29.624"W (NAD 83)) to mile 26.7 on the Northeast Cape Fear River.

(2237) (b) *Work areas*. Dredging work within the RNA will be conducted in five distinct areas: Ocean Bar II, Horseshoe Shoal, Passing Lane & Anchorage Basin, Big Island, and the Northeast Cape Fear River. Drilling or blasting is expected to occur within the Passing Lane & Anchorage Basin, Big Island, and the Northeast Cape Fear River work areas. The blast sites within the RNA, will be identified and made available to the public through: Broadcast Notices to Mariners or Local Notices to Mariners (Local Notices to Mariners are available on-line at *www.navcen.uscg.gov/lnm/d5/*); direct contact with the control vessel on channel 16 VHF–FM; direct contact with the contractor; or through the Captain of the Port on VHF marine Band Radio, channels 13 and 16; or at telephone number (910) 772-2200. In addition, dredge and blasting companies will have a control vessel present at the site of each blast.

(2238) (c) *Enforcement period*. This section will be enforced during the months of August, September, October, November, December, and January, each year. This rule will expire on January 31, 2006.

(2239) (d) *Definitions*.

(2240) *Active work area* means a work area in which blasting, drilling, or dredging operations are currently taking place.

(2241) *Blast site* means the area where explosive material is handled during loading, including the perimeter formed by the loaded blast holes and fifty (50) feet (15.2 meters) in all directions from loaded holes.

(2242) *Blasting operations* means the detonation of explosives on the river bottom.

(2243) *Captain of the Port* means the Coast Guard officer designated by the Commandant to command the Captain of the Port Zone as described in 33 CFR 3.25–20.

(2244) *Control vessel* means the vessel at an active work area which coordinates operations within the active work area.

(2245) *Hangfire* means a blast that fails to detonate at initiation, but detonates at a later time.

(2246) *Mile* means measured as nautical miles.

(2247) *Misfire* means a blast that fails to detonate completely after an attempt at initiation, also the explosive material that failed to detonate as planned.

(2248) *RNA* means Regulated Navigation Area.

(2249) *Work area* means those places within the RNA where dredging, drilling, and blasting shall be conducted.

(2250) (e) *Description of work areas in the RNA*. (1) *Ocean Bar II, mouth of Cape Fear.* The work area includes: Part of Bald Head Shoal Channel, Smith Island Channel, Baldhead Caswell Channel, Southport Channel, Battery Island Channel, Lower Swash Channel and the majority of Snows Marsh Channel. The

downstream end of the work area (centerline coordinates: 33°50'43.668"N., 78°01'40.068"W (NAD 1983)) is located southeast of Cape Fear River Channel Lighted Buoy 8 (LL 30350), approximately 2,560 feet east of the centerline of the existing Bald Head Shoal Channel. Upstream end of the work area is located 1,200 feet downstream of the intersection of Snows Marsh Channel and Horseshoe Shoal Channel at turn six (mile 6.5, approximately 1,150 feet downstream of Cape Fear River Channel Lighted Buoy 25 (LL 30530/39965)).

(2251) (2) *Horseshoe Shoal*. The work area includes: Horseshoe Shoal Channel and part of Snows Marsh Channel. Downstream end of the work area is located 1,200 feet downstream of the intersection of Snows Marsh Channel and Horseshoe Shoal Channel (mile 6.5, approximately 1,150 feet downstream of Cape Fear River Channel Lighted Buoy 25 (LL 30530/39965)). Upstream end of the work area is located at the intersection of Horseshoe Shoal Channel and Reaves Point Channel (mile 7.7, at about Cape Fear River Channel Lighted Buoy 27 (LL 30550/39945)).

(2252) (3) *Big Island*. The work area includes: Part of Keg Island Channel, Lower Big Island Channel, Upper Big Island Channel, and part of Lower Brunswick Channel. Downstream end of the work area is approximately 2,230 feet upstream of the intersection of Upper Lilliput Channel and Keg Island Channel (mile 16.2, approximately 1,320 feet downstream of Cape Fear River Channel Lighted Buoy 46 (LL 30765) and approximately 2,300 feet upstream of Cape Fear River Channel Lighted Buoy 44 (LL 30750)). Upstream end of the work area is approximately 2,680 feet upstream of intersection of Upper Big Island Channel and Lower Brunswick Channel (mile 18.7, approximately 1,620 feet upstream of Cape Fear River Channel Lighted Buoy 56 (LL 30830) and approximately 590 feet downstream of the Carolina Power & Light Company (CP&L) overhead power line crossing).

(2253) (4) *Passing Lane and Anchorage Basin*. There are two separate work areas for this contact, separated by the Big Island Contract.

(2254) (i) Passing Lane work area is located immediately downstream of the Big Island contract work area. The work area includes: Reaves Point Channel, Lower Midnight Channel, Upper Midnight Channel, Lilliput Channel, and part of Keg Island Channel. Downstream end of Passing Lane work area is the intersection of Horseshoe Shoal Channel and Reaves Point Channel (mile 7.7, at about Cape Fear River Channel Lighted Buoy 27 (LL 30550/39945)). Upstream end of the Passing Lane work area is approximately 2,230 feet upstream of intersection of Upper Lilliput Channel and keg Island Channel (mile 16.2, approximately 1,320 feet downstream of Cape Fear River Channel Lighted Buoy 46 (LL 30765) and approximately 2,300 feet upstream of Cape Fear River Channel Lighted Buoy 44 (LL 30750)).

(2255) (ii) Anchorage Basin work area is located immediately upstream of the Big Island contract work area. The work area includes: Part of Lower Brunswick Channel, Fourth East Jetty Channel, Between Channel, and Anchorage Basin Channel. Downstream end of Anchorage Basin work area is approximately 2,680 feet upstream of intersection of Upper Big Island Channel and Lower Brunswick Channel (mile 18.7, approximately 1,620 feet upstream of Cape Fear River Channel Lighted Buoy 56 (LL 30830) and approximately 590 feet downstream of the CP&L overhead power line crossing). Upstream end of Anchorage Basin work area is the Cape Fear Memorial Bridge (mile 23.6).

(2256) (5) *Northeast Cape Fear River*. The downstream end of the work area is the Cape Fear Memorial Bridge (mile 23.6). Upstream end of the work area (approximately mile 26.7) is on the Northeast Cape Fear River and is approximately 700 feet upstream of the turning basin located opposite Koch Sulfur Products Co. and approximately 90 feet downstream of the submerged gas pipeline crossing.

(2257) (f) *Regulations*. (1) Blasting, drilling, and dredging operations raise many safety issues for vessels transiting the RNA. All mariners are reminded to exercise caution while transiting or operating in the RNA.

(2258) (2) Active work areas, control vessels, and blast sites will be identified via Broadcast Notices to Mariners or Local Notices to Mariners. The Local Notice to Mariners is available on-line at *www.navcen.uscg.gov/lnm/d5/*. Control vessels shall monitor channel 16 VHF–FM.

(2259) (3) The following requirements apply to all vessels.

(2260) (i) All vessels shall inform themselves of the active work areas prior to entering the RNA.

(2261) (ii) All vessels shall contact and receive permission from the control vessel for that work area before entering the active work area.

(2262) (iii) All vessels transiting an active work area shall do so at no wake speed or the minimum speed necessary to maintain steerage.

(2263) (iv) During blasting operations all vessels are prohibited from entering an area of 500 yards surrounding the blast site. Upon notification of a misfire or hangfire, all vessels underway in the RNA shall proceed to clear the active work area in which the misfire or hangfire occurred.

(2264) (4) Vessels over 300 gross tons and tugs with tows are required to contact the COTP 12 hours before vessel movement within the RNA.

(2265) (5) Vessels meeting the notice of arrival requirement under 33 CFR 160.207 are encouraged to notify the COTP at least 48-hours before the vessel enters the RNA to facilitate scheduling and minimize delays. Updates are encouraged at least 12 hours before arriving at the RNA boundaries. The COTP may delay entry into the RNA to accommodate other commercial traffic.

(2266) (6) Vessels of 300 gross tons or greater shall be prohibited from entering the RNA when they are advised that a misfire or hangfire has occurred.

(2267) (7) For any vessel with another vessel/barge in tow transiting an active work area, the hawser or wire length of the tow shall not exceed 275 feet, measured from the towing bit on the tug to the point where the hawser or wire connects with the towed vessel or barge.

(2268) (8) Vessels of 300 gross tons or greater and tugs with tows, shall, prior to entering the RNA, ensure that they have sufficient propulsion and directional control to safely navigate the RNA under the prevailing conditions.

(2269) (9) Vessels of 300 gross tons or greater and tugs with tows are prohibited from meeting or overtaking vessels of 300 gross tons or greater or tugs with tows in active work areas or within one nautical mile of an active work area.

(2270) (10) The Captain of the Port, Wilmington may, upon written request, authorize a deviation from any regulation in this section if it is found that the proposed operations can be done safely. An application for deviation must be received not less than 48 hours before intended operation and must state the need and describe the proposal.

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Subpart F–Specific Regulated Navigation Areas and Limited Access Areas

(2271) **§165.701 Vicinity, Kennedy Space Center, Merritt Island, Florida–security zone.**

(2272) (a) The water, land, and land and water within the following boundaries are a security zone—The perimeter of the Cape Canaveral Barge Canal and the Banana River at 28°24'33"N., 80°39'48"W.; then due west along the northern shoreline of the barge canal for 1,300 yards; then due north to 28°28'42"N., 80°40'30"W., on Merritt Island. From this position, the line proceeds irregularly to the eastern shoreline of the Indian River to a position 1,300 yards south of the NASA Causeway at 28°30'54"N., 80°43'42"W. (the line from the barge canal to the eastern shoreline of the Indian River is marked by a three-strand barbed-wire fence); then north along the shoreline of the Indian River to the NASA Causeway at 28°31'30"N., 80°43'48"W. The line continues west on the southern shoreline of the NASA Causeway to NASA Gate 3 (permanent), then north to the northern shoreline of the NASA Causeway and east on the northern shoreline of the causeway back to the shoreline on Merritt Island at position 28°31'36"N., 80°43'42"W.; then northwest along the shoreline to 28°41'01.2"N., 80°47'10.2"W. (Blackpoint); then due north to channel marker #6 on the Intracoastal Waterway (ICW), then northeast along the southern edge of the ICW to the western entrance to the Haulover Canal. From this point, the line continues northeast along the southern edge of the Haulover Canal to the eastern entrance to the canal; then due east to a point in the Atlantic Ocean 3 miles offshore at 28°44'42"N., 80°37'51"W.; then south along a line 3 miles from the coast to Wreck Buoy "WR6", then to Port Canaveral Channel Lighted Buoy 10, then west along the northern edge of the Port Canaveral Channel to the northeast corner of the intersection of the Cape Canaveral Barge Canal and the ICW in the Banana River at 28°24'36"N., 80°38'42"W. The line continues north along the east side of the Intracoastal Waterway to daymarker "35" thence North Westerly one quarter of a mile south of NASA Causeway East (Orsino Causeway) to the shoreline on Merritt Island at position 28°30.95'N., 80°37.6'W., then south along the shoreline to the starting point.

(2273) (b) The area described in paragraph (a) of this section is closed to all vessels and persons, except those vessels and persons authorized by the Commander, Seventh Coast Guard District, or the COTP Jacksonville, Florida, whenever space vehicles are to be launched by the United States Government from Cape Canaveral.

(2274) (c) COTP Jacksonville, Florida, closes the security zone, or specific portions of it, by means of locally promulgated notices. The closing of the area is signified by the display of a red ball from a 90-foot pole near the shoreline at approximately 28°35'00"N., 80°34'36"W., and from a 90-foot pole near the shoreline at approximately 28°25'18"N., 80°35'00"W. Appropriate Local Notices to Mariners will also be broadcast on 2670 kHz.

(2275) **§165.705 Port Canaveral Harbor, Cape Canaveral, Florida.**

(2276) (a) Security Zone A-East (TRIDENT) Basin, Port Canaveral Harbor, at Cape Canaveral Air Force Station, Brevard County, Florida. All waters of the East Basin north of latitude 28°24'36"N.

(2277) (b) Security Zone B-Middle Basin, Port Canaveral Harbor, adjacent to the Navy wharf at Cape Canaveral Air Force Station, Brevard County, Florida. The waters of Port Canaveral Harbor within a line circumscribing the water approaches to the Navy wharf along the northeasterly edge of the Port Canaveral Harbor turning basin at a distance of 200 feet from all portions of the wharf including the dolphins located 200 feet off the northwest end and 75 feet of the southeast end of the wharf.

(2278) (c) Entrance into these zones by vessels other than vessels owned or leased by the United States is prohibited without permission of the Captain of the Port, Jacksonville, Florida.

(2279) (d) The general regulations governing security zones contained in 33 CFR 165.33 apply.

(2280) §**165.708 Safety/Security Zone; Charleston Harbor and Cooper River, Charleston, SC.**

(2281) (a) *Regulated area*. The following boundaries are established as a safety and security zone during specified conditions:

(2282) (1) All waters 200 yards ahead and astern and 100 yards to each side of a vessel transporting nuclear materials while the vessel transits from Charleston Harbor Entrance Buoy "C" (LLNR 1885, position 32-39.6N, 079-40.9W) to the Charleston Naval Weapons Station (position 32-55.4N, 079-56.0W) on the Cooper River. All coordinates referenced use datum: NAD 1983.

(2283) (2) All waters within 100 yards of the vessel described in paragraph (a)(1) of this section while the vessel is conducting cargo operations at the Charleston Naval Weapons Station.

(2284) (b) Captain of the Port Charleston will announce the activation of the safety/security zones described in paragraph (a) of this section by Broadcast Notice to Mariners. The general regulations governing safety and security zones contained in §§165.23 and 165.33 apply.

(2285) **§165.714 Regulated Navigation Area: Atlantic Ocean, Charleston, SC.**

(2286) (a) *Location*. The following area is a Regulated Navigation Area: A trapezoid at the water surface, and the entire water column from surface to seabed inclusive of the vessel, bounded by the following four coordinates:

Western boundary	32°42'56"N	79°47'34"W
Southern boundary	32°42'32"N	79°46'42"W
Eastern boundary	32°43'26"N	79°45'27"W
Northern boundary	32°43'56"N	79°46'08"W

(2287) (NAD 83)

(2288) (b) *Regulations*. In accordance with the general regulations in §165.23 of this part, all vessels and persons are prohibited from anchoring, diving, laying cable or conducting salvage operations in this zone except as authorized by the Captain of the Port.

(2289) **§165.720 Safety/Security Zone: St. Johns River, Jacksonville, FL.**

(2290) (a) *Location*. The water and the land within the following boundaries are established as a safety and security zone during specified conditions:

(2291) (1) All waters within 200 yards of Blount Island, Jacksonville, Florida and all adjacent land within 100 yards of the island shoreline during staging of Department of Defense equipment and during the loading/unloading of military supply vessels.

(2292) (2) All waters within 200 yards of "any" waterfront facility at which a laden military vessel is located and all land at the facility, including docks and piers, within 100 yards of the St. Johns River.

(2293) (3) All waters within 200 yards of any specified military supply vessel during its transit of the St. Johns River and out to three (3) nautical miles offshore.

(2294) (b) *Regulation*s. (1) For public notice, the zone described in paragraph (a)(1) of this section is effective beginning 11 December 1990 and will remain in force until cancelled by the Captain of the Port Jacksonville, Florida.

(2295) (2) The COTP Jacksonville may activate, as necessary, any portion of the safety/security zone described in paragraphs (a)(2) and (a)(3) of this section by means of locally promulgated broadcast notice to mariners. Once implemented, neither overtaking nor meeting situations will be allowed during specified vessel transits.

(2296) (3) In accordance with the general regulations governing safety and security zones contained in 33 CFR 165.23 and 165.33 of this part, entry into any portion of the described zone is prohibited unless authorized by the Captain of the Port Jacksonville, Florida.

(2297) (4) This regulation does not apply to authorized law enforcement agencies operating within the safety/security zone.

(2298) **§165.722 Security Zone St. Johns River, Jacksonsville, Florida.**

(2299) (a) *Location*. The water located within the following area is established as a security zone: beginning at the shoreline of the St. Johns River at the northernmost property line of Naval Air Station Jacksonville next to Timuquana Country Club, at

(2300) 30°14'39.5"N., 81°40'45"W.; thence northeasterly to

(2301) 30°14'42"N., 81°40'42"W.; thence south remaining 400 feet from the shoreline at mean high water; thence past Piney Point and Black Point to the northern edge of Mulberry Cover Manatee refuge, 400 feet from Naval Air Station Jacksonville boat ramp, at

(2302) 30°13'00"N., 81°40'23.5"W.; thence southwesterly in a straight line to position

(2303) 30°12'14"N., 81°40'42"W.; thence southerly, remaining 400' seaward of the mean high water shoreline to

(2304) 30°11'40"N., 81°41'15.5"W.; thence northwest to the point at the end of the property line of Naval Air Station Jacksonville just north of the Buckman Bridge at position

(2305) 30°11'42.30"N., 81°41'23.66"W.; thence northeasterly along the mean high water shoreline of the St. Johns River and Mulberry Cove to the point of beginning. Datum: NAD 83

(2306) (b) In accordance with the general regulations in §165.33 of this part, no person or vessel may enter or remain in the zone without the permission of the Captain of the Port Jacksonville, Florida. All other portions of §165.33 remain applicable.

(2307) (c) This regulation does not apply to Coast Guard vessels and authorized law enforcement vessels operating within the Security Zone.

(2308) **§165.726 Regulated Navigation Areas; Miami River, Miami, Florida.**

(2309) (a) *Location*. The following are Regulated Navigation Areas:

(2310) (1) All the waters of the Miami River, Miami, Florida, from the Brickell Avenue Bridge, in approximate position 25°46.19'N., 80°11.4'W., inland to the South Florida Water Management District's salinity dam in approximate position 25°48.4'N., 80°15.6'W.

(2311) (2) The Tamiami Canal from its intersection with the Miami River in approximate position 25°47.7'N., 80°14.7'W. to the N.W. 37th Avenue bridge in approximate position 25°48.5'N., 80°15.5'W. All coordinates referenced use datum: NAD 83.

(2312) (b) *Regulations*. The restrictions in this paragraph apply to vessels operating within the regulated navigation areas in paragraph (a) of this section unless authorized to deviate by the Captain of the Port, Miami, Florida, or a Coast Guard commissioned, warrant, or petty officer designated by him.

(2313) (1) All rafted vessels (inboard and outboard) must be properly moored in accordance with applicable municipal laws and regulations.

(2314) (2) At no time shall any vessels be rafted more than two abreast.

(2315) (3) Neither single nor rafted vessels shall extend greater than 54 feet into the main river (measured from the dock) without permission of the Captain of the Port.

(2316) (4) A minimum channel width of 65 feet shall be maintained at all times on the Miami River from the Brickell Avenue Bridge west to the Tamiami Canal. A minimum channel width of 45 feet shall be maintained at all times on the Miami River west of the junction of the Miami River and the Tamiami Canal to the South Florida Water Management District's salinity dam, as well as on the Tamiami Canal from its mouth to the N.W. 37th Avenue Bridge.

(2317) (5) All moored and rafted vessels shall provide safe access from the shore.

(2318) (6) All moored and rafted vessels shall provide clear and ready access for land-based firefighters to safely and quickly reach outboard rafted vessels.

(2319) (7) No vessels shall moor or raft in any manner as to impede safe passage of another vessel to any of the tributaries of the Miami River.

(2320) (8) Nothing in these regulations shall prohibit the U.S. Army Corps of Engineers from requiring the relocation or movement of vessels in a declared flood emergency.

(2321) (c) *Enforcement*. Violations of these regulated navigation areas should be reported to the Captain of the Port, Miami. Persons in violation of these regulations will be subject to civil penalty under §165.13(b) of this part.

(2322) **§165.728 Jacksonville, Florida–Safety Zones.**

(2323) (a) The water, land, and land and water within the following boundaries are established as Safety Zones during the specified conditions:

(2324) (1) *Zone A*: 200 yards in all directions around any specified Maritime Prepositioned Ship as it transits between the St. Johns River entrance sea buoy (STJ) and its berth inside the Mayport Basin (Ribault Bay), Mayport, Florida. The prescribed safety zone will also be in effect as the vessel transits to its berth at Blount Island Marine Terminal, Jacksonville, Florida.

(2325) (2) *Zone B*: 100 yards in all directions on land and 200 yards on water from the eastern end of Transit Shed #2 to the east shore of Alligator Creek at Blount Island Terminal, Jacksonville, Florida.

(2326) (3) *Zone C*: 100 yards in all directions on land from Gate berth #1 and all waters within the Back River (locally known as the Gate Slip) on Blount Island, Jacksonville, Florida, commencing from a line drawn between the southwesterly most shore point 30°23'34"N., 81°30'52"W. and the southeasterly most shore point 30°23'38"N., 81°30'36"W.

(2327) (b) The areas described in paragraph (a) of this section may be closed to all vessels and persons, except those vessels and persons authorized by the Commander, Seventh Coast Guard District or the Captain of the Port, Jacksonville, Florida, whenever specified Maritime Prepositioned Ships are transiting the St.

Johns River (Zone A), moored at Blount Island (Zone B), or moored at Gate Terminal (Zone C).

(2328) (c) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(2329) (d) The Captain of the Port Jacksonville, Florida will activate the safety zones or specific portions of them by issuing a local broadcast notice to mariners. The closing of the area at Blount Island, described above, will be signified by the display of a rotating yellow light located on the waterfront at Blount Island Marine Terminal or at the Gate Terminal Berth #1.

(2330) **§165.729 Jacksonville Harbor, Florida-Security Zone.**

(2331) (a) The water, land, and land and water within the following boundaries are established as Security Zones during the specified conditions:

(2332) (1) *Zone A*: 200 yards in all directions around any specified Maritime Prepositioned Ship as it transits between the St. Johns River entrance sea buoy (STJ) and its berth inside the Mayport Naval Basin (Ribault Bay), Mayport, Florida. The prescribed security zone will also be in effect as the vessel transits to its berth at Blount Island Marine Terminal, Jacksonville, Florida.

(2333) (2) *Zone B*: 100 yards in all directions on land and 200 yards on water from the eastern end of Transit Shed #2 to the east shore of Alligator Creek at Blount Island Terminal, Jacksonville, Florida.

(2334) (3) *Zone C*: 100 yards in all directions on land from Gate berth #1 and all waters within the Back River (locally known as the Gate Slip) on Blount Island, Jacksonville, Florida, commencing from a line drawn between the southwesterly most shore point 30°23'34"N., 81°30'52"W. and the southeasterly most shore point 30°23'38"N., 81°30'36"W.

(2335) (b) The areas described in paragraph (a) of this section may be closed to all vessels and persons, except those vessels and persons authorized by the Commander, Seventh Coast Guard District or the Captain of the Port, Jacksonville, Florida, whenever specified Maritime Prepositioned Ships are transiting the St. Johns River (Zone A), moored at Blount Island (Zone B), or moored at Gate Terminal (Zone C).

(2336) (c) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(2337) (d) The Captain of the Port Jacksonville, Florida will activate the safety zones or specific portions of them by issuing a local broadcast notice to mariners. The closing of the area at Blount Island, described above, will be signified by the display of a rotating yellow light located on the waterfront at Blount Island Marine Terminal or at the Gate Terminal Berth #1.

(2338) **§165.730 Kings Bay, GA-Regulated navigation area.**

(2339) Vessels transiting in the water bounded by the line connecting the following points must travel no faster than needed for steerageway:

(2340) 30°48'00.0"N., 081°29'24.0"W.

(2341) 30°46'19.5"N., 081°29'17.0"W.

(2342) 30°47'35.0"N., 081°30'16.5"W. and thence to the point of beginning.

(2343) **§165.731 Safety/Security Zone; Cumberland Sound, Georgia and St. Marys River Entrance Channel.**

(2344) (a) *Location*. A permanent safety/security zone is established within the following coordinates, the area enclosed by a line starting at

(2345) 30°44'55"N., 81°29'39"W.; thence to

(2346) 30°44'55"N., 81°29'18"W.; thence to

(2347) 30°46'35"N., 81°29'18"W.; thence to

(2348) 30°47'02"N., 81°29'34"W.; thence to

(2349) 30°47'21"N., 81°29'39"W.; thence to

(2350) 30°48'00"N., 81°29'42"W.; thence to

(2351) 30°49'07"N., 81°29'56"W.; thence to

(2352) 30°49'55"N., 81°30'35"W.; thence to

(2353) 30°50'15"N., 81°31'08"W.; thence to

(2354) 30°50'14"N., 81°31'30"W.; thence to

(2355) 30°49'58"N., 81°31'45"W.; thence to

(2356) 30°49'58"N., 81°32'03"W.; thence to

(2357) 30°50'12"N., 81°32'17"W.; thence following the land based perimeter boundary to the point of origin.

(2358) (b) A temporary safety/security zone, when activated by the Captain of the Port, Jacksonville, Florida, encompasses all waters and land from bank to bank within Cumberland Sound and the St. Marys Entrance Channel: the northern extent of this zone starts at the southern tip of Crab Island; lighted buoy number "1" at the mouth of the Amelia River demarks the southern boundary; daymarker number "2" at the mouth of the St. Marys River indicates the western boundary; and the eastern boundary extends out to three (3) nautical miles in the Atlantic Ocean, with the zone also encompassing the waters within 1,000 yards of the entrance channel east of the jetties.

(2359) (c) *Regulations*. (1) The Captain of the Port, Jacksonville, Florida will activate the temporary safety/security zone described in paragraph (b) of this section by issuing a local broadcast notice to mariners.

(2360) (2) All persons and vessels in the vicinity of the safety/security zone shall immediately obey any direction or order of the Captain of the Port, Jacksonville, Florida.

(2361) (3) The general regulations governing safety and security zones contained in 33 CFR 165.23 and .33 apply. No person or vessel may enter or remain within the designed zones without the permission of the Captain of the Port, Jacksonville, Florida.

(2362) (4) This regulation does not apply to persons or vessels operating under the authority of the United States Navy nor to authorized law enforcement agencies.

(2363) **§165.735 Brunswick, Georgia, Turtle River, Vicinity of Sydney Lanier Bridge.**

(2364) Except during the flood tide, every vessel over 500 GRT departing the Port of Brunswick for sea shall do so only from the Turtle River, so as to be shaped up for bridge transit:

(2365) (a) Before reaching Turtle River Buoy "1" (Light List Number 6050); or,

(2366) (b) Before reaching the intersection of Brunswick Harbor Range and Turtle River Lower Range, provided that the vessel:

(2367) (1) Be equipped with an operable bow thruster or have tug assistance; and

(2368) (2) Be stopped and maneuvered with no appreciable way Page 108-Paragraph 2248, lines 2-3; read:

(2369) on until aligned with the centerline axis of the Turtle River Channel.

Subpart G-Protection of Naval Vessels

(2370) **§165.2010 Purpose.**

(2371) 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.

(2372) **§165.2015 Definitions.**

(2373) The following definitions apply to this subpart:

(2374) *Atlantic Area* means that area described in 33 CFR 3.04–1 Atlantic Area.

(2375) *Large U.S. naval vessel* means any U.S. naval vessel greater than 100 feet in length overall.

(2376) *Naval defensive sea area* means those areas described in 32 CFR part 761.

(2377) *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.

(2378) *Navigable waters of the United States* means those waters defined as such in 33 CFR part 2.

(2379) *Navigation rules* means the Navigation Rules, International-Inland.

(2380) *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.

(2381) *Pacific Area* means that area described in 33 CFR 3.04–3 Pacific Area.

(2382) *Restricted area* means those areas established by the Army Corps of Engineers and set out in 33 CFR part 334.

(2383) *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.

(2384) *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.

(2385) *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.

(2386) **§165.2020 Enforcement authority.**

(2387) (a) *Coast Guard*. Any Coast Guard commissioned, warrant or petty officer may enforce the rules and regulations contained in this subpart.

(2388) (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.

(2389) **§165.2025 Atlantic Area.**

(2390) (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.

(2391) **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.

(2392) (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.

(2393) (c) The Navigation Rules shall apply at all times within a naval vessel protection zone.

(2394) (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.

(2395) (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.

(2396) (f) When conditions permit, the Coast Guard, senior naval officer present in command, or the official patrol should:

(2397) (1) Give advance notice on VHF-FM channel 16 of all large U.S. naval vessel movements;

(2398) (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

(2399) (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

(2400) (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.

(2401) **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 169—Ship Reporting Systems

Subpart A–General

(2402) **§169.1 What is the purpose of this subpart?**

(2403) This subpart prescribes the requirements for mandatory ship reporting systems. Ship reporting systems are used to provide, gather, or exchange information through radio reports. The information is used to provide data for many purposes including, but not limited to: navigation safety, environmental protection, vessel traffic services, search and rescue, weather forecasting and prevention of marine pollution.

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(2404) **§169.5 What terms are defined?**

(2405) *Gross tons* means vessel tonnage measured in accordance with the method utilized by the flag state administration of that vessel.

(2406) *Mandatory ship reporting system* means a ship reporting system that requires the participation of specified vessels or classes of vessels, and that is established by a government or governments after adoption of a proposed system by the International Maritime Organization (IMO) as complying with all requirements of regulation V/8–1 of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), except paragraph (e) thereof.

(2407) *Self-propelled ships* means ships propelled by mechanical means.

(2408) *Shore-based authority* means the government appointed office or offices that will receive the reports made by ships entering each of the mandatory ship reporting systems. The office or offices will be responsible for the management and coordination of the system, interaction with participating ships, and the safe and effective operation of the system. Such an authority may or may not be an authority in charge of a vessel traffic service.

(2409) **§169.10 What geographic coordinates are used?**

(2410) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts where the referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

Subpart B–Establishment of Two Mandatory Ship Reporting Systems for the Protection of Northern Right Whales

(2411) **§169.100 What mandatory ship reporting systems are established by this subpart?**

(2412) This subpart prescribes requirements for the establishment and maintenance of two mandatory ship reporting systems for the protection of the endangered northern right whale (also known as the North Atlantic right whale). These two systems are designated for certain areas of the East Coast of the United States. One system is located in the northeast and is identified as WHALESNORTH. The other system is located in the southeast and is identified as WHALESSOUTH.

(2413) **Note:** 50 CFR 224.103(c) contains requirements and procedures concerning northern right whale approach limitations and avoidance procedures.

(2414) **§169.102 Who is the shore-based authority?**

(2415) The U.S. Coast Guard is the shore-based authority for these mandatory ship reporting systems.

(2416) **§169.105 Where is the northeastern reporting system located?**

(2417) Geographical boundaries of the northeastern area include the waters of Cape Cod Bay, Massachusetts Bay, and the Great South Channel east and southeast of Massachusetts. The coordinates (NAD 83) of the area are as follows: from a point on Cape Ann, Massachusetts at 42°39'N, 70°37'W; then northeast to 42°45'N, 70°13'W; then southeast to 42°10'N, 68°31'W; then south to 41°00'N, 68°31'W; then west to 41°00'N, 69°17'W; then northwest to 42°05'N, 70°02'W, then west to 42°04'N, 70°10'W; and then along the Massachusetts shoreline of Cape Cod Bay and Massachusetts Bay back to the point on Cape Ann at 42°39'N, 70°37'W.

(2418) **§169.110 When is the northeastern reporting system in effect?**

(2419) The mandatory ship reporting system in the northeastern United States operates year-round.

(2420) **§169.115 Where is the southeastern reporting system located?**

(2421) Geographical boundaries of the southeastern area include coastal waters within about 25 nautical miles (45 kilometers) along a 90-nautical mile (170-kilometer) stretch of the Atlantic seaboard in Florida and Georgia. The area coordinates (NAD 83) extends from the shoreline east to longitude 80°51.6'W with the southern and northern boundaries at latitude 30°00'N and 31°27'N., respectively.

(2422) **§169.120 When is the southeastern reporting system in effect?**

(2423) The mandatory ship reporting system in the southeastern United States operates during the period beginning on November 15 each year through April 16 of the following year.

(2424) **§169.125 What classes of ships are required to make reports?**

(2425) Each self-propelled ship of 300 gross tons or greater must participate in the reporting systems, except government ships exempted from reporting by regulation V/8–1(c) of SOLAS. However, exempt ships are encouraged to participate in the reporting systems.

(2426) **§169.130 When are ships required to make reports?**

(2427) Participating ships must report to the shore-based authority upon entering the area covered by a reporting system. Additional reports are not necessary for movements made within a system or for ships exiting a system.

(2428) **§169.135 How must the reports be made?**

(2429) (a) A ship equipped with INMARSAT C must report in IM0 standard format as provided in §169.140 in table 169.140.

(2430) (b) A ship not equipped with INMARSAT C must report to the Coast Guard using other means, listed below in order of precedence–

(2431) (1) Narrow band direct printing (SITOR).

(2432) (2) HF voice communication, or

(2433) (3) MF or VHF voice communications.

(2434) (c) SITOR or HF reports made directly to the Coast Guard's Communications Area Master Station Atlantic (CAMSLANT) in Chesapeake, VA, or MF or VHF reports made to Coast Guard activities or groups, should only be made by ships not equipped with INMARSAT C. Ships in this category must provide all the required information to the Coast Guard watchstander.

(2435) **§169.140 What information must be included in the report?**

(2436) Each ship report made to the shore-based authority must follow the standard reporting and format requirements listed in this section in table 169.140. Current email addresses and telex numbers are published annually in the U.S. Coast Pilot.

Part 207–Navigation Regulations

(2437) **§207.160 All waterways tributary to the Atlantic Ocean south of Chesapeake Bay and all waterways tributary to the Gulf of Mexico east and south of St. Marks, FL; use,**

TABLE 169.140—REQUIREMENTS FOR SHIP REPORTS		
Telegraphy	**Function**	**Information required**
Name of system	System identifier	Ship reporting system WHALESNORTH or WHALESSOUTH
M	INMARSAT Number	Vessel INMARSAT number
A	Ship	The name, call sign or ship station identity, IMO number, and flag of the vessel.
B	Date and time of event	A 6-digit group giving day of month (first two digits), hours and minutes (last four digits).
E	True course	A 3-digit group indicating true course.
F	Speed in knots and tenths of knots	A 3-digit group.
H	Date, time and point of entry into system	Entry time expressed as in (B) and entry position expressed as– (1) 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 (2) True bearing (first 3 digits) and distance (state distance) in nautical miles from a clearly identified landmark (state landmark).
I	Destination and expected time of arrival	Name of port and date time group expressed as in (B).
L	Route information	Intended track.

administration, and navigation. (a) *Description*. This section applies to the following:

(2438) (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.

(2439) (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.

(2440) (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.

(2441) (4) *Vessels and rafts*. The term "vessels" as used in this section includes all floating things moved over these waterways other than rafts.

(2442) (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:

(2443) U.S. District Engineer, Norfolk, Virginia.

(2444) U.S. District Engineer, Wilmington, North Carolina.

(2445) U.S. District Engineer, Charleston, South Carolina.

(2446) U.S. District Engineer, Savannah, Georgia.

(2447) U.S. District Engineer, Jacksonville, Florida.

(2448) (c) [Reserved].

(2449) (d) *Bridges*. (For regulations governing the operation of bridges, see 33 CFR 117.1, 117.240, and 117.245.)

(2450) (e) *Locks*-(1) Authority of Lockmasters

(2451) (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.

(2452) (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

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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 identity of the designated government employee.

(2453) (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 vessels or rafts shall approach within 300 feet of any lock entrance unless signalled to do so by the lockmaster.

(2454) (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.

(2455) (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.

(2456) (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.

(2457) (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.

(2458) (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.

(2459) (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.

(2460) (iv) Power vessels must accompany tows through the locks when so directed by the lockmaster.

(2461) (v) No vessel whose cargo projects beyond its sides will be admitted to lockage.

(2462) (vi) Vessels in a sinking condition shall not enter a lock or approaches.

(2463) (vii) The passing of coal from flats or barges to steamers while in locks is prohibited.

(2464) (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.

(2465) (ix) The lockmaster may refuse to lock vessels which, in his judgment, fail to comply with this paragraph.

(2466) (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.

(2467) (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.

(2468) (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.

(2469) (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.

(2470) (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.

(2471) (f) (Reserved)

(2472) (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.

(2473) (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.

(2474) (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

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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.

(2475) (4) The length and width of rafts shall not exceed such maximum dimensions as may be prescribed by the District Engineer.

(2476) (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.

(2477) (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.

(2478) (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.

(2479) (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.

(2480) (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.

(2481) (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 Superintendent of Lighthouses at Norfolk, Virginia, if north of New River Inlet, North Carolina; to the Superintendent of Lighthouses at Charleston, South Carolina, if between New River Inlet, North Carolina, and St. Lucie Inlet, Florida; to the Superintendent of Lighthouses at Key West, Florida, if between St. Lucie Inlet and Suwanee River, Florida; and to the Superintendent of Lighthouses, New Orleans, Louisiana, if between Suwanee River and St. Marks, Florida.

(2482) (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.

(2483) (k) *Copies of regulations*. Copies of the regulations in this section will be furnished free of charge upon application to the nearest District Engineer.

(2484) **§207.169 Oklawaha River, navigation lock and dam at Moss Bluff, Fla.; use, administration and navigation.** (a) The owner of or agency controlling the lock shall not be required to operate the navigation lock except from 7 a.m. to 7 p.m. during the period of February 15 through October 15 each year, and from 8 a.m. to 6 p.m. during the remaining months of the year. During the above hours and periods the lock shall be opened upon demand for the passage of vessels. The hours of operation are based on local time.

(2485) (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 of this section.

(2486) **§207.170 Federal Dam, Oklawaha River, Moss Bluff, Fla.; pool level.** (a) The level of the pool shall normally be maintained at elevation 56.5 feet above sea level: Provided, That the level of the pool may be raised to not exceeding 58.5 feet above sea level at such times as may be authorized in writing by the District Engineer, Jacksonville, Fla., and subject to such conditions as he may specify.

(2487) (b) When in the opinion of the District Engineer, an emergency exists requiring the lowering of the pool level to an elevation less than 56.5 above sea level either to safeguard the dikes or to increase the discharge from Lake Griffin in times of high water, the discharge past the dam shall be regulated in such manner as he may direct until he shall declare the emergency passed.

(2488) **§207.170a Eugene J. Burrell Navigation Lock in Haines Creek near Lisbon, Florida; use, administration and navigation.** (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.

(2489) (b) The owner of the lock shall place signs, of such size and description as may be designated by the District Engineer, U.S. Army Engineer District, Jacksonville, Florida, at each side of this lock indicating the nature of the regulations of this section.

(2490) **§207.170b Apopka-Beauclair Navigation Lock in Apopka-Beauclair Canal in Lake County, Florida; use, administration and navigation.** (a) The owner of or agency controlling the lock shall not be required to operate the navigation lock except from 7:00 a.m. to 12:00 noon, and from 1:00 p.m. to 7:00 p.m., during the period of February 15 through October 15 each year; and from 8:00 a.m. to 12 noon, and from 1:00 p.m. to 6:00 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.

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(2491) (b) The owner of the lock shall place signs, of such size and descriptions as may be designated by the District Engineer, U.S. Army Engineer District, Jacksonville, Florida, at each side of this lock indicating the nature of the regulations.

(2492) **§207.170c Kissimmee River, navigation locks between Lake Tohopekaliga and Lake Okeechobee, Fla.; use, administration and navigation.** (a) The owner of or agency controlling the locks shall be required to open the navigation locks upon demand for passage of vessels during the following hours and periods:

(2493) Locks S–61, S–65, and S–65E:

(2494) Monday through Friday, all year; 7:00 a.m. to 6:00 p.m.

(2495) Saturday and Sunday, Mar. 1 through Oct. 31; 5:30 a.m. to 7:30 p.m.

(2496) Saturday and Sunday, Nov. 1 through Feb. 28; 5:30 a.m. to 6:30 p.m.

(2497) Lock S–65A:

(2498) Seven days a week, all year; 8:00 a.m. to 5:00 p.m.

(2499) Locks S–65B, S–65C, and S–65D:

(2500) Monday through Friday, all year; 8:00 a.m. to 5:00 p.m.

(2501) Saturday and Sunday, Mar. 1 through Oct. 31; 5:30 a.m. to 7:30 p.m.

(2502) Saturday and Sunday, Nov. 1 through Feb. 28; 5:30 a.m. to 6:30 p.m.

(2503) (b) The owner of or agency controlling the locks shall place signs, of such size and description as may be designated by the District Engineer, U.S. Army Engineer District, Jacksonville, Florida, at each side of the locks indicating the nature of the regulations of this section.

(2504) **§207.170d Taylor Creek, navigation lock (S-193) across the entrance to Taylor Creek at Lake Okeechobee, Okeechobee, Fla.; use, administration and navigation.** (a) The owner of or agency controlling the lock shall not be required to operate the navigation lock except from 5:30 a.m. to 8:00 p.m. daily. During the above hours the lock shall be opened upon demand for the passage of vessels.

(2505) (b) The owner of the lock shall place signs, of such size and description as may be designated by the District Engineer, U.S. Army Engineer District, Jacksonville, Florida at each side of this lock indicating the nature of the regulations of this section.

(2506) **§207.800 Collection of navigation statistics.**

(2507) (a) *Definitions*. For the purpose of this regulation the following terms are defined:

(2508) (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.)

(2509) (2) *Offenses and Violations* mean:

(2510) (i) Failure to submit a required report.

(2511) (ii) Failure to provide a timely, accurate, and complete report.

(2512) (iii) Failure to submit monthly listings of idle vessels or vessels in transit.

(2513) (iv) Failure to submit a report required by the lockmaster or canal operator.

(2514) (3) *Leased or chartered vessel* means a vessel that is leased or chartered when the owner relinquishes control of the vessel through a contractual agreement with a second party for a specified period of time and/or for a specified remuneration from the lessee. Commercial movements on an affreightment basis are not considered a lease or charter of a particular vessel.

(2515) (4) *Person or entity* means an individual, corporation, partnership, or company.

(2516) (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.

(2517) (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.

(2518) (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:

(2519) Company A is the barge owner, and the barge transports corn from Minneapolis, MN to New Orleans, LA, with fleeting at Cairo, IL.

(2520) (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.

(2521) (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.

(2522) (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.

(2523) (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.

(2524) (v) *Fleeting*: Barge is deposited at a New Orleans fleeting area by Company A and towed by Company B from fleeting area to New Orleans area dock for unloading. Company A, as barge owner, reports entire movements from Minneapolis to the unloading dock in New Orleans. Company B does not report any barge movement.

(2525) (b) Implementation of the waterborne commerce statistics provisions of the River and Harbor Act of 1922, as amended by the Water Resources Development Act of 1986 (Pub. L. 99-662), mandates the following.

(2526) (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.

(2527) (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.

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(2528) (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.

(2529) (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:

(2530) (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 62180, New Orleans, LA 70161-1280.

(2531) (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.

(2532) (B) Vessels idle during the month must also be reported.

(2533) (C) Notwithstanding the above requirements, the following waterborne vessel movements need not be reported:

(2534) (1) Movements of recreational vessels.

(2535) (2) Movements of fire, police, and patrol vessels.

(2536) (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.

(2537) (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.

(2538) (5) Specific movements granted exemption in writing by the Waterborne Commerce Statistics Center.

(2539) (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.

(2540) (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 the above paragraph (D), on computer printouts, magnetic tape, diskettes, or alternate medium approved by the Center.

(2541) (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).

(2542) (1) The name of the shipper of the commodity, and the shipper 0146's Internal Revenue Service number or Social Security number, must be reported on the form.

(2543) (2) If a specific exemption applies to the shipper, the shipper should list the appropriate exemption code. The specific exemption codes are listed in the directions for ENG Form 3925.

(2544) (3) Refer to 19 CFR part 24 for detailed information on exemptions and ports subject to the Harbor Maintenance Tax.

(2545) (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.

(2546) (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.

(2547) (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.

(2548) (c) *Penalties for Noncompliance*. The following penalties for noncompliance can be assessed for offenses and violations.

(2549) (1) Criminal Penalties. Every person or persons 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.

(2550) (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.

(2551) (3) Denial of Passage. In addition to these fines, penalties, and imprisonments, the lockmaster or canal operator can refuse to allow vessel passage.

(2552) (d) *Enforcement Policy*. Every means at the disposal of the Army Corps of Engineers will be utilized to monitor and enforce these regulations.

(2553) (1) To identify vessel operating companies that should be reporting waterborne commerce data, The Corps will make use of, but is not limited to, the following sources.

(2554) (i) Data on purchase and sale of vessels.

(2555) (ii) U.S. Coast Guard vessel documentation and reports.

(2556) (iii) Data collected at Locks, Canals, and other facilities operated by the Corps.

(2557) (iv) Data provided by terminals on ENG Form 3926.

(2558) (v) Data provided by the other Federal agencies including the Internal Revenue Service, Customs Service, Maritime Administration, Department of Transportation, and Department of Commerce.

(2559) (vi) Data provided by ports, local facilities, and State or local governments.

(2560) (vii) Data from trade journals and publications.

(2561) (viii) Site visits and inspections.

(2562) (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.

(2563) (3) Administrative Assessment of Civil Penalties. Civil penalties may be assessed in the following manner.

(2564) (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 autho-

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rized 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.

(2565) (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, described by reasonable specificity the nature of the violation, and indicate the applicable provisions of 33 CFR part 326.

(2566) (iii) Hearing Requests. Recipients of a proposed civil penalty order may file a written request for a hearing or other proceeding. This request shall be as specified in 33 CFR part 326 and shall be addressed to the Director of the Water Resources Support Center, Casey Building, Fort Belvoir, VA 22060-5586, who will provide the requesting person or entity with a reasonable opportunity to present evidence regarding the issuance, modification, or revocation of the proposed order. Thereafter, the Director of the Water Resources Center shall issue a final order.

(2567) (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 Zones and Restricted Area Regulations

(2568) **§334.1 Purpose.**

(2569) The purpose of this part is to:

(2570) (a) Prescribe procedures for establishing, amending and disestablishing danger zones and restricted area;

(2571) (b) List the specific danger zones and restricted areas and their boundaries; and

(2572) (c) Prescribe specific requirements, access limitations and controlled activities within the danger zones and restricted areas.

(2573) **§334.2 Definitions**

(2574) (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.

(2575) (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.

(2576) **§334.3 Special policies.**

(2577) (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.

(2578) (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),

(2579) (c) *Temporary, occasional or intermittent use*. If the use of the water area is desired for a short period of time, not 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 Imagery and Mapping Agency, Hydrographic Center, Washington, DC 20390, ATTN: Code NS 12. Notification to all parties and Agencies shall be made at least two weeks prior to the planned event, or earlier, if required for distribution of Local Notice to Mariners by the Coast Guard.

(2580) **§334.4 Establishment and amendment procedures.**

(2581) (a) *Application*. Any request for the establishment, amendment or revocation of a danger zone or restricted area must contain sufficient information for the District Engineer to issue a public notice, and as a minimum must contain the following:

(2582) (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.

(2583) (2) Name of waterway and if a small tributary, the name of a larger connecting waterbody.

(2584) (3) Name of closest city or town, county/parish and state.

(2585) (4) Location of proposed or existing danger zone or restricted area with a map showing the location, if possible.

(2586) (5) A brief statement of the need for the area, its intended use and detailed description of the times, dates and extent of restriction.

(2587) (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.

(2588) (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:

(2589) (i) Applicable statutory authority or authorities; (40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3)

(2590) (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.

(2591) (iii) The address of the District Engineer as the recipient of any comments received.

(2592) (iv) The identity of the applicant/proponent;

(2593) (v) The name or title, address and telephone number of the Corps employee from whom additional information concerning the proposal may be obtained;

(2594) (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.

(2595) (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:

(2596) (i) The Federal Aviation Administration (FAA) where the use of airspace is involved.

(2597) (ii) The Commander, Service Force, U.S. Atlantic Fleet, if a proposed action involves a danger zone off the U.S. Atlantic coast.

(2598) (iii) Proposed danger zones on the U.S. Pacific coast must be coordinated with the applicable commands as follows:

(2599) Alaska, Oregon and Washington:

(2600) Commander, Naval Base, Seattle

(2601) California:

(2602) Commander, Naval Base, San Diego

(2603) Hawaii and Trust Territories:

(2604) Commander, Naval Base, Pearl Harbor

(2605) (c) *Public hearing*. The District Engineer may conduct a public hearing in accordance with 33 CFR part 327.

(2606) (d) *Environmental documentation*. The District Engineer shall prepare environmental documentation in accordance with appendix B to 33 CFR part 325.

(2607) (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.**

(2608) (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.

(2609) **§334.5 Disestablishment of a danger zone.**

(2610) (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.

(2611) (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.

(2612) **§334.6 Datum.**

(2613) (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.

(2614) (b) For further information on NAD 83 and National Service nautical charts please contact:

(2615) Director, Coast Survey (N/CG2)

(2616) National Ocean Service, NOAA

(2617) 1315 East-West Highway, Station 6147

(2618) Silver Spring, MD 20910-3282.

(2619) **§334.290 Elizabeth River, Southern Branch, Va., naval restricted areas.** (a) *The areas*–(1) St. Helena Annex Area. Beginning at a point at St. Helena Annex of the Norfolk Naval Shipyard, on the eastern shore of Southern Branch of Elizabeth River, at latitude 36°49'43", longitude 76°17'26.5"; thence in a southwesterly direction to a point on the eastern boundary of Norfolk Harbor 40-foot channel at latitude 36°49'42", longitude 76°17'33"; thence in a southerly direction along the eastern boundary of Norfolk Harbor 40-foot channel to latitude 36°49'28", longitude 76°17'27"; thence easterly to the shore at latitude 36°49'28", longitude 76°17'22"; and thence, northerly along the shore to the point of beginning.

(2620) (2) *Norfolk Naval Shipyard Area*. Beginning at a point on the shore at the northeast corner of the Norfolk Naval Shipyard, at latitude 36°49'43.5", longitude 76°17'41.5"; thence due east approximately 100 feet to the western boundary of Elizabeth River channel; thence in a southerly direction along the western boundary of the channel to the point where it passes through the draw of the Norfolk and Portsmouth Belt Line Railroad bridge, thence in a southwesterly direction along the northerly side of the bridge to the western shore of Southern Branch of Elizabeth River; and thence along the shore in a northerly direction to the point of beginning.

(2621) (3) *Southgate Terminal Area*. Beginning at a point at the northeast corner of Southgate Terminal Annex of Norfolk Naval Shipyard, at

(2622) 36°48'23", 76°17'39"; thence east to

(2623) 36°48'23", 76°17'29"; thence southerly along the western boundary of Norfolk Harbor 35-foot channel to

(2624) 36°48'04", 76°17'33"; thence west to

(2625) 36°48'04", 76°17'41"; and thence along the shore in a northerly direction to the point of beginning.

(2626) (b) *The regulations*. (1) No vessels other than Naval vessels and other vessels authorized to move to and from piers at the Norfolk Naval Shipyard and its two annexes described in para-

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graph (a) (1) and (3) of this section, and no person other than persons embarked in such vessels, shall enter the restricted areas.

(2627) (2) This section shall be enforced by the Commander, Norfolk Naval Shipyard, Portsmouth, Va. and such agencies as he may designate.

(2628) **§334.320 Chesapeake Bay entrance; naval restricted area.** (a) *The area*. Beginning at a point on the south shore of Chesapeake Bay at longitude 76°03'06"; thence to

(2629) 37°01'18", 76°02'06"; thence to

(2630) 37°00'18", 75°55'54"; thence to

(2631) 36°58'00", 75°48'24"; thence to

(2632) 36°51'48", 75°51'00"; thence to the shore at longitude 75°58'48", and thence northwesterly and southwesterly along the shore at Cape Henry to the point of beginning.

(2633) (b) *The regulation*s. (1) Anchoring, trawling, crabbing, fishing, and dragging in the area are prohibited, and no object attached to a vessel or otherwise shall be placed on or near the bottom.

(2634) (2) This section shall be enforced by the Commandant, Fifth Naval District, Norfolk, Va.

(2635) **§334.380 Atlantic Ocean south of entrance to Chesapeake Bay off Dam Neck, Virginia Beach, Virginia, naval firing range.**

(2636) (a) *The danger zone*. All of the water within a sector extending seaward a distance of 7,500 yards between radial lines bearing 035° true and 092° true, respectively, from a point on the shore at latitude 36°47'33"N, longitude 75°58'23"W.

(2637) (b) *The regulations*. (1) Vessels shall proceed through the area with caution and shall remain therein no longer than necessary for purpose of transit.

(2638) (2) When firing is in progress during daylight hours, red flags will be displayed at conspicuous locations on the beach. When firing is in progress during periods of darkness, red flashing lights will be displayed from conspicuous locations which are visible from the water a minimum distance of four (4) nautical miles.

(2639) (3) Firing on the ranges will be suspended as long as any vessel is within the danger zone.

(2640) (4) Lookout posts shall be manned by the activity or agency operating the firing range at Fleet Combat Center. After darkness, night vision systems will be utilized by lookouts to aid in locating vessels transiting the area.

(2641) (5) There shall be no firing on any ranges during the periods of low visibility which would prevent the recognition of a vessel (to a distance of 7,500 yards) which is properly displaying navigational lights, or which would preclude a vessel from observing the red range flags or lights.

(2642) (6) The regulations in this section shall be enforced by the Commanding Officer, Fleet Combat Training Center, Atlantic, Dam Neck, Virginia Beach, Virginia, and other such agencies as he/she may designate.

(2643) **§334.390 Atlantic Ocean south of entrance to Chesapeake Bay; firing range.**

(2644) (a) *The danger zone*. A sector extending seaward for a distance of 12,000 yards between two radial lines bearing 030° True and 083° True, respectively, from a point on the shore at 36°46'48"N., 75°57'24"W.; and an adjacent sector extending seaward for a distance of 15 nautical miles between two radial lines bearing 083° True and 150° True, respectively, from the same shore position.

(2645) (b) The regulations. (1) Vessels shall proceed through the area with caution and shall remain therein no longer than necessary for purposes of transit.

(2646) (2) When firing is in progress during daylight hours, red flags will be displayed at conspicuous locations on the beach. When firing is in progress during periods of darkness, red flashing lights will be displayed from conspicuous locations on the beach which are visible from the water a minimum distance of four (4) nautical miles.

(2647) (3) Firing on the ranges will be suspended as long as any vessel is within the danger zone.

(2648) (4) Lookout posts will be manned by the activity or agency operating the firing range at the Fleet Combat Center, Atlantic, Dam Neck, Virginia Beach, Virginia. After darkness, night vision systems will be utilized by lookouts to aid in locating vessels transiting the area.

(2649) (5) There shall be no firing on the range during periods of low visibility which would prevent the recognition of a vessel (to a distance of 7,500 yards) which is properly displaying navigation lights, or which would preclude a vessel from observing the red range flags or lights.

(2650) (6) The regulations in this section shall be enforced by the Commander, Naval Air Force, U.S. Atlantic Fleet/Commander, Fleet Air Norfolk, Norfolk, Va., and such agencies as he may designate.

(2651) **§334.400 Atlantic Ocean south of entrance to Chesapeake Bay off Camp Pendleton, Virginia; naval restricted area.** (a) *The area*. Beginning at a point on the shore at Camp Pendleton at

(2652) 36°48'19"N, 75°57'49"W; thence easterly 200 yards to

(2653) 36°48'20"N, 75°57'42"W; thence northerly 400 yards to

(2654) 36°48'32"N, 75°57'45"W: thence westerly 200 yards to

(2655) 36°48'31"N, 75°57'53"W; and thence southerly 400 yards along the shore to the point of beginning.

(2656) (b) *The regulations*. (1) Persons or vessels, other than those vessels owned and operated by the United States shall not enter the area except by permission of the Commanding Officer, U.S. Naval Amphibious Base, Little Creek, Norfolk, Virginia.

(2657) (2) This section shall be enforced by the Commanding Officer, U.S. Naval Amphibious Base, Little Creek, Norfolk, Virginia, and such agencies as he may designate.

(2658) **§334.410 Albemarle Sound, Pamlico Sound, and adjacent waters, N.C.; danger zones for naval aircraft operations.** (a) *Target areas*–(1) North Landing River (Currituck Sound). The waters of North Landing River within a radius of 1,000 yards from a target located at latitude 36°31'00", longitude 76°01'40".

(2659) (2) *Northern part of Currituck Sound*. Beginning at a point bearing 65°30', 1,025 yards, from Currituck Sound Light 69; thence 86°, 6,000 yards; thence 193°, 4,425 yards; thence 267°30', 2,775 yards; and thence to the point of beginning. The target is located at latitude 36°27'16", longitude 75°56'30".

(2660) Note: All bearings in this section are referred to true meridian.

(2661) (b) *Target and bombing area along south shore of Albemarle Sound*. The area. Beginning at

(2662) 36°00'43", 76°19'20"; thence to

(2663) 36°02'40", 76°04'26", thence to

(2664) 36°00'12", 76°04'26"; thence to

(2665) 35°59'35", 76°19'20", and thence to the point of beginning. This area is divided into three subareas A, B, and C as follows: Area A, beginning at

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(2666) 36°00'43", 76°19'20"; thence to
(2667) 36°01'20", 76°14'30"; thence to
(2668) 35°59'45", 76°14'30"; thence to
(2669) 35°59'35", 76°19'20", and thence to the point of beginning. Area B, beginning at
(2670) 36°01'20", 76°14' 30"; thence to
(2671) 36°02'18", 76°07'15"; thence to
(2672) 36°00'05", 76°07'15"; thence to
(2673) 35°59'45", 76°14'30"; and thence to the point of beginning. Area C, beginning at
(2674) 36°02'18", 76°07'15"; thence to
(2675) 36°02'40", 76°04'26"; thence to
(2676) 36°00'12", 76°04'26"; thence to
(2677) 36°00'05", 76°07'15"; and thence to the point of beginning.
(2678) (c) *Naval Aviation Ordnance test area in Pamlico Sound in vicinity of Long Shoal*. A circular area with radius of one and one-half miles having its center at latitude 35°32'18", longitude 75°40'39".
(2679) (d) *The regulations*–(1) Target areas. The area described in paragraph (1)(a) of this section will be used as a dive bombing target by naval aircraft. In peacetime, munitions will be limited to miniature bombs which contain only small explosive charges for producing smoke puffs to mark points of impact. All operations will be conducted during daylight hours, and the area will be open to navigate at night. No persons or vessels shall enter this area during the hours of daylight without special permission from the enforcing agency. The area will be patrolled and vessels will be warned not to enter. "Buzzing" by plane will warn vessels that they are in a danger zone, and upon being so warned vessels which have inadvertently entered the area shall immediately leave the area.
(2680) (2) *Target and bombing area*. The area described in paragraph (b) of this section will be used as a target and bombing area for both day and night operations. Dummy ammunition, waterfilled or smoke bombs and inert rockets will be used, except during wartime when live ammunition, bombs and rockets may be used. The area will be open to navigation except for periods when ordnance exercises are being conducted by naval aircraft. In area B described in paragraph (b) of the section the placing of nets, traps, buoys, pots, fishponds, stakes, or other equipment which may interfere with target vessels operating in the area shall not be permitted. The area will be patrolled and persons and vessels shall clear the area under patrol upon being warned by the surface patrol craft or when "buzzed" by patrolling aircraft. As a further means of warning vessels of naval aircraft operations in the area described in paragraph (b) of this section, a cluster of flashing red lights at night and a large red flag by day will be displayed from the range observation tower located in the approximate center of the shore side of this area.
(2681) (3) *Naval Aviation Ordnance test area*. The area described in paragraph (c) of this section shall be closed to persons and navigation except for such military personnel and vessels as may be directed by the enforcing agency to enter on assigned duties.
(2682) (4) *Enforcing agency*. The regulations in this section shall be enforced by the Commander, Naval Air Force, U.S. Atlantic Fleet, and such agencies as he/she shall designate.
(2683) **§334.412 Albermarle Sound, Pamlico Sound, Harvey Point and adjacent waters, NC; restricted area.**
(2684) (a) *The area*. Beginning on the north shore of Albemarle Sound and the easternmost tip of Harvey Point; thence southeasterly to Daybeacon 3; thence southeasterly to
(2685) 36°03'06"N., 76°16'43"W.; thence southwesterly to
(2686) 36°02'18"N., 76°19'30"W.; thence northwesterly to
(2687) 36°04'18"N., 76°20'20"W.; thence 23°5' True to the shore; and thence northeasterly along the shore to the point of beginning.
(2688) (b) *The regulations*. The restricted area described in this section is the inactive Harvey Point target range which was disestablished as a danger zone. The area will be open to public access for recreational and commercial uses, except that dredging, clamming, crabbing, seining, and anchoring of all vessels and any other activity which could result in disturbing or penetrating the bottom is prohibited.
(2689) (c) *Enforcing agency*. The regulations in this section shall be enforced by the Commander, Naval Air Force, U.S. Atlantic Fleet, and such agencies as he/she shall designate.
(2690) **§334.420 Pamlico Sound and adjacent waters, N.C.; danger zones for Marine Corps operations.** (a) *Bombing and rocket firing area in Pamilico Sound in vicinity of Brant Island*–(1) *The area*. The waters within a circular area with a radius of 3.0 statute miles having its center on the southern side of Brant Island at latitude 35°12'30", longitude 76°26'30".
(2691) (2) *The regulations*. The area shall be closed to navigation and personnel at all times except for vessels engaged in operational and maintenance work as directed by the enforcing agency. Prior to bombing or firing operations the area will be "buzzed" by plane. Upon being so warned vessels working in the area shall leave the area immediately.
(2692) (b) *Bombing, rocket firing, and strafing areas in Pamlico Sound and Neuse River*–(1) The areas. (i) The waters within a circular area with a radius of 1.8 statute miles having its center at 35°02'12"N., 76°28'00"W.
(2693) (ii) The waters within a circular area with a radius of 0.5 statute mile having its center at
(2694) 35°04'12"N., 76°28'24"W.
(2695) (iii) The waters within a circular area with a radius of 0.5 statute mile having its center at
(2696) 35°01'42"N., 76°25'48"W.
(2697) (iv) The waters within a circular area with a radius of 0.5 statute mile having its center at
(2698) 34°58'48"N., 76°26'12"W.
(2699) (2) *The regulations*. (i) The area described in paragraph (b)(1) of this section will be used as bombing, rocket firing, and strafing areas. Live and dummy ammunition will be used. The area shall be closed to navigation and all persons at all times except for such vessels as may be directed by the enforcing agency to enter on assigned duties. The area will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the area. Vessels or personnel which have inadvertently entered the danger zone shall leave the area immediately upon being so warned.
(2700) (ii) The areas described in paragraphs (b)(1)(ii), (iii) and (iv) of this section shall be used for bombing, rocket firing, and strafing areas. Practice and dummy ammunition will be used. All operations will be conducted during daylight hours, and the areas will be open to navigation at night. No vessel or person shall enter these areas during the hours of daylight without special permission from the enforcing agency. The areas will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the areas. Vessels or personnel which have inadver-

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tently entered the danger zones shall have leave the area immediately upon being warned.

(2701) **§334.430 Neuse River and tributaries at Marine Corps Air Station, Cherry Point, N.C.; restricted area.** (a) *The area*. That portion of Neuse River within 500 feet of the shore along the reservation of the Marine Corps Air Station, Cherry Point, North Carolina, extending from the mouth of Hancock Creek to a point approximately 6,800 feet west of the mouth of Slocum Creek, and all waters of Hancock and Slocum Creeks and their tributaries within the boundaries of the reservation.

(2702) (b) *The regulations*. (1) Except in cases of extreme emergency, all persons or vessels, other than those vessels operated by the U.S. Navy or Coast Guard are prohibited from entering this area without prior permission of the enforcing agency.

(2703) (2) The regulations in this section shall be enforced by the Commanding General, United States Marine Corps Air Station, Cherry Point, North Carolina, and such agencies as he may designate.

(2704) **§334.440 New River, N.C., and vicinity; Marine Corps Firing Ranges.** (a) *Atlantic Ocean east of New River Inlet*. The waters of the Atlantic Ocean within a sector bounded on the north by a line bearing 105° from

(2705) 34°37'25"N., 77°10'35"W.; on the east and south by the arc of a circle having a radius of 25,000 yards centered at

(2706) 34°34'15"N., 77°16'10"W.; on the west by a line bearing 205° from

(2707) 34°32'37"N., 77°18'34"W., and on the northwest by the shore.

(2708) Note: All bearings in this section are referred to true meridian.

(2709) (b) *New River*. The firing ranges include all waters to the high waterline within eight sections described as follows:

(2710) (1) *Trap Bay Sector*. Bounded on the south by a line running from Cedar Point 280° to New River Light 70, thence 254° to Hatch Point; and on the northwest by a line running from Wilkins Bluff 232° to Hall Point.

(2711) (2) *Courthouse Bay Sector*. Bounded on the southeast by the northwest boundary of the Traps Bay Sector and on the west by Sneads Ferry Bridge.

(2712) (3) *Stone Bay Sector*. Bounded on the east by Sneads Ferry Bridge and on the north by a line running from a point on the east side of New River opposite the head of Sneads Creek 291°30' to the south side of the mouth of Stone Creek.

(2713) (4) *Stone Creek Sector*. The northwest portion of Stone Bay, bounded on the south by the north boundary of the Stone Bay Sector; and on the east by longitude 77°26'.

(2714) (5) *Grey Point Sector*. Bounded on the south by the north boundary of the Stone Bay Sector; on the west by the east boundary of the Stone Creek Sector; and on the northeast by a line running from Town Point 113° to the south side of the mouth of French Creek.

(2715) (6) *Farnell Bay Sector*. Bounded on the south by the northeast boundary of the Grey Point Sector, including French Creek up to longitude 77°20'; and on the north by a line running from Hadnot Point 285°30' to Holmes Point.

(2716) (7) *Morgan Bay Sector*. Bounded on the south by the north boundary of the Farnell Bay Sector, including Wallace Creek up to longitude 77°22'; and on the northwest by a line running from Paradise Point 243°30' to Ragged Point.

(2717) (8) *Jacksonville Sector*. Bounded on the southeast by the northwest boundary of the Morgan Bay Sector, including Southwest Creek up to the point where it narrows to 200 feet in width, and Northeast Creek up to longitude 77°23'30"; and on the north by an east-west line passing through New River Day Beacon 41.

(2718) (c) *The regulations*. (1) No person shall enter or remain in the water in any closed section after notice of firing therein has been given. Sailing vessels and any water-craft having a speed of less than 5 knots shall keep clear of any closed sector at all times after notice of firing therein has been given. Vessels propelled by mechanical power at a speed greater than 5 knots may enter the sectors without restriction except when the firing signals are being displayed. When these signals are displayed, vessels shall clear the closed sectors immediately and no vessels shall enter such sectors until the signals indicate that firing has ceased.

(2719) (2) Firing will take place both day and night at irregular periods throughout the year. Insofar as training requirements will permit, underwater explosions will be restricted in the Atlantic Ocean sector (described in paragraph (a) of this section) during the periods May 1 and June 5, inclusive, and November 22 to December 15, inclusive.

(2720) (3) Two days in advance of the day when firing in any sector except the Stone Creek sector is scheduled to begin, the enforcing agency will warn the public of the contemplated firing, stating the sector or sectors to be closed, through the public press and the United States Coast Guard and, in the case of the Atlantic Ocean sector, the Cape Fear Pilots Association at Southport, and the Pilots Association at Morehead City, North Carolina. The Stone Creek sector may be closed without advance notice.

(2721) (4) Towers at least 50 feet in height will be erected near the shore at the northeast and southwest limits of the Atlantic Ocean sector, and towers at least 25 feet in height will be erected near the easterly shore at the upper and lower limits of each New River sector. On days when firing is to take place a red flag will be displayed on each of the towers marking the sector or sectors to be closed. These flags will be displayed by 8:00 a.m., and will be removed when firing ceases for the day. Suitable range markers will be erected indicating the bearings of the north and west limits of the Atlantic Ocean sector.

(2722) (5) During the night firing, red lights will be displayed on the towers; and, in the case of the Atlantic Ocean sector, searchlights will be employed as barrier lights to enable safety observers to detect vessels which may attempt to enter the danger zone.

(2723) (6) No person shall enter or remain within a 2-acre area surrounding a waterborne refueling training operation, in either the Grey Point Sector, Farnell Bay Sector, or Morgan Bay Sector as described in paragraph (b) of this section, for the duration of the training operation after a notice to conduct a waterborne refueling training operation has been published in the local notice to mariners and has been broadcast over the Marine Band radio network. The 2-acre area surrounding a waterborne refueling training operation will be patrolled and persons and vessels shall clear the area under patrol upon being warned by the surface patrol craft.

(2724) (d) Target and bombing area in Atlantic Ocean in vicinity of Bear Inlet–(1) The water within an area described as follows: Beginning at

(2725) 34°37'32"N., 77°12'03"W.; thence to

(2726) 34°36'58"N., 77°11'25"W.; thence to

(2727) 34°37'44"N., 77°10'35"W.; thence to

(2728) 34°32'27"N., 77°06'30"W.; thence to

(2729) 34°28'55"N., 77°15'05"W.; thence to

(2730) 34°34'50"N., 77°15'10"W.; thence to the point of beginning.

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(2731) (2) *The regulations*. Vessels may proceed along established waterways except during military training periods. Warning of military training periods will be given through Notices to Mariners and by displaying one hour prior to commencement a red danger streamer during daylight hours or a red light at night, from a flag pole 40 feet in height located at the U.S. Coast Guard Life Boat Station, Bogue Inlet, Swansboro, North Carolina, and from observation tower 40 feet in height located at the northern end of Onslow (Hurst) Beach. Prior to bombing and firing operations, the area will be searched by plane. Watercraft in the area will be warned by aircraft "buzzing" of the impending target practice. Upon being so warned, all persons and vessels shall leave the area as quickly as possible by the most direct route.

(2732) (e) *Inland waters in the Browns Inlet area between Bear Creek and Onslow Beach Bridge over the Atlantic Intracoastal Waterway*–(1) *The area*. Navigable waters between Bear Creek and Onslow Beach Bridge to include all inlets, streams, bays, and water therein contained, bounded on the north by Bear Creek, on the east and south by the Atlantic Ocean, to the meridian 77°16'20"; thence by this meridian to latitude 34°34'31"; and thence by a line bearing 44° from this point until the line intersects Bear Creek.

(2733) (2) *The regulations*. (i) No person shall enter or remain in the waters of this area due the possibility of unexploded projectiles.

(2734) (ii) Vessels may proceed through the Atlantic Intracoastal Waterway in the area without stopping except in cases of extreme emergencies.

(2735) (iii) All navigable waters in the area between the south bank of Bear Creek and the north bank of the north connecting channel between the Atlantic Intracoastal Waterway and Browns Inlet shall be closed to navigation at all times. There are highly sensitive unexploded projectiles within the limits of this area.

(2736) (iv) Vessels may proceed through the north connecting channel and the south connecting channel (Banks Channel) in the area between the Atlantic Intracoastal Waterway and Browns Inlet to the Atlantic Ocean without stopping during periods of nonmilitary use. Caution should be used when proceeding through these waters due to the presence of unexplored projectiles lying in this area.

(2737) (v) Navigable waters in the area between the south connecting channel (Banks Channel) leading to Browns Inlet and Onslow Beach Bridge on both sides of the Atlantic Intracoastal Waterway are open to unrestricted navigation during periods of nonmilitary use. An unknown element of risk exists in this area due to the possible presence of unexploded projectiles.

(2738) (vi) Warning of impending military use of the area will be contained in weekly Notice to Mariners.

(2739) (vii) Vessels having specific authority from the Commanding General, Marine Corps Base, Camp Lejeune, North Carolina, may enter the area.

(2740) (f) *Enforcing agency*. The regulations of this section shall be enforced by the Commanding General, Marine Corps Base, Camp Lejeune, North Carolina, or his authorized representatives.

(2741) **§334.450 Cape Fear River and tributaries at Sunny Point Army Terminal, Brunswick County, North Carolina; restricted area.** (a) The area. That portion of Cape Fear River due west of the main ship channel extending from U.S. Coast Guard buoy No. 31A at the north approach channel to Sunny Point Army Terminal to U.S. Coast Guard buoy No. 23A at the south approach channel to Sunny Point Army Terminal and all waters of its tributaries therein.

(2742) (b) Except in cases of extreme emergency, all persons or vessels of any size or rafts other than those authorized by the Commander, Sunny Point Army Terminal, are prohibited from entering this area without prior permission of the enforcing agency.

(2743) (c) The regulations in this section shall be enforced by the Commander, Sunny Point Army Terminal, Southport, North Carolina, and such agencies as he may designate.

(2744) **§334.460 Cooper River and tributaries at Charleston, SC.**

(2745) (a) *The areas*:

(2746) (1) That portion of the Cooper River beginning on the west shore at

(2747) 32°52'37"N., 79°58'06"W.; thence to

(2748) 32°52'37"N., 79°58'03"W.; thence to

(2749) 32°52'27"N., 79°68'01"W.; thence to

(2750) 32°52'06"N., 79°57'54"W.; at the west channel edge, thence to

(2751) 32°51'48.5"N., 79°57'41.5"W.; thence to

(2752) 32°51'33"N., 79°57'27"W.; thence to

(2753) 32°51'19"N., 79°57'05"W.; thence to

(2754) 32°51'01"N., 79°56'07"W.; thence to

(2755) 32°50'50"N., 79°56'02"W.; thence to

(2756) 32°50'48"N., 79°56'07"W.; on the west shore, thence north along the shoreline including the reach of Noisett Creek to the eastern boundary of the Navy Base to the beginning point at the west shore at

(2757) 32°52'37"N., 79°58'06"W.

(2758) (2) The reach of Shipyard Creek upstream from a line 300 feet from and parallel to the upstream limit of the Improved Federal Turning Basin.

(2759) (3) That portion of the interior Shipyard Creek commencing at 32°49'50"N., 79°56'10"W., being a point at the southern tip of the shoreline where the northern shore of Shipyard Creek joins the Cooper River, thence going along the northern shore of Shipyard Creek to the southern portion of the existing restricted area in paragraph (a)(2) of this section; thence along said line being 300 feet from and parallel to the upstream limit of the Improved Federal Turning Basin for a distance of 15 feet, thence to the most northerly point of the Improved Federal Turning Basin, thence along the northeastern edge for the Improved Turning Basin to the northeast edge of the main channel of Shipyard Creek to a point lying in the mouth of Shipyard Creek where it reaches the Cooper River at the northeast edge of the main channel of the Shipyard Creek and 79°56'10"W., thence to the beginning point at 32°49'50"N., 79°56'10"W.

(2760) (4) That portion of the Cooper River surrounding Pier Yankee beginning at a point on the west shore of the Cooper River at

(2761) 32°50'00"N., 79°56'10.5"W.; thence to

(2762) 32°50'00"N., 79°55'55"W.; thence to

(2763) 32°49'54"N., 79°55'55"W.; thence to

(2764) 32°49'50"N., 79°56'10"W.; thence north along the shore to the beginning point at the west shore of the Cooper River at

(2765) 32°50'00"N., 79°56'10.5"W.

(2766) (5) That portion of the Cooper River beginning on the west channel edge at

(2767) 32°52'06"N., 79°57'54"W.; thence to the east shore at

(2768) 32°52'13"N., 79°57'30"W.; thence along the eastern shore to

(2769) 32°51'30"N., 79°56'15.5"W.; thence to

(2770) 32°51'01"N., 79°55'50"W.; thence to

(2771) 32°50'52"N., 79°56'03.5"W.; thence to

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(2772) 32°51'01"N., 79°56'07"W.; thence to
(2773) 32°51'19"N., 79°57'05"W.; thence to
(2774) 32°51'33"N., 79°57'27"W.; thence to
(2775) 32°51'48.5"N., 79°57'41.5"W.; thence to the beginning point at the west channel edge at
(2776) 32°52'06"N., 79°57'54"W.
(2777) (6) That portion of the Cooper River beginning on the west shore at
(2778) 32°50'48"N., 79°56'07"W.; thence to
(2779) 32°50'50"N., 79°56'02"W.; thence to
(2780) 32°50'32"N., 79°55'55"W.; thence to
(2781) 32°50'00"N., 79°55'55"W.; thence to
(2782) 32°50'00"N., 79°56'10.5"W.; on the west shore, thence along the shoreline to the beginning point on the west shore at
(2783) 32°50'48"N., 79°56'07"W.
(2784) (7) That portion of Goose Creek beginning at a point on the west shore of Goose Creek at its intersection with the Cooper River at
(2785) 32°54'32"N., 79°57'04"W.; thence proceeding along the western shoreline of Goose Creek for approximately 6.9 miles to its intersection with the Seaboard Coastline Railroad at
(2786) 32°55'34"N., 79°59'30"W.; thence in a northwesterly direction along the Seaboard Coastline Railroad to
(2787) 32°55'37"N., 79°59'32"W.; thence proceeding along the eastern shoreline of Goose Creek in a southeasterly direction to
(2788) 32°54'33"N., 79°56'59"W.; thence back to
(2789) 32°54'32"N., 79°57'04"W.
(2790) (8) That portion of the Cooper River, extending from the mouth of Goose Creek, to a point approximately five-hundred (500) yards north of Red Bank Landing, a distance of approximately 4.8 miles and, the tributaries to the Cooper River within the area enclosed by the following arcs and their intersections:
(2791) (i) Radius=8,255' center of radius,
(2792) 32°55'45"N., 79°45'23"W.
(2793) (ii) Radius=3,790' center of radius,
(2794) 32°55'00"N., 79°55'41"W.
(2795) (iii) Radius=8,255' center of radius,
(2796) 32°55'41"N., 79°56'15"W.
(2797) (iv) Radius=8,255' center of radius,
(2798) 32°56'09"N., 79°56'19"W.
(2799) (9) That portion of the Cooper River beginning on the western shoreline at
(2800) 32°54'37"N., 79°57'01"W.; thence proceeding along the western shoreline in a northerly direction for approximately 4.8 miles to
(2801) 32°57'32"N., 79°55'27"W.; thence in a southerly direction for approximately 100 yards to
(2802) 32°57'29"N., 79°55'23"W., thence in a southwesterly direction, paralleling the shoreline to
(2803) 32°56'48"N., 79°55'48"W.; thence in an easterly direction for approximately 50 yards to
(2804) 32°56'49"N., 79°55'46"W., thence in a southerly direction, paralleling the shoreline, to
(2805) 32°56'40"N., 79°55'40"W.; thence in a westerly direction for approximately 50 yards to
(2806) 32°56'39"N., 79°55'42"W.; thence in a southwesterly direction, paralleling the shoreline, to
(2807) 32°56'15"N., 79°56'07"W.; thence in a southwesterly direction to
(2808) 32°56'05"N., 79°56'17"W.; thence in a westerly direction, for approximately 50 yards to
(2809) 32°56'05"N., 79°56'19"W.; thence in a southerly direction, paralleling the shoreline to
(2810) 32°55'45"N., 79°56'19"W.; thence in a southwesterly direction to
(2811) 32°55'42"N., 79°56'13"W.; thence in a southeasterly direction, parallel the shoreline, to
(2812) 32°55'18"N., 79°55'55"W.; thence in a southwesterly direction to
(2813) 32°55'16"N., 79°56'00"W.; thence in a southwesterly direction paralleling the shoreline to
(2814) 32°54'35"N., 79°56'57"W., thence back to
(2815) 32°54'37"W., 79°57'01"W.
(2816) (10) That portion of the Cooper River beginning at a point near the center of the Cooper River at
(2817) 32°55'03"N., 79°55'42"W.; thence easterly to
(2818) 32°55'03"N., 79°55'35"W.; thence southerly to
(2819) 32°54'52"N., 79°55'33"W.; thence westerly to
(2820) 32°54'53"N., 79°55'42"W.; thence northerly to
(2821) 32°55'03"N., 79°55'42"W.
(2822) (11) That portion of Foster Creek beginning at a point on the southern shoreline of Foster Creek at its intersection with Back River at
(2823) 32°58'30"N., 79°56'33"W.; thence proceeding along the southern shoreline to the terminus of Foster Creek; thence back down its northern shoreline of Foster Creek
(2824) 32°58'34"N., 79°56'34"W.; thence back to
(2825) 32°58'30"N., 79°56'33"W.
(2826) (12) *Danger zone*. That portion of Foster Creek beginning at the point of the southern shoreline of an unnamed tributary of Foster Creek at its intersection with Foster Creek at 32°59'16"N., 79°57'23"W.; thence back proceeding along the eastern shoreline to the terminus of the tributary at 32°59'49"N., 79°57'29"W.; thence back down the western shoreline of the unnamed tributary to 32°59'15"N., 79°57'26"W. The waters and associated marshes in this danger zone area are subject to impact by rounds and ricochets originating from a small arms range when firing is in progress.
(2827) (13) *Danger Zone*. Those portions of unnamed tributaries and associated marshes of Back River and Foster Creek that are generally described as lying south of the main shoreline and extending southward to the northern shoreline of Big Island (U.S. Naval Reservation). Specifically, the area beginning at a point on the main shoreline which is the northern shore of an unnamed tributary of Back River at 32°59'19"N., 79°56'52"W., southwesterly to a point on or near the northern shoreline of Big Island at 32°59'11"N., 79°56'59"W.; thence northwesterly to a point on the main shoreline, which is the northern shore of an unnamed tributary of Foster Creek, at 32°59'16"N., 79°57'11"W.; thence easterly along the main shoreline, which is the northern shore of the unnamed tributaries of Foster Creek and Back River, back to the point of beginning at 32°59'19"N., 79°56'52"W. The waters and associated marshes in this danger zone area are subject to impact by rounds and ricochets originating from a small arms range when firing is in progress.
(2828) (b) *The regulations*:
(2829) (1) Unauthorized personnel, vessels and other watercraft shall not enter the restricted areas described in paragraphs (a)(1), (a)(2), and (a)(4) of this section at any time.
(2830) (2) Personnel, vessels and other watercraft entering the restricted area described in paragraph (a)(5) of this section, shall

proceed at normal speed and under no circumstances anchor, fish, loiter, or photograph until clear of the restricted area.

(2831) (3) Personnel, vessels and other watercraft may be restricted from using any or all of the area described in paragraphs (a)(3) and (a)(6) of this section without first obtaining an escort or other approval from Commander, Naval Base, Charleston, when deemed necessary and appropriately noticed by him/her for security purposes or other military operations.

(2832) (4) Personnel, vessels and other watercraft, other than those specifically authorized by Commanding Officer, U.S. Naval Weapons Station, Charleston, SC, entering the restricted area described in paragraph (a)(8) of this section shall proceed at normal speed, and under no circumstances anchor, fish, loiter, or photograph in any way until clear of the restricted area.

(2833) (5) Personnel, vessels and other watercraft, other than those specifically authorized by Commanding Officer, U.S. Naval Weapons Station, Charleston, SC, entering the areas described in paragraphs (a)(9) and (a)(10) of this section are prohibited from entering within one-hundred (100) yards of the west bank of the Cooper River, in those portions devoid of any vessels or man-made structures. In those areas where vessels or man-made structures are present, the restricted area will be 100 yards from the shoreline or 50 yards beyond those vessels or other man-made structures, whichever is the greater. This includes the area in paragraph (a)(10) of this section.

(2834) (6) In the interest of National Security, Commanding Officer, U.S. Officer, U.S. Naval Weapons Station, Charleston, SC, may at his/her discretion, restrict passage of persons, watercraft and vessels in the areas described in paragraphs (a)(7) and (a)(11) of this section until such time as he/she determines such restriction may be terminated.

(2835) (7) All restricted areas and all danger zones and the approaches leading to the danger zones will be marked with suitable warning signs.

(2836) (8) The regulations described in paragraphs (b)(1), (2) and (3) of this section shall be enforced by Commander, Naval Base, Charleston, and such agencies as he/she may designate.

(2837) (9) The regulations in this section for the danger zones described in paragraphs (a)(12) and (a)(13) of this section and the regulations described in paragraphs (b) (4), (5) and (6) of this section, shall be enforced by the Commanding Officer, Naval Weapons Station Charleston, SC, and such agencies as he/she may designate.

(2838) (10) It is understood that none of the restrictions herein will apply to properly marked Federal vessels performing official duties. It is further understood that Federal employees will not take photographs from within the above described restricted areas.

(2839) (11) The unauthorized entering or crossing of the danger zones described in paragraphs (a)(12) and (a)(13) of this section by all persons, watercraft and vessels is prohibited at all times unless specifically authorized by the Commanding Officer of the U.S. Naval Weapons Station Charleston, SC.

(2840) **§334.470 Cooper River and Charleston Harbor, S.C.: restricted areas.** (a) *The Restricted Areas*. (1) Area No. 1 is that portion of the Cooper River beginning near the westerly shore north of Shipyard Creek at

(2841) "a" 32°50'14"N., 79°56'11"W.; thence to

(2842) "b" 32°50'14"N., 79°55'37"W.; thence to

(2843) "c" 32°49'41"N., 79°55'37"W.; thence to

(2844) "d" 32°49'41"N., 79°55'52"W.; thence to

(2845) "e" 32°49'47"N., 79°56'09"W.; and thence returning to

(2846) "a" 32°50'14"N., 79°56'11"W.

(2847) (2) Area No. 2 is that portion of the Cooper River beginning at a point west of Shutes Folly Island at

(2848) "a" 32°46'27"N., 79°55'31"W.; thence to

(2849) "b" 32°46'39"N., 79°55'11"W.; thence to

(2850) "c" 32°46'39"N., 79°54'51"W.; thence to

(2851) "d" 32°46'28"N., 79°54'47"W.; thence to

(2852) "e" 32°46'17"N., 79°54'51"W.; thence to

(2853) "f" 32°46'17"N., 79°55'11"W.; and thence returning to

(2854) "a" 32°46'27"N., 79°55'31"W.

(2855) (b) *The regulations*. (1) There shall be no introduction of magnetic material or magneto-electric field sources within the area.

(2856) (2) No person shall enter or remain in the water within the restricted areas. Ships transiting the areas will proceed without delay and shall not, except as noted below, lie to or anchor within the areas.

(2857) (i) Pleasure craft under 50 feet LOA will not normally be affected; however, such craft may be required to stand clear upon notification, in the event they are interfering with range operation.

(2858) (ii) Anchored commercial ships will be allowed to swing into the restricted area at the Shutes Folly Island site when the range is not in use. Shutes Folly Island Range usage will be indicated by range house display of the international DELTA signal flag.

(2859) (iii) This section shall be enforced by the Commandant, Sixth Naval District, Charleston, South Carolina, and such agencies as he may designate.

(2860) **§334.480 Archers Creek, Ribbon Creek and Broad River, S.C.; U.S. Marine Corps Recruit Depot Rifle and Pistol Ranges, Parris Island.** (a) During the periods when the rifle and pistol ranges on Parris Island are in use, the following areas will be restricted to navigation:

(2861) (1) *At the rifle range*. Archers Creek between Broad River and Beaufort River and Ribbon Creek from Broad Creek entrance. The area is inclosed by the following points:

(2862) 32°21'40"N., 80°44'52"W.;

(2863) 32°21'51"N., 80°44'38"W.;

(2864) 32°21'54"N., 80°44'41"W.;

(2865) 32°22'01"N., 80°44'21"W.;

(2866) 32°22'08"N., 80°44'15"W.;

(2867) 32°22'15"N., 80°44'07"W.;

(2868) 32°22'17"N., 80°44'05"W.;

(2869) 32°22'20"N., 80°43'52"W.;

(2870) 32°22'17"N., 80°43'48"W.;

(2871) 32°22'17"N., 80°43'47"W.;

(2872) 32°21'44"N., 80°43'28"W.;

(2873) 32°21'30"N., 80°43'13"W.;

(2874) 32°20'55"N., 80°42'23"W.;

(2875) 32°20'21"N., 80°42'24"W.;

(2876) 32°20'06"N., 80°42'43"W.;

(2877) 32°20'12"N., 80°43'01"W.;

(2878) 32°20'18"N., 80°43'22"W.;

(2879) 32°20'28"N., 80°43'33"W.;

(2880) 32°20'30"N., 80°43'37"W.;

(2881) 32°20'35"N., 80°43'41"W.;

(2882) and thence to point of beginning:

(2883) 32°21'40"N., 80°44'52"W.

(2884) (2) *At the pistol range*. An area in Broad River inclosed by the following points:

(2885) 32°20'09"N., 80°42'57"W.;

(2886) 32°19'27"N., 80°42'27"W.;
(2887) 32°18'57"N., 80°43'24"W.;
(2888) 32°19'39"N., 80°43'54"W.;
(2889) 32°20'00"N., 80°43'36"W.;
(2890) 32°20'00"N., 80°43'15"W.
(2891) The area will be adequately marked by red flags for the convenience and protection of the general public.
(2892) (b) Firing over these ranges will normally take place between the hours of 6:30 a.m. and 5 p.m., Monday through Friday, and from 6 a.m. to 12 noon on Saturday, National holidays excepted, and at other times as designated and properly published by the Commanding General, Parris Island Marine Base.
(2893) (c) No person, vessel and other watercraft shall enter the restricted waters when firing is in progress. At all other times these waters are open to navigation. Safety regulations shall be enforced at all times with the following specific precautions being provided by the Parris Island Marine Base:
(2894) (1) *At the rifle range*–Warning signs indicating the periods when the rifle range is in use will be posted at the entrances to Archers Creek and Ribbon Creek. Also the warning signs will be placed at the corners of the rifle range impact area.
(2895) (2) *At the pistol range*–Warning flag shall be flown from top of a lookout tower with a sentry lookout during actual firing. Also a patrol boat shall be accessible for clearing the area and warning all approaching vessels of the danger zone area and the schedule of firing. During storms or similar emergencies this area shall be opened to vessels to reach safety without undue delay for the preservation of life and property.
(2896) (d) The regulations in this section shall be enforced by the Commanding General, Marine Corps Recruit Depot, Parris Island, South Carolina, and such agencies as he may designate.
(2897) **§334.490 Atlantic Ocean off Georgia Coast; air-to-air and air-to-water gunnery and bombing ranges for fighter and bombardment aircraft, United States Air Force.** (a) –(1) *For fighter aircraft.* An area approximately 30 miles offshore between Wassaw Sound and Brunswick, Georgia, described as follows: Beginning at
(2898) 31°55'30", 80°24'00"; thence 090° true to longitude 80°16'00"; thence southwesterly to
(2899) 31°10'00", 80°43'00"; thence 270° to longitude 80°51'00"; and then northeasterly to the point of beginning.
(2900) (2) *For bombardment aircraft*. An area approximately 70 miles off shore between Savannah Beach and Brunswick, Georgia, described as follows: Beginning at
(2901) 32°00'00", 79°43'00"; thence 090° true to longitude 79°07'00"; thence southwesterly to
(2902) 31°10'00", 79°24'00"; thence 270° true to longitude 80°00'00"; and thence northeasterly to the point of beginning.
(2903) (b) *The regulations*. (1) The danger zones shall be open to navigation except when aerial gunnery or bombing practice is being conducted.
(2904) (2) Prior to conducting each practice, the entire area will be patrolled by aircraft to warn any persons and watercraft found in the vicinity that such practice is about to take place. The warning will be by "buzzing," (i.e., by flying low over the person or watercraft.) Any person or watercraft shall, upon being so warned, immediately leave the area designated and shall remain outside the area until practice has ceased.
(2905) (3) The regulations in this section shall be enforced by the Commanding Officer, 2d Bombardment Wing, Hunter Air Force Base, Savannah, Georgia, and such agencies as he may designate.
(2906) **§334.500 St. Johns River Fla., Ribault Bay; restricted area.** (a) *The Area*. All waters constituting the Turning Basin within the Naval Air Base Reservation, Mayport, Florida, and enclosed by a line bearing approximately 180° true from Ribault Channel Light 4 to the shore at a point connecting with the Naval Base boundary line fence.
(2907) (b) *The regulations*. (1) All persons, vessels and craft, except those vessels operated by the U.S. Navy or Coast Guard are prohibited from entering this area except in cases of extreme emergency.
(2908) (2) This section shall be enforced by the Commander, United States Naval Air Station, Jacksonville, Florida, and such agencies as he may designate.
(2909) **§334.510 U.S. Navy Fuel Depot Pier, St. Johns River, Jacksonville, Fla.; restricted area.** (a) The area is described as:
(2910) (1) A line running at 238.5° true and paralleling the pier at 100 feet is extended from the eastern edge of the mooring platform No.59 to the western edge of platform No.65. From these points the boundaries are extended to the shoreline along lines running at 328.5°.
(2911) (2) The easterly waterward coordinate being:
(2912) 30°23'58.0"N., 81°37'15.0"W.
(2913) (3) The westerly waterward coordinate being:
(2914) 30°23'53.0"N., 81°37'24.4"W.
(2915) (b) *The regulations*. (1) The use of waters as previously described by private and/or commercial floating craft or persons is prohibited with the exception of vessels or persons that have been specifically authorized to do so by the Officer in Charge of the Navy Fuel Depot.
(2916) (2) This regulation shall be enforced by the Officer in Charge, U.S. Navy Fuel Depot, Jacksonville, Florida, and such agencies as the officer in charge may designate.
(2917) **§334.520 Lake George, Fla.; naval bombing area.** (a) *The danger zone*. An area in the eastern part of Lake George described as follows: Beginning at
(2918) 29°13'16", 81°34'28"; thence along a line parallel to the navigation channel to
(2919) 29°20'05", 81°36'15"; thence along a line about three-fifths mile southerly from the Putnam-Volusia County line to
(2920) 29°20'19", 81°35'12"; thence to
(2921) 29°18'36", 81°33'53"; thence to
(2922) 29°13'22", 81°32'38"; and thence to the point of beginning. The area will be marked by appropriate warnings signs at the five corners and at the midpoint of the longer side.
(2923) (b) *The regulations*. (1) Bombing operations will be confined, as nearly as practicable, to the north-south center line of the danger zone, keeping well clear of the navigation channel.
(2924) (2) Prior to each bombing operation the danger zone will be patrolled by naval aircraft which will warn all persons and vessels to leave the area by "zooming" a safe distance to the side and at least 500 feet above the surface. Upon being so warned, such persons and vessels shall leave the danger zone immediately and shall not re-enter the danger zone until bombing operations have ceased.
(2925) (3) At intervals of not more than three months, public notices will be issued that bombing operations are continuing. Such notices will appear in the local newspaper and in "Notice to Mariners."
(2926) (4) The regulations in this section shall not deny passage through Lake George by regular cargo-carrying vessels proceeding along established lanes for such vessels. When any such ves-

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sel is within the danger zone the officer in charge of the bombing operations will cause the cessation or postponement of such operations until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress.

(2927) (5) The regulations in this section shall be enforced by the Commander, Naval Air Bases, Sixth Naval District, Naval Air Station, Jacksonville, Florida, and such agencies as he may designate.

(2928) **§334.530 Canaveral Harbor adjacent to the Navy pier at Port Canaveral, FL.; restricted area.** (a) *The area*. The waters of Canaveral Harbor within a line circumscribing the water approaches to the Navy pier along the northeasterly edge of the Canaveral Harbor turning basin at a distance of 200 feet from all portions of the pier including the dolphins 200 feet off the northwest end and 75 feet off the southeast end of the pier.

(2929) (b) *The regulations*. (1) All unauthorized vessels and personnel are prohibited from the area during specified periods.

(2930) (2) The area will be closed when a red square flag (bravo), and depending on the status of the hazardous operation, either an amber or red beacon, steady burning or rotating, day or night, when displayed from any of the three berths along the wharf.

(2931) (3) Lighted signs indicating the restricted area will be placed on the pier and adjacent thereto.

(2932) (4) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Ordnance Test Unit, AFMTC, Patrick Air Force Base, Florida.

(2933) **§334.540 Banana River at Cape Canaveral Missile Test Annex, FL; restricted area.** (a) *The area*. The waters within a semicircle with a radius of 10,000 feet centered on the easterly shore of Banana River at Cape Canaveral at latitude 28°27'23", longitude 80°35'48".

(2934) (b) *The regulations*. (1) All unauthorized persons and craft shall stay clear of the area at all times.

(2935) (2) The regulations in this section shall be enforced by the Commander, Air Force Missile Test Center, Patrick Air Force Base, Florida, and such agencies as he may designate.

(2936) **§334.550 Banana River at Cape Canaveral Air Force Station, FL, restricted area.** (a) **The Area**. (1) Starting at the northern boundary of the existing Prohibited Area as described in 33 CFR 334.540, and the shoreline at

(2937) 28°28'58"N., 80°35'26"W.; thence westerly along the northern boundary of 207.171a, to

(2938) 28°28'58"N., 80°35'43"W.; thence N 004°06'25" for 4,760.11 feet to

(2939) 28°29'45"N., 80°35'39"W.; thence due east to a point on the shoreline at

(2940) 28°29'45"N., 80°35'11"W.

(2941) (b) T*he regulation*. (1) All unauthorized persons and craft shall stay clear of this area at all times.

(2942) (2) The regulations in this section shall be enforced by the Commander, Eastern Space and Missile Center, Patrick Air Force Base, Florida, and such agencies as he may designate.

(2943) **§334.560 Banana River at Patrick Air Force Base, FL; restricted area.** (a) *The area*. The water area within a semicircle with a radius of 600 feet having its center at latitude 28°14'14.1", longitude 80°36'54.7" near the easterly shore of Banana River. The offshore boundary will be marked with appropriate warning signs.

(2944) (b) *The regulations*. (1) All unauthorized persons and watercraft shall stay clear of the area at all times.

(2945) (2) The regulations in this section shall be enforced by the Commander, Air Force Missile Test Center, Patrick Air Force Base, Florida, and such agencies as he may designate.

(2946) **§334.570 Banana River near Orsino, FL; restricted area.** (a) *The area*. That part of Banana River N of the NASA Banana River Causeway near Orsino and extending above the head of said river to the N and westerly to Kennedy Parkway North.

(2947) (b) *The regulations*. (1) All unauthorized craft and personnel shall stay clear of the area at all times.

(2948) (2) The regulations in this section shall be enforced by the Director, John F. Kennedy Space Center, NASA, Cocoa Beach, Fla.

(2949) **§334.580 Atlantic Ocean near Port Everglades, Fla.; naval restricted area**. (a) *The area*. Beginning at a point at

(2950) 26°05'30"N., 80°03'30"W.; proceed west to

(2951) 26°05'30"N., 80°06'30"W.; thence, southerly to

(2952) 26°03'00"N., 80°06'42"W., thence, east to

(2953) 26°03'00"N., 80°05'44"W.; thence, south to

(2954) 26°01'36"N., 80°05'44"W.; thence, east to

(2955) 26°01'36"N., 80°03'30"W.; thence, north to the point of beginning.

(2956) (b) *The regulations*. (1) Anchoring of ocean-going vessels and/or any vessel with an anchor weight of 100 pounds or more and/or an anchor winch pull capacity of 300 pounds or more shall be prohibited in the above described area.

(2957) (2) The regulations of this section shall be enforced by the Officer-in-Charge of the Naval Surface Weapons Center, Ft. Lauderdale Facility, Florida, and such agencies as he/she may designate.

(2958) **§334.590 Atlantic Ocean off Cape Canaveral, Fla.; Air Force Missile Testing Area, Patrick Air Force Base, FL.** (a) *The danger zone*. An area in the Atlantic Ocean immediately offshore from Cape Canaveral defined by a line 3 nautical miles from shore, said area terminating in the north at a line on a bearing of 070° from a point on shore at approximate latitude 28°35' north and in the south at a line on a bearing of 115° from a point on the shore at approximate latitude 28°25' north.

(2959) (b) *The regulations*. (1) All unauthorized persons and vessels are prohibited from operating within the danger zone during firing periods to be specified by the Commander, Air Force Missile Test Center, Patrick Air Force Base.

(2960) (2) Warning signals will be used to warn persons and vessels that the danger zone is active. These signals will be in the form of a large red ball and a red flashing high intensity beacon. One signal will be located on a 90-foot pole near the shoreline at the north end of the danger zone, and one signal will be located on a 90-foot pole near the shoreline about one-half mile north of the south limit of the danger zone. An amber rotating beacon and warning sign will be erected on the north side of the Port Canaveral ship channel to indicate to vessels about to leave the harbor that the danger zone is in use.

(2961) (3) When the signals in paragraph (b)(2) of this section are displayed, all persons and vessels, except those authorized personnel and patrol vessels, will immediately leave the danger zone by the most direct route and stay out until the signals are discontinued.

(2962) (4) The regulations in this paragraph shall be enforced by the Commander, Air Force Missile Test Center, Patrick Air Force Base, Fla., and such agencies as he may designate.

(2963) **§334.600 Trident Basin Adjacent to Canaveral Harbor at Cape Canaveral Air Force Station, Brevard County,**

Florida Danger Zone. (a) *The Danger Zone*. From the west side of the access channel at latitude 28°24'37", longitude 80°35'35" to the east side of the access channel at latitude 28°24'37", longitude 80°35'26" and the entire basin.

(2964) (b) *The regulations*. (1) No unauthorized person or vessel shall enter the area. The area will be used for loading and unloading explosives. The entrance to the basin will be marked by suitable boundary signs.

(2965) (2) The regulations will be enforced by the Commanding Officer, Naval Ordnance Test Unit, Patrick Air Force Base, Florida, or such agencies he may designate.

(2966) **§334.610 Key West Harbor, at U.S. Naval Base, Key West, Fla.; naval restricted areas and danger zone.**

(2967) (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

(2968) 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

(2969) 24°32'42.3"N., 81°47'51"W.; thence extending westerly, paralleling the southerly shoreline of the Harry S. Truman Annex, to

(2970) 24°32'37.6"N., 81°48'32"W.; thence northerly to the shore at

(2971) 24°32'41"N., 81°48'31"W. (Area #1).

(2972) (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

(2973) 24°33'00"N., 81°48'41.7"W.; thence to a point 100 yards due west at

(2974) 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

(2975) 24°33'23"N., 81°48'37"W.; thence southeasterly to the shore (sea wall) at

(2976) 24°33'19.3"N., 81°48'28.7"W. (Area #2).

(2977) (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

(2978) 24°33'47.6"N., 81°47'55.6"W.; thence westerly to

(2979) 24°33'48"N., 81°48'00.9"W.; thence due south to

(2980) 24°33'45.8"N., 81°48'00.9"W.; thence westerly to

(2981) 24°33'47"N., 81°48'12"W.; thence northerly to

(2982) 24°34'06.2"N., 81°48'10"W.; thence easterly to a point joining the restricted area around Fleming Key at

(2983) 24°34'03.3"N., 81°47'55"W. (Area #3).

(2984) (4) Beginning at the last point designated in area 3 at

(2985) 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

(2986) 24°34'00.8"N., 81°47'37.5"W.: thence easterly to

(2987) 24°33'57.6"N., 81°47'20"W.; thence southerly to a point on the shore at

(2988) 24°33'54.7"N., 81°47'20.9"W. (Area #4).

(2989) (5) All waters contiguous to the southwesterly shoreline of Boca Chica Key beginning at a point on the southwest shoreline at

(2990) 24°33'24"N., 81°42'30"W.; proceed due south 100 yards to

(2991) 24°33'20.4"N., 81°42'30"W.; thence, maintaining a distance 100 yards from the shoreline, proceed westerly and northerly to

(2992) 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

(2993) 24°34'39"N., 81°42'47"W. (Area #5).

(2994) (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

(2995) 24°35'27.2"N., 81°41'48.6"W.; thence proceed in a northerly direction to a point at

(2996) 24°35'48"N., 81°41'49"W.; thence proceed westerly to a point on the shore at

(2997) 24°35'49.1"N., 81°42'03"W. (Area #6).

(2998) (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, by any person or vessel, is prohibited.

(2999) (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 area #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 showing all around the horizon,

(3000) (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).

(3001) (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).

(3002) (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).

(3003) (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 northwesterly corner of the Truman Annex Mole, thence to the northwesterly end of the breakwater at

(3004) 24°33'21.3"N., 81°48'32.7"W.

(3005) (3) Stopping or landing by any person and/or any vessel, other than Government-owned vessels and specifically authorized private craft in any of the restricted areas or danger zone described in paragraph (a) of this section is prohibited.

(3006) (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.

(3007) (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.

(3008) **§334.620 Straits of Florida and Florida Bay in vicinity of Key West, FL; operational training area, aerial gunnery range, and bombing and strafing target areas, Naval Air Station, Key West, FL.** (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 latitude 25°45'00", longitude 82°07'00"; thence southeast to
(3009) 24°49'00", 81°55'00"; thence southwest to
(3010) 24°37'30", 82°00'30"; thence westerly to
(3011) 24°37'30", 82°06'00"; thence southerly to
(3012) 24°28'30", 82°06'00"; thence southerly to
(3013) 24°25'00", 82°06'30"; thence easterly to
(3014) 24°25'00", 81°57'00"; thence southwesterly to
(3015) 23°30'00", 82°19'00"; thence westerly to
(3016) 23°30'00", 82°46'00"; thence northwesterly to
(3017) 23°52'30", 83°11'00"; thence northerly to
(3018) 24°25'00", 83°11'00"; thence easterly to
(3019) 24°25'00", 83°08'00"; thence clockwise along the arc of a circle with a radius of 92 miles centered at
(3020) 24°35'00", 81°41'15" to
(3021) 25°45'05", 82°23'30"; thence east to point of beginning.
(3022) (2) *Bombing and strafing target areas*.
(3023) (i) A circular area immediately west of Marquesas Keys with a radius of two nautical miles having its center at
(3024) 24°33.4'N., 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.
(3025) (ii) A circular area located directly west of Marquesas Keys with a radius of three statute miles having its center at
(3026) 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.
(3027) (iii) A circular area located west of Marquesas Keys with a radius of two nautical miles having its center at
(3028) 24°34'30", 82°14'00".
(3029) (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.
(3030) (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.
(3031) (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.
(3032) (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.
(3033) (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.

TITLE 50–WILDLIFE AND FISHERIES

PART 222–General Endangered and Threatened Marine Species

Subpart A–Introduction and General Provisions

(3034) **§222.101 Purpose and scope of regulations.**
(3035) (a) The regulations of parts 222, 223, and 224 of this chapter implement the Endangered Species Act (Act), and govern the taking, possession, transportation, sale, purchase, barter, exportation, importation of, and other requirements pertaining to wildlife and plants under the jurisdiction of the Secretary of Commerce and determined to be threatened or endangered pursuant to section 4(a) of the Act. These regulations are implemented by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. This part pertains to general provisions and definitions. Specifically, parts 223 and 224 pertain to provisions to threatened species and endangered species, respectively. Part 226 enumerates designated critical habitat for endangered and threatened species. Certain of the endangered and threatened marine species enumerated in §§224.102 and 223.102 are included in Appendix I or II to the Convention on International Trade of Endangered Species of Wild Fauna and Flora. The importation, exportation, and re-exportation of such species are subject to additional regulations set forth at 50 CFR part 23, chapter I.
(3036) (b) For rules and procedures relating to species determined to be threatened or endangered under the jurisdiction of the Secretary of the Interior, see 50 CFR parts 10 through 17. For rules and procedures relating to the general implementation of the Act jointly by the Departments of the Interior and Commerce and for certain species under the joint jurisdiction of both the Secretaries of the Interior and Commerce, see 50 CFR Chapter IV. Marine mammals listed as endangered or threatened and subject to these regulations may also be subject to additional requirements pursuant to the Marine Mammal Protection Act (for regulations implementing that act, see 50 CFR part 216).
(3037) (c) No statue or regulation of any state shall be construed to relieve a person from the restrictions, conditions, and requirements contained in parts 222, 223, and 224 of this chapter. In addition, nothing in parts 222, 223, and 224 of this chapter, including any permit issued pursuant thereto, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of any state or of the United States, including any applicable health, quarantine, agricultural, or customs laws or regulations, or any other National Marine Fisheries Service enforced statutes or regulations.

PART 224–Endangered Marine and Anadromous Species

(3038) **§224.103 Special prohibitions for endangered marine mammals.**

(3039) (b) *Approaching North Atlantic right whales*.

(3040) (1) *Prohibitions*. Except as provided under paragraph (b)(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:

(3041) (i) Approach (including by interception) within 500 yards (460 m) of a right whale by vessel, aircraft, or any other means;

(3042) (ii) Fail to undertake required right whale avoidance measures specified under paragraph (b)(2) of this section.

(3043) (2) *Right whale avoidance measures*. Except as provided under paragraph (b)(3) of this section, the following avoidance measures must be taken if within 500 yards (460 m) of a right whale:

(3044) (i) If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.

(3045) (ii) An aircraft must take a course away from the right whale and immediately leave the area at a constant airspeed.

(3046) (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:

(3047) (i) Paragraphs (b)(1) and (b)(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.

(3048) (ii) Paragraphs (b)(1) and (b)(2) of this section do not apply where compliance would create an imminent and serious threat to a person, vessel, or aircraft.

(3049) (iii) Paragraphs (b)(1) and (b)(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.

(3050) (iv) Paragraphs (b)(1) and (b)(2) of this section do not apply to an aircraft unless the aircraft is conducting whale watch activities.

(3051) (v) Paragraph (b)(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 (b)(2) of this section.

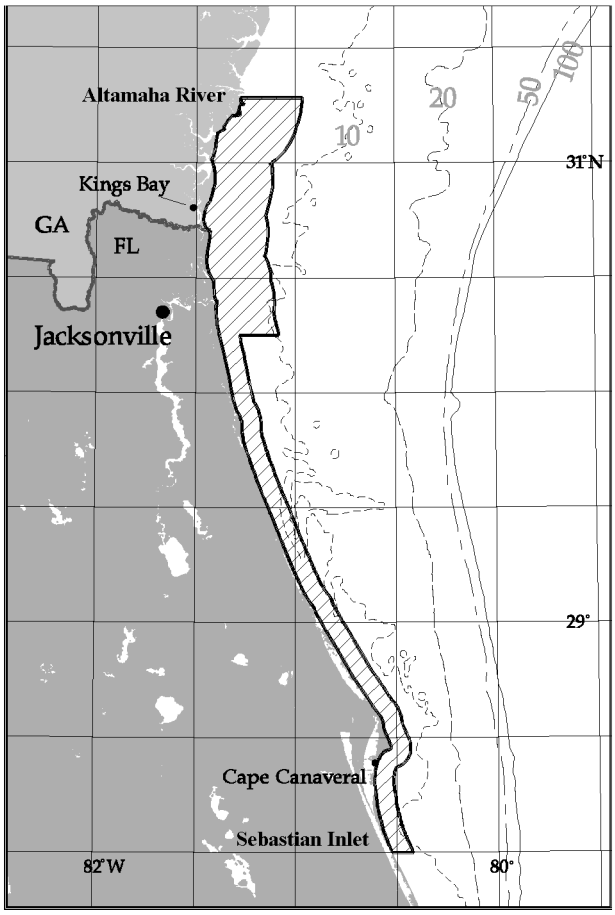
PART 226–Designated Critical Habitat

(3052) **§226.101 Purpose and scope.**

(3053) 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 Sec. 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 prohibition 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").

(3054) **§226.203 Critical habitat for Northern right whales.**

(3055) Northern Right Whale (*Eubalaena glacialis*)



The area designated as critical habitat in the Southeastern United States includes waters between 31° 15'N (approximately located at the mouth of the Altamaha River, GA) and 30°15'N (approximately Jacksonville, FL) from the shoreline out to 15 nautical miles offshore, and the waters between 30°15'N and 28°00'N (approximately Sabastian Inlet, FL) from the shoreline out to 5 nautical miles.

(3056) (c) *Southeastern United States*. The coastal waters between 31°15'N. and 30°15'N. from the coast out 15 nautical miles; and the coastal waters between 30°15'N. and 28°00'N. from the coast out 5 nautical miles.

Part 622–Fisheries of the Caribbean, Gulf, and South Atlantic

Subpart A–General Provisions

(3057) **§622.1 Purpose and scope.**

(3058) (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.

(3059) (b) This part governs conservation and management of species included in the FMPs in or from the Caribbean, Gulf, Mid-Atlantic, or South 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:

(3060) **§622.2 Definitions and acronyms.**

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 Golden Crab Fishery 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.

Ver. 1.0 This information is not certified for navigation purposes. For test purposes only.

(3061) 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:

(3062) *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).

(3063) *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.

(3064) **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.

(3065) *Aquacultured live rock* means live rock that is harvested under a Federal aquacultured live rock permit, as required under §622.4(a)(3)(iii).

(3066) *Authorized statistical reporting agent means:*

(3067) (1) Any person so designated by the SRD; or

(3068) (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.

(3069) *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 electrically or hydraulically.

(3070) *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.

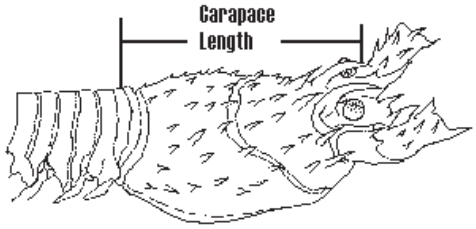
(3071) *BRD* means bycatch reduction device.

(3072) *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 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.

(3073) *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.

(3074) *Caribbean* means the Caribbean Sea around Puerto Rico and the U.S. Virgin Islands.

(3075) *Caribbean conch resource* means one or more of the following species, or a part thereof:



(3076) (1) Atlantic triton's trumpet, *Charonia variegata*.

(3077) (2) Cameo helmet, Cassis *madagascarensis*.

(3078) (3) Caribbean helmet, *Cassis tuberosa*.

(3079) (4) Caribbean vase, *Vasum muricatum*.

(3080) (5) Flame helmet, *Cassis flammea*.

(3081) (6) Green star shell, *Astrea tuber.*

(3082) (7) Hawkwing conch, *Strombus raninus*.

(3083) (8) Milk conch, *Strombus costatus*.

(3084) (9) Queen conch, *Strombus gigus*.

(3085) (10) Roostertail conch, *Strombus gallus*.

(3086) (11) True tulip, *Fasciolaria tulipa*.

(3087) (12) West Indian fighting conch, *Strombus pugilis*.

(3088) (13) Whelk (West Indian top shell), *Cittarium pica*.

(3089) *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.

(3090) *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.

(3091) *Caribbean reef fish* means one or more of the species, or a part thereof, listed in Table 2 in Appendix A of this part.

(3092) *Caribbean spiny lobster* means the species Panulirus argus, or a part thereof.

(3093) *CFMC* means the Caribbean Fishery Management Council.

(3094) *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.

(3095) *Coastal migratory pelagic fish* means one or more of the following species, or a part thereof:

(3096) (1) Bluefish, *Pomatomus saltatrix* (Gulf of Mexico only).

(3097) (2) Cero, *Scomberomorus regalis*.

(3098) (3) Cobia, *Rachycentron canadum*.

(3099) (4) Dolphin, *Coryphaena hippurus*.

(3100) (5) King mackerel, *Scomberomorus cavalla*.

(3101) (6) Little tunny, *Euthynnus alletteratus*.

(3102) (7) Spanish mackerel, *Scomberomorus maculatus*.

(3103) *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.

(3104) Dealer, in addition to the definition specified in §600.15 of this chapter, means the person who first receives rock shrimp harvested from the EEZ upon transfer ashore.

(3105) 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.

(3106) *Fish trap* means–

(3107) (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.

(3108) (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).

(3109) (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).

(3110) *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 Appendix C of this part.)

(3111) *Golden crab* means the species Chaceon fenneri, or a part thereof.

(3112) *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.

(3113) *GMFMC* means the Gulf of Mexico Fishery Management Council.

(3114) *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.

(3115) *Gulf reef fish* means one or more of the species, or a part thereof, listed in Table 3 in Appendix A of this part.

(3116) *Gulf and South Atlantic prohibited coral* means, in the Gulf and South Atlantic, one or more of the following, or a part thereof:

(3117) (1) Coral belonging to the Class Hydrozoa (fire corals and hydrocorals).

(3118) (2) Coral belonging to the Class Anthozoa, Subclass Hexacorallia, Orders Scleractinia (stony corals) and Antipatharia (black corals).

(3119) (3) A seafan, Gorgonia flabellum or G. ventalina.

(3120) (4) Coral in a coral reef, except for allowable octocoral.

(3121) (5) Coral in an HAPC, including allowable octocoral.

(3122) *HAPC* means habitat area of particular concern.

(3123) *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 –

(3124) (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

(3125) (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.

(3126) *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.

(3127) *Live rock* means living marine organisms, or an assemblage thereof, attached to a hard substrate, including dead coral or rock (excluding individual mollusk shells).

(3128) *Long gillnet* means a gillnet that has a float line that is more than 1,000 yd (914 m) in length.

(3129) *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.

(3130) *MAFMC* means the Mid-Atlantic Fishery Management Council.

(3131) *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.

(3132) *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:

(3133) (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.

(3134) (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.

(3135) (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.

(3136) *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.

(3137) *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.

(3138) *Off Louisiana, Mississippi, and Alabama* means the waters in the Gulf other than off Florida and off Texas.

(3139) *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.

(3140) *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.

(3141) *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.

(3142) *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.

(3143) *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

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percent, by weight, of all fish comprising its on-board or landed catch.

(3144) *Powerhead* means any device with an explosive charge, usually attached to a speargun, spear, pole, or stick, that fires a projectile upon contact.

(3145) *Processor* means a person who processes fish or fish products, or parts thereof, for commercial use or consumption.

(3146) *Purchase* means the act or activity of buying, trading, or bartering, or attempting to buy, trade, or barter.

(3147) *Red drum*, also called redfish, means *Sciaenops ocellatus*, or a part thereof.

(3148) *Red snapper* means Lutjanus campechanus, or a part thereof, one of the Gulf reef fish species.

(3149) *Regional Administrator (RA)*, for the purposes of this part, means the Administrator, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, or a designee.

(3150) *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.

(3151) *SAFMC* means the South Atlantic Fishery Management Council.

(3152) *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.

(3153) *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).

(3154) *Sea bass pot* means a trap has six rectangular sides and does not exceed 25 inches (63.5 cm) in height, width, or depth.

(3155) *Shrimp* means one or more of the following species, or a part thereof:

(3156) (1) Brown shrimp, *Penaeus aztecus*.

(3157) (2) Pink shrimp, *Penaeus duorarum*.

(3158) (3) Rock shrimp, *Sicyonia brevirostris*.

(3159) (4) Royal red shrimp, *Pleoticus robustus*.

(3160) (5) Seabob shrimp, *Xiphopenaeus kroyeri*.

(3161) (6) White shrimp, *Penaeus setiferus*.

(3162) *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.

(3163) *SMZ* means special management zone.

(3164) *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.

(3165) *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.

(3166) *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.

(3167) *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 Appendix C of this part.)

(3168) *Toxic chemical* means any substance, other than an allowable chemical, that, when introduced into the water, can stun, immobilize, or take marine life.

(3169) *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.

(3170) *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.

(3171) *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).

(3172) *Wild live rock* means live rock other than aquacultured live rock.

(3173) *Wreckfish* means the species Polyprion americanus, or a part thereof, one of the South Atlantic snapper-grouper species.

(3174) **§622.3 Relation to other laws and regulations.**

(3175) (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.

(3176) (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:

(3177) (1) Everglades National Park (36 CFR 7.45).

(3178) (2) Looe Key National Marine Sanctuary (15 CFR Part 937).

(3179) (3) Fort Jefferson National Monument (36 CFR 7.27).

(3180) (4) Key Largo Coral Reef National Marine Sanctuary (15 CFR Part 929).

(3181) (5) Biscayne National Park (16 U.S.C. 410gg).

(3182) (6) Gray's Reef National Marine Sanctuary (15 CFR Part 938).

(3183) (7) Monitor Marine Sanctuary (15 CFR part 924).

(3184) (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.

(3185) (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.

(3186) (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.

(3187) **§622.4 Permits and fees.**

(3188) (a) *Permits required*. To conduct activities in fisheries governed in this part, valid Federal permits are required as follows:

(3189) (1) *Charter vessel/headboat permits*. For a person aboard a vessel that is operating as a charter vessel or headboat to fish for or possess coastal migratory pelagic fish, Gulf reef fish, or South Atlantic snapper-grouper in or from the EEZ, a charter vessel/headboat permit for coastal migratory pelagic fish, Gulf reef fish,

or South Atlantic snapper-grouper, respectively, must have been issued to the vessel and must be on board. 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.

(3190) (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.

(3191) (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 subzone and restrictions on transferability of king mackerel gillnet endorsements.

(3192) (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 24 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 commerical 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 requirements for a permit.

(3193) (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 calendar years preceding the application.

(3194) (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.

(3195) (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 north of 28°35.1'N. (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 kilograms) of tilefish aboard is considered to be in the directed fishery for tilefish. It is a rebuttable presumption that a fishing vessel with more than 200 lb of tilefish aboard harvested such tilefish in the EEZ. To obtain or renew a commercial vessel permit for South Atlantic snapper-grouper, 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; or gross sales of fish harvested from the owner's, operator's, corporation's, or partnership's vessels must have been greater than $20,000, during one of the 3 calendar years preceding the application.

(3196) (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.)

(3197) (viii) *South Atlantic rock shrimp*. 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.

(3198) (ix) *Gulf red snapper*. Effective through December 31, 1997, as a prerequisite for exemption from the trip limit for red snapper specified in §622.44 (d) (1), a commercial vessel permit for Gulf reef fish with a red snapper endorsement must have been issued to the vessel and must be on board.

(3199) (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.

(3200) (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.

(3201) (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

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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.

(3202) (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.

(3203) (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:

(3204) (A) Landing in Florida fish or other marine organisms taken with an allowable chemical in a coral area.

(3205) (B) Landing allowable octocoral in Florida.

(3206) (C) Landing live rock in Florida.

(3207) (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, or wreckfish, a dealer permit for Gulf reef fish, golden crab, South Atlantic snapper-grouper, rock shrimp, 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 state(s), and must have a physical facility at a fixed location in such state(s).

(3208) (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.

(3209) (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.

(3210) (ii) An applicant must provide the following:

(3211) (A) Name, address, telephone number, and other identifying information of the applicant.

(3212) (B) Name and address of any affiliated company, institution, or organization.

(3213) (C) Information concerning vessels, harvesting gear/methods, or fishing areas, as specified on the application form.

(3214) (D) Any other information that may be necessary for the issuance or administration of the permit.

(3215) (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–

(3216) (1) Provides accurate coordinates of the proposed harvesting site so that it can be located using LORAN or Global Positioning System equipment;

(3217) (2) Shows the site on a chart in sufficient detail to determine its size and allow for site inspection;

(3218) (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;

(3219) (4) Describes the naturally occurring bottom habitat at the site; and

(3220) (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.

(3221) (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).

(3222) (ii) An applicant must provide the following:

(3223) (A) A copy of each state wholesaler's license held by the dealer.

(3224) (B) Name, address, telephone number, date the business was formed, and other identifying information of the business.

(3225) (C) The address of each physical facility at a fixed location where the business receives fish.

(3226) (D) Name, address, telephone number, other identifying information, and official capacity in the business of the applicant.

(3227) (E) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(3228) (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.

(3229) (ii) An applicant must provide the following:

(3230) (A) A copy of the vessel's valid USCG certificate of documentation or, if not documented, a copy of its valid state registration certificate.

(3231) (B) Vessel name and official number.

(3232) (C) Name, address, telephone number, and other identifying information of the vessel owner and of the applicant, if other than the owner.

(3233) (D) Any other information concerning the vessel, gear characteristics, principal fisheries engaged in, or fishing areas, as specified on the application form.

(3234) (E) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

(3235) (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.

(3236) (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).

(3237) (c) *Change in application information*. The owner or operator of a vessel with a permit, a person with a coral 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.

(3238) (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 accor-

dance 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.

(3239) (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.

(3240) (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.

(3241) (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 the vessel or dealership is sold.

(3242) (g) *Transfer*. A vessel permit, license or endorsement or 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 §622.17(c) for a commerical vessel permit for golden crab, or in §622.18(e) for a commerical vessel permit for South Atlantic snapper-grouper. A person who acquires a vessel or dealership who desires to conduct activities for which a permit or endorsement is required must apply for a permit 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.

(3243) (h) *Renewal*. Although a permit, license, or endorsement 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 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.

(3244) (1) *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.

(3245) (2) *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 within the applicable deadline will not be reissued.

(3246) (3) *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.

(3247) (4) *If notification is not received*. A vessel owner or dealer who does not receive a notification from the RA regarding status of renewal of a permit, license, or endorsement of 45 days prior to expiration of the current permit must contact the RA.

(3248) (i) *Display*. A vessel permit 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 permit 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.

(3249) (j) *Sanctions and denials*. A permit or endorsement issued pursuant to this section may be revoked, suspended, or modified, and a permit 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.

(3250) (k) *Alteration*. A permit that is altered, erased, or mutilated is invalid.

(3251) (l) *Replacement*. A replacement permit or endorsement may be issued. An application for a replacement permit or endorsement will not be considered a new application. A fee, the amount of which is stated with the application form, must accompany each request for a replacement.

(3252) (m) *Moratorium on commercial vessel permits for Gulf reef fish*. The provisions of this paragraph (m) are applicable through December 31, 2000.

(3253) (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.

(3254) (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.

(3255) (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,

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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.

(3256) (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.

(3257) (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.

(3258) (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.

(3259) (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.

(3260) (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.

(3261) (2) Through February 7, 1999, a fish trap endorsement may be transferred only to a vessel that has a commercial permit for reef fish.

(3262) (3) After February 7, 1999, a fish trap endorsement is not transferable except as follows:

(3263) (i) An owner of a vessel with a fish trap endorsement may transfer the endorsement to another vessel owned by the same entity.

(3264) (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.

(3265) (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.)

(3266) (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.

(3267) (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.

(3268) (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.

(3269) (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–

(3270) (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

(3271) (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.

(3272) (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.

(3273) (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.

(3274) (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.

(3275) (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.

(3276) (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.

(3277) (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.

(3278) (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.

(3279) (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.

(3280) (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.

(3281) (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.

(3282) (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 –

(3283) (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;

(3284) (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;

(3285) (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

(3286) (4) Landed red snapper prior to November 7, 1989.

(3287) (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.

(3288) (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.

(3289) (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 no 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.

(3290) (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.

(3291) (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.

(3292) (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.

(3293) (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

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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.

(3294) (q) *Moratorium on commercial vessel permits for king mackerel*. This paragraph (q) is effective through October 15, 2000.

(3295) (1) Effective March 4, 1998, an initial commercial vessel permit for king mackerel will be issued only if the vessel owner was the owner of a vessel with a commercial vessel permit for king mackerel on or before October 16, 1995. A king mackerel permit for a vessel whose owner does not meet this moratorium criterion may be renewed only through April 30, 1999.

(3296) (2) To obtain a commercial vessel permit for king mackerel under the moratorium, an owner or operator of a vessel that does not have a valid king mackerel permit on March 4, 1998, must submit an application to the RA postmarked or hand delivered not later than June 2, 1998. Other than applications for renewals of commercial vessel permits for king mackerel, no applications for commercial vessel permits for king mackerel will be accepted after June 2, 1998. Application forms are available from the RA.

(3297) (3) An owner will not be issued initial commercial vessel permits for king mackerel under the moratorium in numbers exceeding the number of vessels permitted in the king mackerel fishery that he/she owned simultaneously on or before October 16, 1995. If a vessel with a commercial vessel permit for king mackerel on or before October 16, 1995, has been sold since that date, the owner on or before that date retains the right to the commercial vessel permit for king mackerel unless there is a written agreement that such right transfers to the new owner.

(3298) (4) 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.

(3299) (5) 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.

(3300) (6) 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.

(3301) (7) 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.

(3302) (8) 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.

(3303) **§622.5 Recordkeeping and reporting.**

(3304) Participants in fisheries governed in this part are required to keep records and report as follows.

(3305) (a) *Commercial vessel owners and operators*–(1) *Requirements by specie* –(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)(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.

(3306) (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.

(3307) (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.

(3308) (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.

(3309) (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.

(3310) (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.

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(3311) (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 §622.17(a), who is selected to report by the SRD must maintain a fishing record on a form available from the SRD.

(3312) (2) *Reporting deadlines*. (i) Completed fishing records required by paragraphs (a)(1)(i), (ii), and (iv) 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.

(3313) (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.

(3314) (b) *Charter vessel/headboat owners and operators*–(1) Coastal migratory pelagic fish, reef fish, and snapper-grouper. The owner or operator of a vessel for which a charter vessel/headboat permit for coastal migratory pelagic fish, Gulf reef fish, or South Atlantic snapper-grouper has been issued, as required under §622.4(a)(1), or whose vessel fishes for or lands such coastal migratory pelagic fish, reef fish, or snapper-grouper in or from state waters adjoining the Gulf or South 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.

(3315) (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.

(3316) (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.

(3317) (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:

(3318) (A) Dealer's or processor's name and address.

(3319) (B) County where fish were landed.

(3320) (C) Total poundage of each species received during that month, or other requested interval.

(3321) (D) Average monthly price paid for each species.

(3322) (E) Proportion of total poundage landed by each gear type.

(3323) (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.

(3324) (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:

(3325) (i) Dealer's or processor's name and address.

(3326) (ii) State and county where red drum were landed.

(3327) (iii) Total poundage of red drum received during the reporting period, by each type of gear used for harvest.

(3328) (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:

(3329) (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.

(3330) (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.

(3331) (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.

(3332) (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:

(3333) (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.

(3334) (ii) Amount of shrimp received by species and size category for each receipt.

(3335) (iii) Exvessel value, by species and size category, for each receipt.

(3336) (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.

(3337) (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).

(3338) (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.

(3339) (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.

(3340) (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.

(3341) (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.

(3342) (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.

(3343) (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:

(3344) (i) Permit number of site and date of deposit.

(3345) (ii) Geological origin of material deposited.

(3346) (iii) Amount of material deposited.

(3347) (iv) Source of material deposited, that is, where obtained, if removed from another habitat, or from whom purchased.

(3348) (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.

(3349) (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.

(3350) (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:

(3351) (1) Name and official number of vessel and permit number, if applicable.

(3352) (2) Length and tonnage.

(3353) (3) Current home port.

(3354) (4) Fishing areas.

(3355) (5) Ports where fish were offloaded during the last year.

(3356) (6) Type and quantity of gear.

(3357) (7) Number of full- and part-time fishermen or crew members.

(3358) **§622.6 Vessel and gear identification**.

(3359) (a) *Vessel identification*–(1) *Applicability* –(i) *Official number.* A vessel for which a permit has been issued under §622.4 or §622.17, and a vessel that fishes for or possesses shrimp in the Gulf EEZ, must display its official number –

(3360) (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.

(3361) (B) In block arabic numerals permanently affixed to or painted on the vessel in contrasting color to the background.

(3362) (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.

(3363) (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–

(3364) (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.

(3365) (B) In the form of a circle permanently affixed to or painted on the vessel.

(3366) (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.

(3367) (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,

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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.

(3368) (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.

(3369) (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, 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.

(3370) (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:

(3371) (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.

(3372) (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.

(3373) (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.

(3374) (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.

(3375) (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.

(3376) **§622.7 Prohibitions**.

(3377) In addition to the general prohibitions in §600.725 of this chapter, it is unlawful for any person to do any of the following:

(3378) (a) Engage in an activity for which a valid Federal permit is required under §622.4 or §622.17 without such permit.

(3379) (b) Falsify information on a permit application or submitted with such application, as specified in §622.4 (b) or (g) or §622.17.

(3380) (c) Fail to display a permit or endorsement, as specified in §622.4(i) or §622.17(g).

(3381) (d) Falsify or fail to maintain, submit, or provide information required to be maintained, submitted, or provided, as specified in §622.5 (a) through (f).

(3382) (e) Fail to make a fish, or parts thereof, available for inspection, as specified in §622.5(e).

(3383) (f) Falsify or fail to display and maintain vessel and gear identification, as specified in §622.6 (a) and (b).

(3384) (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).

(3385) (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).

(3386) (i) Transfer–

(3387) (1) A wreckfish, as specified in §622.15(d)(1);

(3388) (2) A limited-harvest species, as specified in §622.32(c) introductory text;

(3389) (3) A species/species group subject to a bag limit, as specified §622.39(a)(1);

(3390) (4) South Atlantic snapper-grouper from a vessel with unauthorized gear on board, as specified in §622.41(d)(2)(iii); or

(3391) (5) A species subject to a commercial trip limit, as specified in §622.44.

(3392) (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.

(3393) (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.

(3394) (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).

(3395) (m) Harvest, possess, offload, sell, or purchase fish in excess of the seasonal harvest limitations, as specified in §622.36.

(3396) (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.

(3397) (o) Fail to maintain a fish intact through offloading ashore, as specified in §622.38.

(3398) (p) Exceed a bag or possession limit, as specified in §622.39.

(3399) (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.

(3400) (r) Fail to comply with the species-specific limitations, as specified in §622.41.

(3401) (s) Fail to comply with the restrictions that apply after closure of a fishery, as specified in §622.43.

(3402) (t) Possess on board a vessel or land, purchase, or sell fish in excess of the commercial trip limits, as specified in §622.44.

(3403) (u) Fail to comply with the restrictions on sale/purchase, as specified in §622.45.

(3404) (v) Interfere with fishing or obstruct or damage fishing gear or the fishing vessel of another, as specified in §622.46(a).

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(3405) (w) Fail to comply with the requirements for observer coverage as specified in §622.10.

(3406) (x) Assault, resist, oppose, impede, intimidate, or interfere with a NMFS-approved observer aboard a vessel.

(3407) (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.

(3408) (z) Fish for or possess golden crab in or from a designated fishing zone of the South Atlantic EEZ other than the zone for which the vessel is permitted, as specified in §622.17(h).

(3409) **§622.8 At-sea observer coverage.**

(3410) (a) If a vessel's trip is selected by the SRD for observer coverage, the owner or operator of a vessel for which a commercial permit for golden crab has been issued, as required under §622.17(a), must carry a NMFS-approved observer.

(3411) (b) When notified in writing by the SRD that his or her vessel has been selected to carry an NMFS-approved observer, an owner or operator must advise the SRD in writing not less than 5 days in advance of each trip of the following:

(3412) (1) Departure information (port, dock, date, and time).

(3413) (2) Expected landing information (port, dock, and date).

(3414) (c) An owner or operator of a vessel on which a NMFS approved observer is embarked must:

(3415) (1) Provide accommodations and food that are equivalent to those provided to the crew.

(3416) (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.

(3417) (3) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position.

(3418) (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.

(3419) (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.

(3420) **§622.9 Gulf shrimp interim measures**.

(3421) (a) *Vessel logbooks*. In addition to the requirements of §622.5(a)(1)(iii), the owner or operator of a vessel that fishes for shrimp in the Gulf EEZ who is selected to report by the SRD must maintain fishing records on forms available from the SRD. The owner or operator must submit completed fishing records to the SRD postmarked not later than 7 days after the end of each fishing trip. If no fishing occurred during a calendar month, the owner or operator must submit a report so stating 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.

(3422) (b) *Observer coverage*. (1) If a vessel is selected by the SRD for observer coverage, the owner or operator of the vessel that fishes for shrimp in the Gulf EEZ must carry a NMFS-approved observer aboard the vessel.

(3423) (2) When notified in writing by the SRD that his or her vessel has been selected to carry a NMFS-approved observer, the owner or operator must advise the SRD in writing not less than 5 days in advance of each trip of the port, dock, date, and time of departure and the port, dock, date, and time of landing.

(3424) (3) An owner or operator of a vessel on which a NMFS-approved observer is embarked must:

(3425) (i) Provide accommodations and food that are equivalent to those provided to the crew.

(3426) (ii) 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

(3427) (iii) Allow the observer access to and use of the vessel's navigation equipment and personnel upon request to determine the vessel's position.

(3428) (iv) 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 fish.

(3429) (v) Allow the observer to inspect and copy the vessel's log, communications logs, and any records associated with the catch and distribution of fish for that trip.

(3430) (vi) On or after May 14, 1998, comply with the observer's instructions to make an installed bycatch reduction device (BRD) inoperative; use of a trawl net with an inoperative BRD in accordance with the observer's instructions while the observer is aboard is not a violation of §622.41(h)(1).

(3431) (c) *Vessel monitoring*. (1) If a vessel is selected by the SRD for monitoring, the owner or operator of the vessel that fishes for shrimp in the Gulf EEZ must carry a NMFS-supplied vessel monitoring system (VMS) unit on board the vessel.

(3432) (2) Upon selection by the SRD for monitoring, the vessel owner or operator must advise the Special Agent-in-Charge, NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL (SAC) or his designee by telephone (813-570-5344) as to when the vessel will next be in port so that NMFS may arrange for installation of the VMS unit. During installation of the VMS unit, the owner or operator must provide NMFS access to the vessel's on-board power supply.

(3433) (3) After the VMS unit is installed, the vessel owner or operator must maintain power to the VMS unit when the vessel is at sea. When the vessel is in port, the owner or operator must provide access to the VMS unit for maintenance, repair, inspection, or removal.

(3434) (4) No person may interfere with, impede, delay, or prevent the installation, maintenance, repair, inspection, or removal of a VMS unit or interfere with, tamper with, alter, damage, disable, or impede the operation of a VMS unit, or attempt any of the same.

Subpart B—Effort Limitations

(3435) **§622.15 Wreckfish individual transferable quota (ITQ) system.**

(3436) The provisions of this section apply to wreckfish in or from the South Atlantic EEZ.

(3437) (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.

(3438) (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.

(3439) (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.

(3440) (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.

(3441) (2) The RA will provide each wreckfish 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.

(3442) (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.

(3443) (4) Wreckfish may not be possessed on board a fishing vessel–

(3444) (i) In an amount exceeding the total of the ITQ coupons on board the vessel;

(3445) (ii) That does not have on board a commercial vessel permit for wreckfish, as required under §622.4(a)(2)(vii); or

(3446) (iii) That does not have on board logbook forms for that fishing trip, as required under §622.5(a)(1)(iv)(B).

(3447) (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.

(3448) (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).

(3449) (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).

(3450) (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.

(3451) (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.

(3452) (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.

(3453) (3) A wreckfish may be offloaded from a fishing vessel only between 8 a.m. and 5 p.m., local time.

(3454) (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.

(3455) **§622.16 Red snapper individual transferable quota (ITQ) system.**

(3456) 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.

(3457) (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 re-

duction of shares will be based on shares as of November 1 after the required addition of shares.

(3458) (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.

(3459) (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.

(3460) (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.

(3461) (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.

(3462) (3) An ITQ coupon may be transferred. If the transfer is by sale, the seller must enter the sale price on the coupon.

(3463) (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.)

(3464) (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.

(3465) (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.

(3466) (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.

(3467) (c) *Procedures for implementation*–(1) *Initial shareholders*. The following persons are initial shareholders in the red snapper ITQ system:

(3468) (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

(3469) (ii) A historical captain. A historical captain means an operator who meets all of the following qualifications:

(3470) (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.

(3471) (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.

(3472) (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.

(3473) (D) Landed red snapper prior to November 7, 1989.

(3474) (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).

(3475) (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.

(3476) (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 opera-

tor. 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:

(3477) (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.

(3478) (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–

(3479) (1) From a closely held corporation to its majority shareholder;

(3480) (2) From an individual who became the majority shareholder of a closely held corporation receiving the vessel;

(3481) (3) Between closely held corporations with a common majority shareholder; or

(3482) (4) From one to another of the following: Husband, wife, son, daughter, brother, sister, mother, or father.

(3483) (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.

(3484) (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.

(3485) (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.

(3486) (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.

(3487) (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.

(3488) (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.

(3489) (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.

(3490) (v) Upon completion of the appeal process, the RA will issue share certificates to initial shareholders.

(3491) (5) *Transfers of shares*. The following restrictions apply to the transfer of shares:

(3492) (i) The transfer of shares is prohibited through September 30, 1996.

(3493) (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.

(3494) (d) *Exceptions/additions to general measures*. Other provisions of this part notwithstanding–

(3495) (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.

(3496) (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.

(3497) (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.

(3498) (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.

(3499) (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.

(3500) (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, re-

ceived during the month in accordance with paragraph (b) of this section, must be submitted to the SRD with the report.

(3501) (7) It is unlawful for a person to do any of the following:

(3502) (i) Receive red snapper from a fishing vessel without a dealer permit for Gulf reef fish.

(3503) (ii) Fail to carry a copy of the dealer's permit, as specified in paragraph (d)(3) of this section.

(3504) (iii) Fail to comply with a condition of a permit, as specified in paragraph (d)(4) or (d)(5) of this section.

(3505) (iv) Fail to report red snapper received, as specified in paragraph (d)(6) of this section.

(3506) **§622.17 South Atlantic golden crab controlled access**.

(3507) (a) *Applicability.* 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 or off-loaded from a vessel in the South Atlantic was harvested from the South Atlantic EEZ.

(3508) (b) *Initial eligibility.* A vessel is eligible for an initial commercial vessel permit for golden crab if the owner meets the documentation requirements described in paragraph (c) of this section substantiating his or her landings of golden crab harvested from the South Atlantic EEZ in quantities of at least 600 lb (272 kg) by April 7, 1995, or at least 2,500 lb (1,134 kg) by September 1, 1995. Only the owner of a vessel at the time landings occurred may use those landings to meet the eligibility requirements described in this paragraph, except if that owner transferred the right to use those landings to a subsequent owner in writing as part of the vessel's sales agreement. If evidence of such agreement is provided to the RA, the subsequent owner may use those landings to meet the eligibility requirements instead of the owner of the vessel at the time the landings occurred.

(3509) (c) *Documentation of eligibility.* The documentation requirements described in this paragraph are the only acceptable means for an owner to establish a vessel's eligibility for an initial permit. Failure to meet the documentation requirements, including submission of data as required, will result in failure to qualify for an initial commercial vessel permit. Acceptable sources of documentation include: Landings documented by the trip ticket systems of Florida or South Carolina as described in paragraph (c)(1) of this section and data substantiating landings that occurred prior to establishment of the respective trip ticket systems or landings that occurred in North Carolina or Georgia as described in paragraph (c)(2) of this section.

(3510) (1) *Trip ticket data*. NMFS has access to records of golden crab landings reported under the trip ticket systems in Florida and South Carolina. No further documentation or submission of these records is required if the applicant was the owner of the harvesting vessel at the time of the landings documented by these records. An applicant will be given printouts of trip ticket records for landings made when the applicant owned the harvesting vessel, and an applicant will have an opportunity to submit records of landings he or she believes should have been included on such printouts or to clarify allocation of landings shown on such printouts. Landings reported under these trip ticket systems and received by the respective states prior to December 31, 1995, with such adjustments/clarifications for landings for which there is adequate documentation that they should have been included on the printouts, are conclusive as to landings in the respective states during the period that landing reports were required or voluntarily submitted by a vessel. For such time periods, landings data from other sources will not be considered for landings in these states.

(3511) (2) *Additional landings data*. (i) An owner of a vessel that does not meet the criteria for initial eligibility for a commercial vessel permit based on landings documented by the trip ticket systems of Florida or South Carolina may submit documentation of required landings that either occurred prior to the implementation of the respective trip ticket systems or occurred in North Carolina or Georgia. Acceptable documentation of such landings consists of trip receipts or dealer records that definitively show the species known as golden crab; the vessel's name, official number, or other reference that clearly identifies the vessel; and dates and amounts of South Atlantic golden crab landings. In addition, a sworn affidavit may be submitted to document landings. A sworn affidavit is a notarized written statement wherein the individual signing the affidavit affirms under penalty of perjury that the information presented is accurate to the best of his or her knowledge, information, and belief.

(3512) (ii) Documentation by a combination of trip receipts and dealer records is acceptable, but duplicate records for the same landings will not result in additional credit.

(3513) (iii) Additional data submitted under paragraph (c)(2) of this section must be attached to a Golden Crab Landings Data form, which is available from the RA.

(3514) (3)*Verification*. Documentation of golden crab landings from the South Atlantic EEZ and other information submitted under this section are subject to verification by comparison with state, Federal, and other records and information. Submission of false documentation or information may disqualify a person from initial participation under the South Atlantic golden crab controlled access program.

(3515) (d) *Application procedure*. Permit application forms are available from the RA. An application for an initial commercial vessel permit that is postmarked or hand-delivered after September 26, 1996, will not be accepted.

(3516) (1) An application for a commercial vessel permit must be submitted and signed by the vessel owner (in the case of a corporate-owned vessel, an officer or shareholder who meets the requirements of paragraph (b) of this section; in the case of a partnership-owned vessel, a general partner who meets these requirements).

(3517) (2) An owner must provide the following:

(3518) (i) A copy of the vessel's valid U.S. Coast Guard certificate of documentation or, if not documented, a copy of its valid state registration certificate.

(3519) (ii) Vessel name and official number.

(3520) (iii) Name, address, telephone number, and other identifying information of the vessel owner.

(3521) (iv) Documentation of initial eligibility, as specified in paragraphs (b) and (c) of this section.

(3522) (v) The fishing zone in which the vessel will fish, as specified in paragraph (h) of this section.

(3523) (vi) Any other information concerning the vessel, gear characteristics, principal fisheries engaged in, or fishing areas, as specified on the application form.

(3524) (vii) Any other information that may be necessary for the issuance or administration of the permit, as specified on the application form.

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(3525) (e) *Issuance*. (1) The RA will mail an initial commercial vessel permit to an applicant no later than October 28, 1996, if the application is complete and the eligibility requirements specified in paragraph (b) of this section are met.

(3526) (2) Upon receipt of an incomplete application that is postmarked or hand-delivered on or before September 26, 1996, 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 notification, the application will be considered abandoned.

(3527) (3) The RA will notify an applicant, in writing, no later than October 28, 1996, if the RA determines that the applicant fails to meet the eligibility requirements specified in paragraph (b) of this section.

(3528) (f) *Appeals*. (1) An appeal of the RA's decision regarding initial permit eligibility may be submitted to an ad hoc appeals committee appointed by the SAFMC.

(3529) (2) The appeals committee is empowered only to deliberate whether the eligibility criteria specified in paragraph (b) of this section were applied correctly to the appellant's application. In making that determination, the appeals committee members will consider only disputed calculations and determinations based on documentation provided as specified in paragraph (c) of this section, including transfers of landings records. The appeals committee is not empowered to consider whether a person should have been eligible for a commercial vessel permit because of hardship or other factors.

(3530) (3) A written request for consideration of an appeal must be submitted within 30 days of the date of the RA's notification denying permit issuance and must provide written documentation supporting the basis for the appeal. Such a request must contain the appellant's acknowledgment that the confidentiality provisions of the Magnuson Act at 16 U.S.C. 1853(d) and subpart E of part 600 of this chapter are waived with respect to any information supplied by the RA to the SAFMC and its advisory bodies for purposes of receiving the recommendations of the appeals committee members on the appeal. An appellant may also make a personal appearance before the appeals committee.

(3531) (4) The appeals committee will meet only once to consider appeals submitted within the time period specified in paragraph (f)(3) of this section. Members of the appeals committee will provide their individual recommendations for each appeal to the RA. Members of the appeals committee may comment upon whether the eligibility criteria, specified in the FMP and in paragraph (b) of this section, were correctly applied in each case, based solely on the available record, including documentation submitted by the appellant. The RA will decide the appeal based on the initial eligibility criteria in paragraph (b) of this section and the available record, including documentation submitted by the appellant and the recommendations and comments from members of the appeals committee. The RA will notify the appellant of the decision and the reason therefore, in writing, normally within 30 days of receiving the recommendation from the appeals committee members. The RA's decision will constitute the final administrative action by NMFS on an appeal.

(3532) (g) *Display*. A commercial vessel permit issued under this section must be carried on board the vessel. The operator of a vessel must present the permit for inspection upon the request of an authorized officer.

(3533) (h) *Fishing zones*. (1) The South Atlantic EEZ is divided into three fishing zones for golden crab. A vessel owner must indicate on the initial application for a commercial vessel permit the zone in which the vessel will fish. 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 (813-570-5344) in advance and does not fish in an unpermitted zone. The designated fishing zones are as follows:

(3534) (i) Northern zone–the South Atlantic EEZ north of 28°N.

(3535) (ii) Middle zone–the South Atlantic EEZ from 25°N. to 28°N.

(3536) (iii) Southern zone–the South Atlantic EEZ south of 25°N.

(3537) (2) An owner of a permitted vessel may have the zone specified on a permit changed only when the change is from the middle or southern zone to the northern zone. A request for such change must be submitted to the RA with the existing permit.

(3538) (i) *Transfer*. (1) A valid golden crab permit may be transferred for use by another vessel by returning the existing permit(s) to the RA along with an application for a permit for the replacement vessel.

(3539) (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.

(3540) (j) *Renewal*. (1) 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.

(3541) (2) An existing permit for a vessel meeting the minimum golden crab landing requirement specified in paragraph (j)(1) of this section may be renewed by following the procedure specified in paragraph (d) of this section. However, documentation of the vessel's initial eligibility need not be resubmitted.

(3542) **§622.18 South Atlantic snapper-grouper limited access**.

(3543) (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.

(3544) (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.

(3545) (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.

(3546) (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.

(3547) (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.

(3548) (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.

(3549) (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.

(3550) (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.

(3551) (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.

(3552) (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.

(3553) (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.

(3554) (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.

(3555) (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.

(3556) (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.

(3557) (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.

(3558) (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.

(3559) (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.

(3560) (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 members. 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 deci-

sion will decision will constitute the final administrative action by NMFS.

(3561) (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.

(3562) (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.

(3563) (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.

(3564) (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.

(3565) (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.

(3566) (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.

(3567) (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.

(3568) (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.

Subpart C—Management Measures

(3569) **§622.30 Fishing years.**

(3570) The fishing year for species or species groups governed in this part is January 1 through December 31 except for the following:

(3571) (a) *Allowable octocoral*– October 1 through September 30.

(3572) (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):

(3573) (1) *Gulf migratory group king mackerel*– July 1 through June 30.

(3574) (2) *All other migratory groups of king and Spanish mackerel* – April 1 through March 31.

(3575) (c) *Wreckfish*– April 16 through April 15.

(3576) **§622.31 Prohibited gear and methods.**

(3577) 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.

(3578) (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.

(3579) (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.

(3580) (c) *Fish traps*. (1) A fish trap may not be used in the South Atlantic EEZ.

(3581) (2) A fish trap may not be used or possessed in the Gulf EEZ west of 85°30'W. and, after February 7, 2007, may not be used or possessed in the Gulf EEZ.

(3582) (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.

(3583) (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.

(3584) (e) *Poisons*. (1) A poison, drug, or other chemical may not be used to fish for Caribbean reef fish in the Caribbean EEZ.

(3585) (2) A poison may not be used to take Gulf reef fish in the Gulf EEZ.

(3586) (3) A poison may not be used to fish for South Atlantic snapper-grouper in the South Atlantic EEZ.

(3587) (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.

(3588) (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.

(3589) (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.

(3590) (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.

(3591) (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 Carib-

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bean spiny lobster in or from the Caribbean EEZ is prima facie evidence of violation of this section.

(3592) **§622.32 Prohibited and limited-harvest species.**

(3593) (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.

(3594) (b) *Prohibited species*. Prohibited species, by geographical area, are as follows:

(3595) (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.

(3596) (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.

(3597) (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.

(3598) (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.

(3599) (ii) Jewfish may not be harvested or possessed in or from the Gulf EEZ.

(3600) (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.

(3601) (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.

(3602) (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.

(3603) (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.

(3604) (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.

(3605) (iv) Wild live rock may not be harvested or possessed in the South Atlantic EEZ.

(3606) (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.

(3607) (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.

(3608) (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.

(3609) (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.

(3610) (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.

(3611) (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.

(3612) **§622.33 Caribbean EEZ seasonal and/or area closures.**

(3613) (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.

(3614) (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.

(3615) (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.

(3616) (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°26.4'W.

(3617) (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°29.2'W.
D	18°08.2'N.	67°22.4'W.
A	18°11.2'N.	67°22.4'W.

(3618) (C) 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.

(3619) (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.

(3620) (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.

(3621) (2) [Reserved]

(3622) **§622.34 Gulf EEZ seasonal and/or area closures.**

(3623) (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°07.7W.

(3624) (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.

(3625) (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.

(3626) (d) *Riley's Hump seasonal closure*. From May 1 through June 30, each year, fishing is prohibited in the following area bounded by rhumb lines connecting, in order, the following points:

Point	Latitude	Longitude
A	24°32.2'N.	83°08.7'W.
B	24°32.2'N.	83°05.2W.
C	24°28.7'N.	83°05.2'W.
D	24°28.7'N.	83°08.7'W.

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Point	Latitude	Longitude
A	24°32.2'N.	83°08.7W.

(3627) (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.	82°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.

(3628) (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.

(3629) (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.

(3630) (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.

(3631) (4) *Zone IV* is enclosed by rhumb lines connecting, in order, points E, N, S, O, and E.

(3632) (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.

(3633) (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.

(3634) (5) *Zone V* is enclosed by rhumb lines connecting, in order, points F, G, K, L, and F.

(3635) (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.

(3636) (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.

(3637) (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.	81°04.0'W.
D	26°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.

(3638) (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.

(3639) (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. The provisions of this paragraph do not apply to the following species: dwarf sand perch, hogfish, and sand perch.

(3640) (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.

(3641) (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).

(3642) (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.

(3643) (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

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be less than 45 days. Notification of the adjustment of the closing or opening date will be published in the Federal Register.

(3644) (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]Manquessas Keys.

(3645) (2) The provisions of paragraph (i)(1) of this section notwithstanding–

(3646) (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°01.00'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°15.00'W.; thence north to point W at 24°43.6'N., 82°15.0'W.

(3647) (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.

(3648) (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.

(3649) (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.

(3650) (k) *Wild live rock area closures*. No person may harvest or possess wild live rock in the Gulf EEZ–

(3651) (1) North and west of a line extending in a direction of 235° from true north from a point at the mouth of the Suwannee River at 29°17.25'N., 83°09.90'W. (the Levy/Dixie County, FL, boundary); or

(3652) (2) South of 25°20.4'N. (due west from the Monroe/Collier County, FL, boundary).

(3653) (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 15th of each month to noon on the first of each succeeding month. 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.

(3654) (m) *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 15th of each month to noon on the first of each succeeding month. 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)(vi) 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.

(3655) **§622.35 South Atlantic EEZ seasonal and/or area closures.**

(3656) (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).

(3657) (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.

(3658) (c) *Oculina Bank*–(1) HAPC. The Oculina Bank HAPC encompasses an area bounded on the north by 28°30'N. lat., on the south by 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

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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:

(3659) (i) Use a bottom longline, bottom trawl, dredge, pot, or trap.

(3660) (ii) If aboard a fishing vessel, anchor, use an anchor and chain, or use grapple and chain.

(3661) (iii) Fish for rock shrimp or possess rock shrimp in or from the area on board a fishing vessel.

(3662) (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.

(3663) (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.

(3664) (2) During a closure, as specified in paragraph (d)(1) of this section–

(3665) (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.

(3666) (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.

(3667) (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.

(3668) (e) *SMZs*. (1) The SMZs consist of artificial reefs and surrounding areas as follows:

(3669) (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.

(3670) (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.

(3671) (iii) *Pawleys Island Reef* is bounded on the north by 33°26.58'N.; on the south by 33°76'N.; on the east by 79°00.29'W.; and on the west by 79°01.24'W.

(3672) (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.

(3673) (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.

(3674) (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.

(3675) (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.

(3676) (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.

(3677) (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.

(3678) (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.

(3679) (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.

(3680) (xii) *Artificial Reef—A* is bounded on the north by 30°57.4'N., on the south by 30°55.4'N., on the east by 81°13.9'W.; and on the west by 81°16.3'W.

(3681) (xiii) *Artificial Reef—C* is bounded on the north by 30°52.0'N.; on the south by 30°50.0'N.; on the east by 81°08.5'W.; and on the west by 81°10.9'W.

(3682) (xiv) *Artificial Reef—G* is bounded on the north by 31°00.0'N.; on the south by 30°58.0'N.; on the east by 80°56.8'W.; and on the west by 80°59.2'W.

(3683) (xv) *Artificial Reef—F* is bounded on the north by 31°06.8'N.; on the south by 31°04.8'N.; on the east by 81°10.5'W.; and on the west by 81°13.4'W.

(3684) (xvi) *Artificial Reef—J* is bounded on the north by 31°36.7'N.; on the south by 31°34.7'N.; on the east by 80°47.3'W.; and on the west by 80°50.1'W.

(3685) (xvii) *Artificial Reef—L* is bounded on the north by 31°46.0'N.; on the south by 31°44.0'N.; on the east by 80°34.7'W.; and on the west by 80°37.1'W.

(3686) (xviii) *Artificial Reef—KC* is bounded on the north by 31°51.2'N.; on the south by 31°49.2'N.; on the east by 80°45.3'W.; and on the west by 80°47.7'W.

(3687) (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.

(3688) (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.

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Point	Latitude	Longitude
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.

(3689) (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.

(3690) (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.

(3691) (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.

(3692) (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.

(3693) (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.

(3694) (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.

(3695) (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.

(3696) (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.

(3697) (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.

(3698) (xl) *Artificial Reef—ALT* is bounded on the north by 31°18.6'N.; on the south by 31°16.6'N.; on the east by 81°07.0'W.; and on the west by 81°09.4'W.

(3699) (xli) *Artificial Reef—CAT* is bounded on the north by 31°40.2'N.; on the south by 31°38.2'N.; on the east by 80°56.2'W.; and on the west by 80°58.6'W.

(3700) (xlii) *Artificial Reef—CCA* is bounded on the north by 31°43.7'N.; on the south by 31°41.7'N.; on the east by 80°40.0'W.; and on the west by 80°42.3'W.

(3701) (xliii) *Artificial Reef—DRH* is bounded on the north by 31°18.0'N.; on the south 31°16.0'N.; on the east by 80°56.6'W.; and on the west by 80°59.0'W.

(3702) (xliv) *Artificial Reef—DUA* is bounded on the north by 31°47.8'N.; on the south by 31°45.8'N.; on the east by 80º52.1'W.; and on the west by 80°54.5'W.

(3703) (xlv) *Artificial Reef—DW* is bounded on the north by 31°22.8'N.; on the south by 31°20.3'N.; on the east by 79°49.8'W.; and on the west by 79°51.1'W.

(3704) (xlvi) *Artificial Reef—KBY* is bounded on the north 30°48.6'N.; on the south by 30°46.6'N.; on the east by 81°15.0'W.; and on the west by 81°17.4'W.

(3705) (xlvii) *Artificial Reef—KTK* is bounded on the north by 31°31.3'N.; on the south by 31°29.3'N.; on the east by 80°59.1'W.; and on the west by 81°01.5'W.

(3706) (xlviii) *Artificial Reef—MRY* is bounded on the north by 30°47.5'N.; on the south by 30°45.5'N.; on the east by 81°05.5'W.; and on the west by 81°07.8'W.

(3707) (xlix) *Artificial Reef—SAV* is bounded on the north by 31°55.4'N.; on the south by 31°53.4'N.; on the east by 80°45.2'W; and on the west by 80°47.6'W.

(3708) (l) *Artificial Reef—SFC* is bounded on the north by 31°00.8'N.; on the south by 30°59.8'N.; on the east by 81°02.2'W.; and on the west by 81°03.4'W.

(3709) (li) *Artificial Reef—WW* is bounded on the north by 31°43.5'N.; on the south by 31°42.2'N.; on the east by 79°57.7'W.; and on the west by 79°59.3'W.

(3710) (2) To determine what restrictions apply in the SMZs listed in §622.35(e)(1), follow this table:

IN SMZs SPECIFIED IN THE FOLLOWING PARAGRAPHS OF §622.35	THESE RESTRICTIONS APPLY
(e)(1)(i) through (x), (e)(1)(xx), and (e)(1)(xxii) through (xxxix)	Use of a powerhead to take South Atlantic snapper-grouper is prohibited. Possession of a powerhead and a mutilated South Atlantic snapper-grouper in, or after having fished in, one of these SMZs constitutes *prima facie* evidence that such fish was taken with a powerhead in the SMZ.
(e)(1)(i) through (xviii) and (e)(1)(xxii) through (li)	Fishing may only be conducted with handline, rod and reel, and spearfishing gear.
(e)(1)(i) through (li)	Use of a sea bass pot or bottom longline is prohibited.
(e)(1)xii) through (xviii) and (e)(1)(x1) through (li)	Possession of South Atlantic snapper-grouper taken with a powerhead is limited to the bag limits specified in §622.39(d)(1).
(e)(1)(xix) and (e)(1)(xx)	A hydraulic or electric reel that is permanently affixed to the vessel is prohibited when fishing for South Atlantic snapper-grouper.
(e)(1)(xix) and (e)(1)(xxi)	Use of spearfishing gear is prohibited.

(3711) (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.

(3712) **§622.36 Seasonal harvest limitations.**

(3713) (a) 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 §622.39(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).

(3714) (b) The following limitations apply in the South Atlantic EEZ:

(3715) (1) *Greater amberjack spawning season*. During April, each year, south of 28°35.1'N. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL), the possession of greater

amberjack in or from the EEZ on board a vessel that has a commercial permit for South Atlantic snapper-grouper is limited to three per person during a single day, regardless of the number of trips or the duration of a trip.

(3716) (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 during a single day, regardless of the number of trips or the duration of a trip.

(3717) (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.

(3718) **§622.37 Minimum sizes.**

(3719) 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.

(3720) (a) *Caribbean reef fish*: Yellowtail snapper—12 inches (30.5 cm), TL.

(3721) (b) *Caribbean spiny lobster*—3.5 inches (8.9 cm), carapace length.

(3722) (c) *Coastal migratory pelagic fish*. (1) Cobia in the Gulf or South Atlantic —33 inches (83.8 cm), fork length.

(3723) (2) King mackerel in the Gulf, South Atlantic, or Mid-Atlantic—20 inches (30.5 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.

(3724) (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

(3725) (d) *Gulf reef fish*–(1) *Snapper.* (i) Lane snapper—8 inches (20.3 cm), TL.

(3726) (ii) Vermilion snapper—10 inches (25.4 cm), TL.

(3727) (iii) Cubera, dog, gray, mahogany, and yellowtail snappers and schoolmaster—12 inches (30.5 cm), TL.

(3728) (iv) Red snapper—15 inches (38.1 cm), TL.

(3729) (v) Mutton snapper—16 inches (40.6 cm), TL.

(3730) (2) *Grouper.* (i) Scamp—16 inches (40.6 cm), TL.

(3731) (ii) Black, red, and yellowfin groupers and gag—20 inches, (50.8 cm), TL.

(3732) (3) *Other Gulf reef fish species*. (i) Gray triggerfish—12 inches (30.5 cm), TL.

(3733) (ii) Hogfish—12 inches (30.5 cm), fork length.

(3734) (iii) Banded rudderfish and lesser amberjack—14 inches (35.6 cm), fork length (minimum size); 22 inches (55.9 cm), fork length (maximum size).

(3735) (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.

(3736) (e) *South Atlantic snapper-grouper.* (1) Black sea bass and lane snapper—8 inches (20.3 cm), TL.

(3737) (2) Vermilion snapper—10 inches (25.4 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.

(3738) (3) Blackfin, cubera, dog, gray, mahogany, queen, silk, and yellowtail snappers; schoolmaster; and red porgy—12 inches (30.5 cm), TL.

(3739) (4) Gray triggerfish in the South Atlantic EEZ off Florida—12 inches (30.5 cm), TL.

(3740) (5) Hogfish—12 inches (30.5 cm), fork length.

(3741) (6) Mutton snapper—16 inches (40.6 cm), TL.

(3742) (7) Black, red, yellowfin, and yellowmouth grouper; scamp; gag; and red snapper —20 inches (50.8 cm), TL.

(3743) (8) 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, or, if the head is removed, 28 inches (71.1 cm), measured from the center edge at the deheaded end to the fork of the tail, for a fish taken by a person not subject to the bag limit. (See Appendix C of this part for deheaded fish length measurement.)

(3744) (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.

(3745) (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.

(3746) **§622.38 Landing fish intact.**

(3747) 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.

(3748) (a) The following must be maintained with head and fins intact: A cobia in or from the Gulf or South Atlantic EEZ; a king mackerel or Spanish mackerel in or from the Gulf, Mid-Atlantic, or South Atlantic EEZ; a South Atlantic snapper-grouper in or from the South Atlantic EEZ; a yellowtail snapper in or from the Caribbean EEZ; and, except as specified in paragraphs (c), (d), and (e) of this section, a finfish in or from the Gulf EEZ. Such fish may be eviscerated, gilled, and scaled, but must otherwise be maintained in a whole condition.

(3749) (b) A Caribbean spiny lobster in or from the Caribbean EEZ must be maintained with head and carapace intact.

(3750) (c) Shark, swordfish, and tuna species are exempt from the requirements of paragraph (a) of this section.

(3751) (d) In the Gulf EEZ:

(3752) (1) Bait is exempt from the requirement to be maintained with head and fins intact.

(3753) (i) For the purpose of this paragraph (d)(1), bait means–

(3754) (A) Packaged, headless fish fillets that have the skin attached and are frozen or refrigerated;

(3755) (B) Headless fish fillets that have the skin attached and are held in brine; or

(3756) (C) Small pieces no larger than 3 in³ (7.6 cm³) 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.

(3757) (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.

(3758) (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–

(3759) (i) Such finfish do not exceed any applicable bag limit;

(3760) (ii) Such finfish do not exceed 1.5 lb (680 g) of finfish parts per person aboard; and

(3761) (iii) The vessel is equipped to cook such finfish on board.

(3762) (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.

(3763) (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.

(3764) (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.

(3765) (h) A maximum of five cut-off (damaged) king mackerel may be possessed in the Gulf, Mid-Atlantic, or South Atlantic EEZ on, and offloaded ashore from, a vessel that is operating under a trip limit for king mackerel specified in §622.44(a). Such cut-off (damaged) king mackerel are not counted against the trip limit and may not be sold or purchased.

(3766) (i) 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.

(3767) **§622.39 Bag and possession limits.**

(3768) (a) *Applicability.* (1) The bag and possession limits apply for species/species groups listed in this section in or from the EEZ. Unless specified otherwise, bag limits apply to a person on a daily basis, regardless of the number of trips in a day. Unless specified otherwise, 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.

(3769) (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–

(3770) (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.

(3771) (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.

(3772) (iii) For a species/species group when its quota has been reached and closure has been effected.

(3773) (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.

(3774) (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.

(3775) (b) *Gulf reef fish*–(1) *Bag limits*. (i) Greater amberjack—1.

(3776) (ii) Groupers, combined, excluding jewfish and Nassau grouper—5 per person per day, but not to exceed 1 speckled hind and 1 Warsaw grouper per vessel per day.

(3777) (iii) Red snapper—5.

(3778) (iv) Snappers, combined, excluding red, lane, and vermilion snapper—10.

(3779) (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.

(3780) (vi) Banded rudderfish and lesser amberjack, combined—5.

(3781) (vii) Hogfish—5.

(3782) (2) *Possession limits*. A person, or a vessel in the case of speckled hind or Warsaw grouper, 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.

(3783) (c) *King and Spanish mackerel*–(1) *Bag limits*. (i) Atlantic migratory group king mackerel–

(3784) (A) Mid-Atlantic and South Atlantic, other than off Florida–3.

(3785) (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.

(3786) (ii) Gulf migratory group king mackerel—2.

(3787) (iii) Atlantic migratory group Spanish mackerel—10.

(3788) (iv) Gulf migratory group Spanish mackerel–

(3789) (A) Off Louisiana, Mississippi, and Alabama—10.

(3790) (B) Off Florida—10, which is the daily bag limit specified by Florida for its waters (Rule 46–23.005(1), Florida Administrative Code). If Florida changes its limit, the bag limit specified in this paragraph (c)(1)(iv)(B) will be changed to conform to Florida's limit, provided such limit does not exceed 10.

(3791) (C) Off Texas—7, which is the daily bag limit specified by Texas for its waters (Rule 31–65.72(c)(4)(A), Texas Administrative Code). If Texas changes its limit, the bag limit specified in this paragraph (c)(1)(iv)(C) will be changed to conform to Texas' limit, provided such limit does not exceed 10.

(3792) (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.

(3793) (d) *South Atlantic snapper-grouper*–(1) *Bag limits*. (i) Greater amberjack—3.

(3794) (ii) Groupers, combined, excluding jewfish and Nassau grouper, and tilefishes—5.

(3795) (iii) Hogfish in the South Atlantic off Florida—5.

(3796) (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.)

(3797) (v) Vermilion snapper—10.

(3798) (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–

(3799) (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.

(3800) (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.

(3801) (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.

(3802) (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.

(3803) (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.

(3804) **§622.40 Limitations on traps and pots.**

(3805) (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.

(3806) (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.

(3807) (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.

(3808) (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.

(3809) (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:

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(3810) (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.

(3811) (B) Ungalvanized or uncoated iron wire with a diameter not exceeding 1/16 inch (1.6 mm), that is, 16 gauge wire.

(3812) (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 in² (929cm²) 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:

(3813) (i) Untreated jute string with a diameter not exceeding 3/16 inch (4.8 mm) that is not wrapped or overlapped.

(3814) (ii) Magnesium alloy, time float releases (pop-up devices) or similar magnesium alloy fasteners.

(3815) (3) *South Atlantic EEZ*. (i) A sea bass pot that is used or possessed in the South Atlantic EEZ north of 28°35.1'N. (due east of the NASA Vehicle Assembly Building, Cape Canaveral, FL) is required to have on at least one side, excluding top and bottom, a panel or door with an opening equal to or larger than the interior end of the trap's throat (funnel). The hinges and fasteners of each panel or door must be made of one of the following degradable materials:

(3816) (A) Untreated hemp, jute, or cotton string with a diameter not exceeding 3/16 inch (4.8 mm).

(3817) (B) Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners.

(3818) (C) Ungalvanized or uncoated iron wire with a diameter not exceeding 1/16 inch (1.6 mm), that is, 16 gauge wire.

(3819) (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 –

(3820) (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.

(3821) (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.

(3822) (c) *Construction requirements and mesh sizes*–(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 0pposite 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.

(3823) (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):

(3824) (i) A minimum of 2 in² (12.9 cm²) opening for each mesh.

(3825) (ii) One-inch (2.5 cm) minimum length for the shortest side.

(3826) (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.

(3827) (iv) One and nine-tenths inches (4.8 cm) minimum distance for diagonal measures of mesh.

(3828) (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):

(3829) (A) Hexagonal mesh (chicken wire)–at least 1.5 inches (3.8 cm) between the wrapped sides;

(3830) (B) Square mesh–at least 1.5 inches (3.8 cm) between sides; or

(3831) (C) Rectangular mesh–at least 1 inch (2.5 cm) between the longer sides and 2 inches (5.1 cm) between the shorter sides.

(3832) (ii) A golden crab trap deployed or possessed in the South Atlantic EEZ may not exceed 64 ft³ (1.8 m³) in volume in the northern zone or 48 ft³ (1.4 m³) in volume in the middle and southern zones. See §622.17(h) for specification of the golden crab zones.

(3833) (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 ft³ (0.9 m³) 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.

(3834) (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.

(3835) (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.

(3836) **§622.41 Species specific limitations.**

(3837) (a) *Aquacultured live rock*. In the Gulf or South Atlantic EEZ:

(3838) (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.

(3839) (2) The following restrictions apply to individual aquaculture activities:

(3840) (i) No aquaculture site may exceed 1 acre (0.4 ha) in size.

(3841) (ii) Material deposited on the aquaculture site–

(3842) (A) May not be placed over naturally occurring reef outcrops, limestone ledges, coral reefs, or vegetated areas.

(3843) (B) Must be free of contaminants.

(3844) (C) Must be nontoxic.

(3845) (D) Must be placed on the site by hand or lowered completely to the bottom under restraint, that is, not allowed to fall freely.

(3846) (E) Must be placed from a vessel that is anchored.

(3847) (F) In the Gulf EEZ, must be distinguishable, geologically or otherwise (for example, be indelibly marked or tagged), from the naturally occurring substrate.

(3848) (G) In the South Atlantic EEZ, must be geologically distinguishable from the naturally occurring substrate and, in addition, may be indelibly marked or tagged.

(3849) (iii) A minimum setback of at least 50 ft (15.2 m) must be maintained from natural vegetated or hard bottom habitats.

(3850) (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.

(3851) (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 (813) 570-5344:

(3852) (i) Permit number of site to be harvested and date of harvest.

(3853) (ii) Name and official number of the vessel to be used in harvesting.

(3854) (iii) Date, port, and facility at which aquacultured live rock will be landed.

(3855) (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.

(3856) (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:

(3857) (i) King mackerel, Atlantic migratory group–

(3858) (A) North of 34°37.3'N., the latitude of Cape Lookout Light, NC–all gear except drift gillnet and long gillnet.

(3859) (B) South of 34°37.3'N.–automatic reel, bandit gear, handline, and rod and reel.

(3860) (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.)

(3861) (iii) Spanish mackerel, Atlantic migratory group–automatic reel, bandit gear, handline, rod and reel, cast net, run-around gillnet, and stab net.

(3862) (iv) Spanish mackerel, Gulf migratory group–all gear except drift gillnet, long gillnet, and purse seine.

(3863) (v) Cobia in the Mid-Atlantic and South Atlantic EEZ, dolphin in the 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.

(3864) (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.

(3865) (vii) Bluefish, cero, cobia, dolphin, and little tunny in the Gulf EEZ–all gear except drift gillnet and long gillnet.

(3866) (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:

(3867) (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.

(3868) (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.

(3869) (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).

(3870) (iv) *Exception for king mackerel in the 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:

(3871) (A) Such vessel may not use unauthorized gear in a directed fishery for king mackerel in the Gulf EEZ.

(3872) (B) If such a vessel has a drift gillnet or along gillnet on board or a run-around gillnet in an area other than the southern Florida west coast subzone, no king mackerel may be possessed.

(3873) (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.

(3874) (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.

(3875) (ii) *Spanish mackerel*. The minimum allowable mesh size for a gillnet used to fish in the Gulf, Mid-Atlantic, or South Atlantic EEZ for Spanish mackerel is 3.5 inches (8.9 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 3.5 inches (8.9 cm), stretched mesh, may not possess on that trip any Spanish mackerel.

(3876) (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–

(3877) (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).

(3878) (2) No person may fish with, set, or place in the water more than one gillnet at any one time.

(3879) (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).

(3880) (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.

(3881) (5) The float line of each gillnet possessed, including any net in use, must have the distinctive floats specified in §622.6(b)(2).

(3882) (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).

(3883) (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.

(3884) (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.

(3885) (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.

(3886) (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:

(3887) (A) South Atlantic snapper-grouper species for which a bag limit is specified in §622.39(d)(1)–the bag limit.

(3888) (B) All other South Atlantic snapper-grouper–zero.

(3889) (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.

(3890) (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.

(3891) (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.

(3892) (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 Atlantic snapper-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.

(3893) (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.

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(3894) (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.

(3895) (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.

(3896) (g) *Shrimp in the South Atlantic*–(1) *BRD requirement*. On a penaeid shrimp trawler in the South Atlantic EEZ, each trawl 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.

(3897) (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.

(3898) (i) Extended funnel.

(3899) (ii) Expanded mesh.

(3900) (iii) Fisheye.

(3901) (h) *Shrimp in the Gulf*–(1) *BRD requirement*. (i) Except as exempted in paragraphs (h)(1)(ii) through (iv) of this section, on a shrimp trawler in the Gulf EEZ shoreward of the 100-fathom (183-m) depth contour west of 85°30'W., each net that is rigged for fishing must have a certified BRD installed. 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.

(3902) (ii) 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.

(3903) (iii) 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.

(3904) (iv) 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.

(3905) (2) *Certified BRDs*. The fisheye BRD is certified for use by shrimp trawlers in the Gulf EEZ. Specifications of the fisheye BRD are contained in Appendix D of this part.

(3906) **§622.42 Quotas.**

(3907) 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.)

(3908) (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).

(3909) (i) Red snapper–4.65 million lb (2.11 million kg), round weight, apportioned in 1997 as follows:

(3910) (A) 3.06 million lb (1.39 million kg) available February 1, 1997.

(3911) (B) The remainder available at noon on September 2, 1997, subject to the closure provisions of §622.34(l) and §622.43(a)(1)(i).

(3912) (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 –1.60 million lb (0.73 million kg), round weight.

(3913) (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 –9.80 million lb (4.45 million kg), round weight.

(3914) (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.

(3915) (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.

(3916) (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.

(3917) (2) *Wild live rock in the Gulf.* The quota for all persons who harvest wild live rock in the Gulf EEZ is 500,000 lb (226,796 kg). Commencing with the fishing year that begins January 1, 1997, the quota is zero.

(3918) (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:

(3919) (A) *Eastern zone*—2.25 million lb (1.02 million kg), which is further divided into quotas as follows:

(3920) (1) *Florida east coast subzone*–1,040,625 lb (472,020 kg).

(3921) (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.

(3922) (ii) *Northern*—168,750 lb (76,544 kg).

(3923) (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

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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.

(3924) (B) *Western zone*—1.01 million lb (0.46 million kg).

(3925) (ii) *Atlantic migratory group*. The quota for the Atlantic migratory group of king mackerel is 2.52 million lb (1.14 million kg). No more than 0.4 million lb (0.18 million kg) may be harvested by purse seines.

(3926) (2) *Migratory groups of Spanish mackerel*–(i) *Gulf migratory group*. The quota for the Gulf migratory group of Spanish mackerel is 3.99 million lb (1.81 million kg).

(3927) (ii) *Atlantic migratory group*. The quota for the Atlantic migratory group of Spanish mackerel is 4.00 million lb (1.81 million kg).

(3928) (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.

(3929) (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.)

(3930) (1) *Snowy grouper*–344,508 lb (156,266 kg), gutted weight, that is, eviscerated but otherwise whole.

(3931) (2) *Golden tilefish*–1,001,663 lb (454,347 kg), gutted weight, that is, eviscerated but otherwise whole.

(3932) (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.

(3933) (g) *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).

(3934) (i) Red snapper–4.65 million 1b (2.11 million kg), round weight, apportioned as follows:

(3935) (A) 3.06 million lb (1.39 million kg) available at noon on February 1 each year, subject to the closure provisions of §§622.34(m) and 622.43(a)(1)(i).

(3936) (B) The remainder is held in reserve.

(3937) (C) The Assistant Administrator may release all or any portion of the reserve specified in paragraph (g)(1)(i)(B) of this section effective September 1 by filing for publication a notification to that effect with the Office of the Federal Register. Determination of what portion, if any, of the reserve will be released will be based on the results of NMFS research regarding the effectiveness of BRDs in reducing shrimp trawl-induced mortality of juvenile red snapper. Release of reserve amounts will be determined as follows:

(3938) (1) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by 50 perfect or less, none of the reserve specified in paragraph (g)(1)(i)(B) of this section will be released.

(3939) (2) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by 60 percent or greater, the entire reserve specified in paragraph (g)(1)(i)(B) of this section will be released, subject to the closure provisions of §§622.34(m) and 622.43(a)(1)(i).

(3940) (3) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by more than 50 percent but less than 60 percent, for each one percentage point increase in bycatch morality reduction within the 50 to 60 percent range, an additional 0.159 million 1b (0.072 million kg) of the reserve specified in paragraph (g)(1)(i)(B) of this section will be released, subject to the closure provisions of §§622.34(m) and 622.43(a)(1)(i).

(3941) (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 1.60 million 1b (0.73 million kg), round weight.

(3942) (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 9.80 million 1b (4.45 million kg), round weight.

(3943) (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 1b (2.03 million kg), round weight apportioned as follows:

(3944) (i) 2.94 million 1b (1.33 million kg) available January 1 each year, subject to the closure provisions of §622.43(a)(1)(ii).

(3945) (ii) The remainder is held in reserve.

(3946) (iii) The Assistant Administrator may release all or any portion of the reserve specified in paragraph (g)(2)(ii) of this section effective September 1 by filing a notification for publication to that effect with the Office of the Federal Register. Determination of what portion, if any, of the reserve will be released will be based on the results of NMFS research regarding effectiveness of BRDs in reducing shrimp trawl-induced mortality of juvenile red-snapper. Release of reserve amounts will be determined as follows:

(3947) (A) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by 50 percent or less, none of the reserve specified in paragraph (g)(2)(ii) of this section will be released.

(3948) (B) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by 60 percent or greater, the entire reserve specified in paragraph (g)(2)(ii) of this section will be released, subject to the closure provisions of §622.43(a)(1)(ii).

(3949) (C) If BRDs reduce shrimp trawl-induced mortality of juvenile red snapper by more than 50 percent but less than 60 percent, for each one percentage point increase in bycatch mortality reduction within the 50 to 60 percent range, an additional 0.153 million 1b (0.069 million kg) of the reserve specified in paragraph (g)(2)(ii) of this section will be released, subject to the closure provisions of §622.43(a)(1)(ii). Fractional percentage point increases in bycatch mortality reduction will be prorated accordingly.

(3950) **§622.43 Closures.**

(3951) (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:

(3952) (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 per-

mit 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.

(3953) (ii) *Recreational quota for red snapper.* The bag and possession limit for red snapper in or from the Gulf EEZ is zero.

(3954) (2) *Gulf and South Atlantic allowable octocoral*. Allowable octocoral may not be harvested or possessed in the Gulf EEZ or South Atlantic EEZ and the sale or purchase of allowable octocoral in or from the Gulf EEZ or South Atlantic EEZ is prohibited.

(3955) (ii) *Wild live rock in the Gulf.* Wild live rock may not be harvested or possessed in the Gulf EEZ and the sale or purchase of wild live rock in or from the Gulf EEZ is prohibited.

(3956) (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.

(3957) (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.

(3958) (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.

(3959) (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.

(3960) (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.

(3961) (5) *South Atlantic snapper-grouper, excluding wreckfish*. There are no closure provisions for South Atlantic snapper grouper, other than for wreckfish. Golden tilefish and snowy grouper, for which there are quotas, are managed under the commercial trip limits specified in §622.44(a) in lieu of the closure provisions of this section.

(3962) (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.

(3963) (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 paragraph (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.

(3964) (2) The prohibition on sale/purchase during a closure for allowable octocoral in paragraph (a)(2) of this section does not apply to allowable octocoral that was harvested and landed ashore prior to the effective date of the closure.

(3965) (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.

(3966) **§622.44 Commercial trip limits.**

(3967) 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:

(3968) (a) *King mackerel*–(1) *Atlantic group*. (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).

(3969) (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).

(3970) (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.

(3971) (iii) In the area between 28°47.8'N. and 25°20.4'N., which is a line directly east from the 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 500 lb (227 kg) from April 1 through October 31.

(3972) (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.

(3973) (2) *Gulf group*. Commercial trip limits are established in the eastern zone as follows. (See §622.42(c)(1)(i) for specification of the eastern zone and §622.42(c)(1)(i)(A)(3) for specifications of the subzones in the eastern zone.)

(3974) (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:

(3975) (A) From November 1 through January 31–not exceed 50 fish.

(3976) (B) Beginning on February 1 and continuing through March 31—

(3977) (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.

(3978) (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.

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(3979) (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 or landed from a vessel for which a commercial permit for king mackerel has been issued, as required under §622.4(a)(2)(iii), from November 1 each fishing year until the subzone's fishing year quota of king mackerel has been harvested or until March 31, whichever occurs first, in amounts not exceeding 50 fish per day.

(3980) (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.

(3981) (2) In the southern Florida west coast subzone:

(3982) (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.

(3983) (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).

(3984) (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.

(3985) (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 commerical 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):

(3986) (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.

(3987) (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.

(3988) (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.

(3989) (b) *Spanish mackerel*. (1) Commercial trip limits are established for Atlantic migratory group Spanish mackerel as follows:

(3990) (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).

(3991) (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)–

(3992) (A) From April 1 through October 31, in amounts exceeding 1,500 lb (680 kg).

(3993) (B) From November 1 until 75 percent of the adjusted quota is taken, in amounts as follows:

(3994) (1) Mondays, Wednesdays, and Fridays–unlimited.

(3995) (2) Tuesdays, Thursdays, Saturdays, and Sundays–not exceeding 1,500 lb (680 kg).

(3996) (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).

(3997) (D) After 100 percent of the adjusted quota is taken through the end of the fishing year, in amounts not exceeding 500 lb (227kg).

(3998) (2) For the purpose of paragraph (b)(1)(ii) of this section, the adjusted quota is 3.75 million lb (1.70 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 for 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.

(3999) (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.

(4000) (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.

(4001) (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.

(4002) (2) *Golden tilefish*. (i) Until the fishing year quota specified in §622.42(e)(2) is reached, 5,000 lb (2,268 kg).

(4003) (ii) After the fishing year quota specified in §622.42(e)(2) is reached, 300 lb (136 kg).

(4004) (3) *Snowy grouper*. (i) Until the fishing year quota specified in §622.42(e)(1) is reached, 2,500 lb (1,134 kg).

(4005) (ii) After the fishing year quota specified in §622.42(e)(1) is reached, 300 lb (136 kg).

(4006) (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.

(4007) (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.

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(4008) (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.

(4009) (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–

(4010) (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.

(4011) (ii) May not transfer or receive at sea red snapper in or from the Gulf.

(4012) (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.

(4013) **§622.45 Restrictions on sale/purchase.** 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.

(4014) (a) *Caribbean coral reef resource*. (1) No person may sell or purchase a Caribbean prohibited coral harvested in the Caribbean EEZ.

(4015) (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:

(4016) (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.

(4017) (ii) The name and home port of the vessel, or the name and address of the individual, harvesting the Caribbean prohibited coral.

(4018) (iii) The port and date of landing the Caribbean prohibited coral.

(4019) (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.

(4020) (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.

(4021) (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.

(4022) (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).

(4023) (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.

(4024) (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).

(4025) (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.

(4026) (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).

(4027) (4) A warsaw grouper or speckled hind in or from the South Atlantic EEZ may not be sold or purchased.

(4028) (e) *Gulf and South Atlantic wild live rock*. Wild live rock in or from the Gulf EEZ or South Atlantic EEZ may not be sold or purchased. The prohibition on sale or purchase does not apply to wild live rock from the South Atlantic EEZ 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.

(4029) (f) *South Atlantic golden crab*. (1) A female golden crab in or from the South Atlantic EEZ may not be sold or purchased.

(4030) (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 §622.17(a), may not be sold or purchased.

(4031) (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).

(4032) (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.

(4033) (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.

(4034) (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).

(4035) (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.

(4036) (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.

(4037) **§622.46 Prevention of gear conflicts.**

(4038) (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.

(4039) (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.

(4040) (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.

(4041) **§622.47 Gulf groundfish trawl fishery.**

(4042) 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.

(4043) (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:

(4044) (1) The requirement for a valid commercial vessel permit for Gulf reef fish in order to sell Gulf reef fish.

(4045) (2) Minimum size limits for Gulf reef fish.

(4046) (3) Bag limits for Gulf reef fish.

(4047) (4) The prohibition on sale of Gulf reef fish after a quota closure.

(4048) (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.

(4049) **§622.48 Adjustment of management measures.**

(4050) In accordance with the framework procedures of the applicable FMPs, the RA may establish or modify the following management measures:

(4051) (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.

(4052) (b) *Caribbean reef fish*. Size limits, closed seasons or areas, fish trap mesh size, and the threshold level for overfishing.

(4053) (c) *Coastal migratory pelagic fish*. For a species or species group: Age-structured analyses, target date for rebuilding an overfished species, MSY (or proxy), stock biomass achieved by fishing at MSY (B_{MSY}) (or proxy), maximum fishing morality 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 commerical/recreational allocation of Atlantic group Spanish mackerel, permit requirements, definitions of essential fish habitat, and essential fish habitat HAPCs or Coral HAPCs.

(4054) (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).

(4055) (2) SMZs and the gear restrictions applicable in each.

(4056) (e) *Gulf royal red shrimp*. MSY, OY, and TAC.

(4057) (f) *South Atlantic snapper-grouper and wreckfish*. For species or species groups: 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, and essential fish habitat HAPCs or Coral HAPCs.

(4058) (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.

(4059) (h) *South Atlantic shrimp*. Biomass levels, age-structured analyses, BRD certification criteria, BRD specifications, BRD testing protocol, certified BRDs, nets 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.

(4060) (i) *Gulf shrimp*. Bycatch reduction criteria, BRD certification and decertification criteria, BRD testing protocol, certified BRDs, and BRD specifications.

(4061) (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.

(4062) (k) *Atlantic coast red drum*. Definitions of essential fish habitat and essential fish habitat HAPCs or Coral HAPCs.

(4063) (1) *South Atlantic coral, coral reefs, and live/hard bottom habitats*. 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 Resource

(4064) **I. Sponges–Phylum Porifera**

(4065) **A. Demosponges–Class Demospongiae**

(4066) *Aphimedon compressa*, Erect rope sponge

(4067) *Chondrilla nucula*, Chicken liver sponge

(4068) *Cynachirella alloclada*

(4069) *Geodia neptuni*, Potato sponge

(4070) *Haliclona sp.*, Finger sponge

(4071) *Myriastra sp.*

(4072) *Niphates digitalis*, Pink vase sponge

(4073) *N. erecta*, Lavender rope sponge

(4074) *Spinosella policifera*

(4075) *S. vaginalis*

(4076) *Tethya crypta*

(4077) **II. Coelenterates–Phylum Coelenterata**

(4078) **A. Hydrocorals–Class Hydrozoa**

(4079) 1. Hydroids–Order Athecatae

(4080) Family Milleporidae

(4081) *Millepora* spp., Fire corals
(4082) Family Stylasteridae
(4083) *Stylaster roseus*, Rose lace corals
(4084) **B. Anthozoans–Class Anthozoa**
(4085) 1. Soft corals–Order Alcyonacea
(4086) Family Anthothelidae
(4087) *Erythropodium caribaeorum*, Encrusting gorgonian
(4088) *Iciligorgia schrammi*, Deepwater sea fan
(4089) Family Briaridae
(4090) *Briareum asbestinum*, Corky sea finger
(4091) Family Clavulariidae
(4092) *Carijoa riisei*
(4093) *Telesto* spp.
(4094) 2. Gorgonian corals–Order Gorgonacea
(4095) Family Ellisellidae
(4096) *Ellisella* spp., Sea whips
(4097) Family Gorgoniidae
(4098) *Gorgonia flabellum*, Venus sea fan
(4099) *G. mariae*, Wide-mesh sea fan
(4100) *G. ventalina*, Common sea fan
(4101) *Pseudopterogorgia acerosa*, Sea plume
(4102) *P. albatrossae*
(4103) *P. americana*, Slimy sea plume
(4104) *P. bipinnata*, Bipinnate plume
(4105) *P. rigida*
(4106) *Pterogorgia anceps*, Angular sea whip
(4107) *P. citrina*, Yellow sea whip
(4108) Family Plexauridae
(4109) *Eunicea calyculata*, Warty sea rod
(4110) *E. clavigera*
(4111) *E. fusca*, Doughnut sea rod
(4112) *E. knighti*
(4113) *E. laciniata*
(4114) *E. laxispica*
(4115) *E. mammosa*, Swollen-knob
(4116) *E. succinea*, Shelf-knob sea rod
(4117) *E. touneforti*
(4118) *Muricea atlantica*
(4119) *M. elongata*, Orange spiny rod
(4120) *M. laxa*, Delicate spiny rod
(4121) *M. muricata*, Spiny sea fan
(4122) *M. pinnata*, Long spine sea fan
(4123) *Muriceopsis* spp.
(4124) *M. flavida*, Rough sea plume
(4125) *M. sulphurea*
(4126) *Plexaura flexuosa*, Bent sea rod
(4127) *P. homomalla*, Black sea rod
(4128) *Plexaurella dichotoma*, Slit-pore sea rod
(4129) *P. fusifera*
(4130) *P. grandiflora*
(4131) *P. grisea*
(4132) *P. nutans*, Giant slit-pore
(4133) *Pseudoplexaura crucis*
(4134) *P. flagellosa*
(4135) *P. porosa*, Porous sea rod
(4136) *P. wagenaari*
(4137) 3. Hard Corals–Order Scleractinia
(4138) Family Acroporidae
(4139) *Acropora cervicornis*, Staghorn coral
(4140) *A. palmata*, Elkhorn coral
(4141) *A. prolifera*, Fused staghorn
(4142) Family Agaricidae
(4143) *Agaricia agaricities*, Lettuce leaf coral
(4144) *A. fragilis*, Fragile saucer
(4145) *A. lamarcki*, Lamarck's sheet
(4146) *A. tenuifolia*, Thin leaf lettuce
(4147) *Leptoseris cucullata*, Sunray lettuce
(4148) Family Astrocoeniidae
(4149) *Stephanocoenia michelinii*, Blushing star
(4150) Family Caryophyllidae
(4151) *Eusmilia fastigiata*, Flower coral
(4152) *Tubastrea aurea*, Cup coral
(4153) Family Faviidae
(4154) *Cladocora arbuscula*, Tube coral
(4155) *Colpophyllia natans*, Boulder coral
(4156) *Diploria clivosa*, Knobby brain coral
(4157) *D. labyrinthiformis*, Grooved brain
(4158) *D. strigosa*, Symmetrical brain
(4159) *Favia fragum*, Golfball coral
(4160) *Manicina areolata*, Rose coral
(4161) *M. mayori*, Tortugas rose coral
(4162) *Montastrea annularis*, Boulder star coral
(4163) *M. cavernosa*, Great star coral
(4164) *Solenastrea bournoni*, Smooth star coral
(4165) Family Meandrinidae
(4166) *Dendrogyra cylindrus*, Pillar coral
(4167) *Dichocoenia stellaris*, Pancake star
(4168) *D. stokesi*, Elliptical star
(4169) *Meandrina meandrites*, Maze coral
(4170) Family Mussidae
(4171) *Isophyllastrea rigida*, Rough star coral
(4172) *Isophyllia sinuosa*, Sinuous cactus
(4173) *Mussa angulosa*, Large flower coral
(4174) *Mycetophyllia aliciae*, Thin fungus coral
(4175) *M. danae*, Fat fungus coral
(4176) *M. ferox*, Grooved fungus
(4177) *M. lamarckiana*, Fungus coral
(4178) *Scolymia cubensis*, Artichoke coral
(4179) *S. lacera*, Solitary disk
(4180) Family Oculinidae
(4181) *Oculina diffusa*, Ivory bush coral
(4182) Family Pocilloporidae
(4183) *Madracis decactis*, Ten-ray star coral
(4184) *M. mirabilis*, Yellow pencil
(4185) Family Poritidae
(4186) *Porites astreoides*, Mustard hill coral
(4187) *P. branneri*, Blue crust coral
(4188) *P. divaricata*, Small finger coral
(4189) *P. porites*, Finger coral
(4190) Family Rhizangiidae
(4191) *Astrangia solitaria*, Dwarf cup coral
(4192) *Phyllangia americana*, Hidden cup coral
(4193) Family Siderastreidae
(4194) *Siderastrea radians*, Lesser starlet
(4195) *S. siderea*, Massive starlet
(4196) 4. Black Corals–Order Antipatharia
(4197) *Antipathes* spp., Bushy black coral
(4198) *Stichopathes* spp., Wire coral
(4199) 5. Anemones–Order Actiniaria
(4200) *Aiptasia tagetes,* Pale anemone
(4201) *Bartholomea annulata*, Corkscrew anemone
(4202) *Condylactis gigante*a, Giant pink-tipped anemone

(4203) *Hereractis lucida*, Knobby anemone
(4204) *Lebrunia* spp., Staghorn anemone
(4205) *Stichodactyla helianthus*, Sun anemone
(4206) 6. Colonial Anemones–Order Zoanthidea
(4207) *Zoanthus* spp., Sea mat
(4208) 7. False Corals–Order Corallimorpharia
(4209) *Discosoma* spp. (formerly *Rhodactis*), False coral
(4210) *Ricordia florida*, Florida false coral
(4211) **III. Annelid Worms–Phylum Annelida**
(4212) **A. Polychaetes–Class Polychaeta**
(4213) Family Sabellidae, Feather duster worms
(4214) *Sabellastarte* spp., Tube worms
(4215) *S. magnifica*, Magnificent duster
(4216) Family Serpulidae
(4217) *Spirobranchus giganteus*, Christmas tree worm
(4218) **IV. Mollusks–Phylum Mollusca**
(4219) **A. Gastropods–Class Gastropoda**
(4220) Family Elysiidae
(4221) *Tridachia crispata*, Lettuce sea slug
(4222) Family Olividae
(4223) *Oliva reticularis*, Netted olive
(4224) Family Ovulidae
(4225) *Cyphoma gibbosum*, Flamingo tongue
(4226) Family Ranellidae
(4227) *Charonia tritonis*, Atlantic triton trumpet
(4228) Family Strombidae, Winged conchs
(4229) *Strombus spp.* (except Queen conch, S. gigas)
(4230) **B. Bivalves–Class Bivalvia**
(4231) Family Limidae
(4232) *Lima* spp., Fileclams
(4233) *L. scabra*, Rough fileclam
(4234) Family Spondylidae
(4235) *Spondylus americanus*, Atlantic thorny oyster
(4236) **C. Cephalopods–Class Cephalopoda**
(4237) 1. Octopuses–Order Octopoda
(4238) Family Octopodidae
(4239) *Octopus* spp. (except the Common octopus, *O. vulgaris*)
(4240) **V. Arthropods–Phylum Arthropoda**
(4241) **A. Crustaceans–Subphylum Crustacea**
(4242) 1. Decapods–Order Decapoda
(4243) Family Alpheidae
(4244) *Alpheaus armatus*, Snapping shrimp
(4245) Family Diogenidae
(4246) *Paguristes* spp., Hermit crabs
(4247) *P. cadenati*, Red reef hermit
(4248) Family Grapsidae
(4249) *Percnon gibbesi*, Nimble spray crab
(4250) Family Hippolytidae
(4251) *Lysmata* spp., Peppermint shrimp
(4252) *Thor amboinensis*, Anemone shrimp
(4253) Family Majidae, Coral crabs
(4254) *Mithrax* spp., Clinging crabs
(4255) *M. cinctimanus*, Banded clinging
(4256) *M. sculptus*, Green clinging
(4257) *Stenorhynchus seticornis*, Yellowline arrow
(4258) Family Palaemonida
(4259) *Periclimenes* spp., Cleaner shrimp
(4260) Family Squillidae, Mantis crabs
(4261) *Gonodactylus* spp.
(4262) *Lysiosquilla* spp.
(4263) Family Stenopodidae, Coral shrimp
(4264) *Stenopus hispidus*, Banded shrimp
(4265) *S. scutellatus*, Golden shrimp
(4266) **VI. Bryozoans–Phylum Bryozoa**
(4267) **VII. Echinoderms–Phylum Echinodermata**
(4268) **A. Feather stars–Class Crinoidea**
(4269) *Analcidometra armata*, Swimming crinoid
(4270) *Davidaster* spp., Crinoids
(4271) *Nemaster* spp., Crinoids
(4272) **B. Sea stars–Class Asteroidea**
(4273) *Astropecten* spp., Sand stars
(4274) *Linckia guildingii*, Common comet star
(4275) *Ophidiaster guildingii*, Comet star
(4276) *Oreaster reticulatus*, Cushion sea star
(4277) **C. Brittle and basket stars–Class Ophiuroidea**
(4278) *Astrophyton muricatum*, Giant basket star
(4279) *Ophiocoma* spp., Brittlestars
(4280) *Ophioderma* spp., Brittlestars
(4281) *O. rubicundum*, Ruby brittlestar
(4282) **D. Sea Urchins–Class Echinoidea**
(4283) *Diadema antillarum*, Long-spined urchin
(4284) *Echinometra* spp., Purple urchin
(4285) *Eucidaris tribuloides*, Pencil urchin
(4286) *Lytechinus* spp., Pin cushion urchin
(4287) *Tripneustes ventricosus*, Sea egg
(4288) **E. Sea Cucumbers–Class Holothuroidea**
(4289) *Holothuria* spp., Sea cucumbers
(4290) **VIII. Chordates–Phylum Chordata**
(4291) **A. Tunicates–Subphylum Urochordata**
(4292) **IX. Green Algae–Phylum Chlorophyta**
(4293) *Caulerpa* spp., Green grape algae
(4294) *Halimeda* spp., Watercress algae
(4295) *Penicillus* spp., Neptune's brush
(4296) *Udotea* spp., Mermaid's fan
(4297) *Ventricaria ventricosa*, Sea pearls
(4298) **X. Red Algae–Phylum Rhodophyta**
(4299) **XI. Sea grasses–Phylum Angiospermae**
(4300) *Halodule wrightii*, Shoal grass
(4301) *Halophila* spp., Sea vines
(4302) *Ruppia maritima*, Widgeon grass
(4303) *Syringodium filiforme*, Manatee grass
(4304) *Thalassia testudium*, Turtle grass

Table 2 of Appendix A to Part 622–Caribbean Reef Fish

(4305) **Acanthuridae–Surgeonfishes**
(4306) Ocean surgeonfish, *Acanthurus bahianus*
(4307) Doctorfish, *Acanthurus chirurgus*
(4308) Blue tang, *Acanthurus coeruleus*
(4309) **Antennariidae–Frogfishes**
(4310) Frogfish, *Antennarius* spp.
(4311) **Apogonidae–Cardinalfishes**
(4312) Flamefish, *Apogon* maculatus
(4313) Conchfish, *Astrapogen* stellatus
(4314) **Aulostomidae–Trumpetfishes**
(4315) Trumpetfish, *Aulostomus maculatus*
(4316) **Balistidae–Leatherjackets**
(4317) Scrawled filefish, *Aluterus scriptus*
(4318) Queen triggerfish, *Balistes vetula*
(4319) Whitespotted filefish, *Cantherhines macrocerus*
(4320) Ocean triggerfish, *Canthidermis sufflamen*
(4321) Black durgon, *Melichthys niger*

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(4322) Sargassum triggerfish, *Xanthichthys rigens*
(4323) **Blenniidae–Combtooth blennies**
(4324) Redlip blenny, *Ophioblennius atlanticus*
(4325) **Bothidae–Lefteye flounders**
(4326) Peacock flounder, *Bothus lunatus*
(4327) **Carangidae–Jacks**
(4328) Yellow jack, *Caranx bartholomaei*
(4329) Blue runner, *Caranx crysos*
(4330) Horse-eye jack, *Caranx latus*
(4331) Black jack, *Caranx lugubris*
(4332) Bar jack, *Caranx ruber*
(4333) Greater amberjack, *Seriola dumerili*
(4334) Almaco jack, *Seriola rivoliana*
(4335) **Chaetodontidae–Butterflyfishes**
(4336) Longsnout butterflyfish, *Chaetodon aculeatu*s
(4337) Foureye butterflyfish, *Chaetodon capistratus*
(4338) Spotfin butterflyfish, *Chaetodon ocellatus*
(4339) Banded butterflyfish, *Chaetodon striatus*
(4340) **Cirrhitidae–Hawkfishes**
(4341) Redspotted hawkfish, *Amblycirrhitus pinos*
(4342) **Dactylopteridae–Flying gurnards**
(4343) Flying gurnard, *Dactylopterus volitans*
(4344) **Ephippidae–Spadefishes**
(4345) Atlantic spadefish, *Chaetodipterus faber*
(4346) **Gobiidae–Gobies**
(4347) Neon goby, *Gobiosoma oceanops*
(4348) Rusty goby, *Priolepis hipoliti*
(4349) **Grammatidae–Basslets**
(4350) Royal gramma, *Gramma loreto*
(4351) **Haemulidae–Grunts**
(4352) Porkfish, *Anisotremus virginicus*
(4353) Margate, *Haemulon album*
(4354) Tomtate, *Haemulon aurolineatum*
(4355) French grunt, *Haemulon flavolineatum*
(4356) White grunt, *Haemulon plumieri*
(4357) Bluestriped grunt, *Haemulon sciurus*
(4358) **Holocentridae–Squirrelfishes**
(4359) Squirrelfish, *Holocentrus adscensionis*
(4360) Longspine squirrelfish, *Holocentrus rufus*
(4361) Blackbar soldierfish, *Myripristis jacobus*
(4362) Cardinal soldierfish, *Plectrypops retrospinis*
(4363) **Labridae–Wrasses**
(4364) Spanish hogfish, *Bodianus rufus*
(4365) Creole wrasse, *Clepticus parrae*
(4366) Yellowcheek wrasse, *Halichoeres cyanocephalus*
(4367) Yellowhead wrasse, *Halichoeres garnoti*
(4368) Clown wrasse, *Halichoeres maculipinna*
(4369) Puddingwife, *Halichoeres radiatus*
(4370) Pearly razorfish, *Hemipteronotus novacula*
(4371) Green razorfish, *Hemipteronotus splendens*
(4372) Hogfish, *Lachnolaimus maximus*
(4373) Bluehead wrasse, *Thalassoma bifasciatum*
(4374) **Lutjanidae–Snappers**
(4375) Black snapper, *Apsilus dentatus*
(4376) Queen snapper, *Etelis oculatus*
(4377) Mutton snapper, *Lutjanus analis*
(4378) Schoolmaster, *Lutjanus apodus*
(4379) Blackfin snapper, *Lutjanus buccanella*
(4380) Gray snapper, *Lutjanus griseus*
(4381) Dog snapper, *Lutjanus jocu*
(4382) Mahogany snapper, *Lutjanus mahogani*
(4383) Lane snapper, *Lutjanus synagris*
(4384) Silk snapper, *Lutjanus vivanus*
(4385) Yellowtail snapper, *Ocyurus chrysurus*
(4386) Wenchman, *Pristipomoides aquilonaris*
(4387) Vermilion snapper, *Rhomboplites aurorubens*
(4388) **Malacanthidae–Tilefishes**
(4389) Blackline tilefish, *Caulolatilus cyanops*
(4390) Sand tilefish, *Malacanthus plumieri*
(4391) **Mullidae–Goatfishes**
(4392) Yellow goatfish, *Mulloidichthys martinicus*
(4393) Spotted goatfish, *Pseudupeneus maculatus*
(4394) **Muraenidae–Morays**
(4395) Chain moray, *Echidna catenata*
(4396) Green moray, *Gymnothorax funebris*
(4397) Goldentail moray, *Gymnothorax miliaris*
(4398) **Ogcocephalidae–Batfishes**
(4399) Batfish, *Ogcocepahalus spp.*
(4400) Ophichthidae–*Snake eels*
(4401) Goldspotted eel, *Myrichthys ocellatus*
(4402) **Opistognathidae–Jawfishes**
(4403) Yellowhead jawfish, *Opistognathus aurifrons*
(4404) Dusky jawfish, *Opistognathus whitehursti*
(4405) **Ostraciidae–Boxfishes**
(4406) Spotted trunkfish, *Lactophrys bicaudalis*
(4407) Honeycomb cowfish, *Lactophrys polygonia*
(4408) Scrawled cowfish, *Lactophrys quadricornis*
(4409) Trunkfish, *Lactophrys trigonus*
(4410) Smooth trunkfish, *Lactophrys triqueter*
(4411) **Pomacanthidae–Angelfishes**
(4412) Cherubfish, *Centropyge argi*
(4413) Queen angelfish, *Holacanthus ciliaris*
(4414) Rock beauty, *Holacanthus tricolor*
(4415) Gray angelfish, *Pomacanthus arcuatus*
(4416) French angelfish, *Pomacanthus paru*
(4417) **Pomacentridae–Damselfishes**
(4418) Sergeant major, *Abudefduf saxatilis*
(4419) Blue chromis, *Chromis cyanea*
(4420) Sunshinefish, *Chromis insolata*
(4421) Yellowtail damselfish, *Microspathodon chrysurus*
(4422) Dusky damselfish, *Pomacentrus fuscus*
(4423) Beaugregory, *Pomacentrus leucostictus*
(4424) Bicolor damselfish, *Pomacentrus partitus*
(4425) Threespot damselfish, *Pomacentrus planifrons*
(4426) **Priacanthidae–Bigeyes**
(4427) Bigeye, *Priacanthus arenatus*
(4428) Glasseye snapper, *Priacanthus cruentatus*
(4429) **Scaridae–Parrotfishes**
(4430) Midnight parrotfish, *Scarus coelestinus*
(4431) Blue parrotfish, *Scarus coeruleus*
(4432) Striped parrotfish, *Scarus croicensis*
(4433) Rainbow parrotfish, *Scarus guacamaia*
(4434) Princess parrotfish, *Scarus taeniopterus*
(4435) Queen parrotfish, *Scarus vetula*
(4436) Redband parrotfish, *Sparisoma aurofrenatum*
(4437) Redtail parrotfish, *Sparisoma chrysopterum*
(4438) Redfin parrotfish, *Sparisoma rubripinne*
(4439) Stoplight parrotfish, *Sparisoma viride*
(4440) **Sciaenidae–Drums**
(4441) High-hat, *Equetus acuminatus*
(4442) Jackknife-fish, *Equetus lanceolatus*
(4443) Spotted drum, *Equetus punctatus*

(4444) **Scorpaenidae–Scorpionfishes**
(4445) **Serranidae–Sea basses**
(4446) Rock hind, *Epinephelus adscensionis*
(4447) Graysby, *Epinephelus cruentatus*
(4448) Yellowedge grouper, *Epinephelus flavolimbatus*
(4449) Coney, *Epinephelus fulvus*
(4450) Red hind, *Epinephelus guttatus*
(4451) Jewfish, *Epinephelus itajara*
(4452) Red grouper, *Epinephelus morio*
(4453) Misty grouper, *Epinephelus mystacinus*
(4454) Nassau Grouper, *Epinephelus striatus*
(4455) Butter hamlet, *Hypoplectrus unicolor*
(4456) Swissguard basslet, *Liopropoma rubre*
(4457) Yellowfin grouper, *Mycteroperca venenosa*
(4458) Tiger grouper, *Mycteroperca tigris*
(4459) Creole-fish, *Paranthias furcifer*
(4460) Greater soapfish, *Rypticus saponaceus*
(4461) Orangeback bass, *Serranus annularis*
(4462) Lantern bass, *Serranus baldwini*
(4463) Tobaccofish, *Serranus tabacarius*
(4464) Harlequin bass, *Serranus tigrinus*
(4465) Chalk bass, *Serranus tortugarum*
(4466) **Soleidae–Soles**
(4467) Caribbean tonguefish, *Symphurus arawak*
(4468) **Sparidae–Porgies**
(4469) Sea bream, *Archosargus rhomboidalis*
(4470) Jolthead porgy, *Calamus bajonado*
(4471) Sheepshead porgy, *Calamus penna*
(4472) Pluma, *Calamus pennatula*
(4473) **Syngnathidae–Pipefishes**
(4474) Seahorses, *Hippocampus spp.*
(4475) Pipefishes, *Syngnathus spp.*
(4476) **Synodontidae–Lizardfishes**
(4477) Sand diver, *Synodus intermedius*
(4478) **Tetraodontidae–Puffers**
(4479) Sharpnose puffer, *Canthigaster rostrata*
(4480) Porcupinefish, *Diodon hystrix*

Table 3 of Appendix A to Part 622–Gulf Reef Fish

(4481) **Balistidae–Triggerfishes**
(4482) Gray triggerfish, *Balistes capriscus*
(4483) Queen triggerfish, *Balistes vetula*
(4484) **Carangidae–Jacks**
(4485) Greater amberjack, *Seriola dumerili*
(4486) Lesser amberjack, *Seriola fasciata*
(4487) Almaco jack, *Seriola rivoliana*
(4488) Banded rudderfish, *Seriola zonata*
(4489) **Labridae–Wrasses**
(4490) Hogfish, *Lachnolaimus maximus*
(4491) **Lutjanidae–Snappers**
(4492) Queen snapper, *Etelis oculatus*
(4493) Mutton snapper, *Lutjanus analis*
(4494) Schoolmaster, *Lutjanus apodus*
(4495) Blackfin snapper, *Lutjanus buccanella*
(4496) Red snapper, *Lutjanus campechanus*
(4497) Cubera snapper, *Lutjanus cyanopterus*
(4498) Gray (mangrove) snapper, *Lutjanus griseus*
(4499) Dog snapper, *Lutjanus jocu*
(4500) Mahogany snapper, *Lutjanus mahogoni*
(4501) Lane snapper, *Lutjanus synagris*
(4502) Silk snapper, *Lutjanus vivanus*
(4503) Yellowtail snapper, *Ocyurus chrysurus*
(4504) Wenchman, *Pristipomoides aquilonaris*
(4505) Vermilion snapper, *Rhomboplites aurorubens*
(4506) **Malacanthidae–Tilefishes**
(4507) Goldface tilefish, *Caulolatilus chrysops*
(4508) Blackline tilefish, *Caulolatilus cyanops*
(4509) Anchor tilefish, *Caulolatilus intermedius*
(4510) Blueline tilefish, *Caulolatilus microps*
(4511) Tilefish, *Lopholatilus chamaeleonticeps*
(4512) **Serranidae–Groupers**
(4513) Dwarf sand perch, *Diplectrum bivittatum*
(4514) Sand perch, *Diplectrum formosum*
(4515) Rock hind, *Epinephelus adscensionis*
(4516) Speckled hind, *Epinephelus drummondhayi*
(4517) Yellowedge grouper, *Epinephelus flavolimbatus*
(4518) Red hind, *Epinephelus guttatus*
(4519) Jewfish, *Epinephelus itajara*
(4520) Red grouper, *Epinephelus morio*
(4521) Misty grouper, *Epinephelus mystacinus*
(4522) Warsaw grouper, *Epinephelus nigritus*
(4523) Snowy grouper, *Epinephelus niveatus*
(4524) Nassau grouper, *Epinephelus striatus*
(4525) Black grouper, *Mycteroperca bonaci*
(4526) Yellowmouth grouper, *Mycteroperca interstitialis*
(4527) Gag, *Mycteroperca microlepis*
(4528) Scamp, *Mycteroperca phenax*
(4529) Yellowfin grouper, *Mycteroperca venenosa*

Table 4 of Appendix A to Part 622–South Atlantic Snapper-Grouper Balistidae –Triggerfishes

(4530) Gray triggerfish, *Balistes capriscus*
(4531) Queen triggerfish, *Balistes vetula*
(4532) Ocean triggerfish, *Canthidermis sufflamen*
(4533) **Carangidae–Jacks**
(4534) Yellow jack, *Caranx bartholomaei*
(4535) Blue runner, *Caranx crysos*
(4536) Crevalle jack, *Caranx hippos*
(4537) Bar jack, *Caranx ruber*
(4538) Greater amberjack, *Seriola dumerili*
(4539) Lesser amberjack, *Seriola fasciata*
(4540) Almaco jack, *Seriola rivoliana*
(4541) Banded rudderfish, *Seriola zonata*
(4542) **Ephippidae–Spadefishes**
(4543) Spadefish, *Chaetodipterus faber*
(4544) **Haemulidae–Grunts**
(4545) Black margate, *Anisotremus surinamensis*
(4546) Porkfish, *Anisotremus virginicus*
(4547) Margate, *Haemulon album*
(4548) Tomtate, *Haemulon aurolineatum*
(4549) Smallmouth grunt, *Haemulon chrysargyreum*
(4550) French grunt, *Haemulon flavolineatum*
(4551) Spanish grunt, *Haemulon macrostomum*
(4552) Cottonwick, *Haemulon melanurum*
(4553) Sailors choice, *Haemulon parrai*
(4554) White grunt, *Haemulon plumieri*
(4555) Blue stripe grunt, *Haemulon sciurus*
(4556) **Labridae–Wrasses**
(4557) Hogfish, Lachnolaimus maximus
(4558) Puddingwife, Halichoeres radiatus

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(4559) **Lutjanidae–Snappers**
(4560) Black snapper, *Apsilus dentatus*
(4561) Queen snapper, *Etelis oculatus*
(4562) Mutton snapper, *Lutjanus analis*
(4563) Schoolmaster, *Lutjanus apodus*
(4564) Blackfin snapper, *Lutjanus buccanella*
(4565) Red snapper, *Lutjanus campechanus*
(4566) Cubera snapper, *Lutjanus cyanopterus*
(4567) Gray snapper, *Lutjanus griseus*
(4568) Mahogany snapper, *Lutjanus mahogoni*
(4569) Dog snapper, *Lutjanus jocu*
(4570) Lane snapper, *Lutjanus synagris*
(4571) Silk snapper, *Lutjanus vivanus*
(4572) Yellowtail snapper, *Ocyurus chrysurus*
(4573) Vermilion snapper, *Rhomboplites aurorubens*
(4574) **Malacanthidae–Tilefishes**
(4575) Blueline tilefish, *Caulolatilus microps*
(4576) Golden tilefish, *Lopholatilus chamaeleonticeps*
(4577) Sand tilefish, *Malacanthus plumieri*
(4578) **Percichthyidae–Temperate basses**
(4579) Wreckfish, *Polyprion americanus*
(4580) **Serranidae–Sea Basses and Groupers**
(4581) Bank sea bass, *Centropristis ocyurus*
(4582) Rock sea bass, *Centropristis philadelphica*
(4583) Black sea bass, *Centropristis striata*
(4584) Rock hind, *Epinephelus adscensionis*
(4585) Graysby, *Epinephelus cruentatus*
(4586) Speckled hind, *Epinephelus drummondhayi*
(4587) Yellowedge grouper, *Epinephelus flavolimbatus*
(4588) Coney, *Epinephelus fulvus*
(4589) Red hind, *Epinephelus guttatus*
(4590) Jewfish, *Epinephelus itajara*
(4591) Red grouper, *Epinephelus morio*
(4592) Misty grouper, *Epinephelus mystacinus*
(4593) Warsaw grouper, *Epinephelus nigritus*
(4594) Snowy grouper, *Epinephelus niveatus*
(4595) Nassau grouper, *Epinephelus striatus*
(4596) Black grouper, *Mycteroperca bonaci*
(4597) Yellowmouth grouper, *Mycteroperca interstitialis*
(4598) Gag, *Mycteroperca microlepis*
(4599) Scamp, *Mycteroperca phenax*
(4600) Tiger grouper, *Mycteroperca tigris*
(4601) Yellowfin grouper, *Mycteroperca venenosa*
(4602) **Sparidae–Porgies**
(4603) Sheepshead, *Archosargus probatocephalus*
(4604) Grass porgy, *Calamus arctifrons*
(4605) Jolthead porgy, *Calamus bajonado*
(4606) Saucereye porgy, *Calamus calamus*
(4607) Whitebone porgy, *Calamus leucosteus*
(4608) Knobbed porgy, *Calamus nodosus*
(4609) Red porgy, *Pagrus pagrus*
(4610) Longspine porgy, *Stenotomus caprinus*
(4611) 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.	84°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.	85°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 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.

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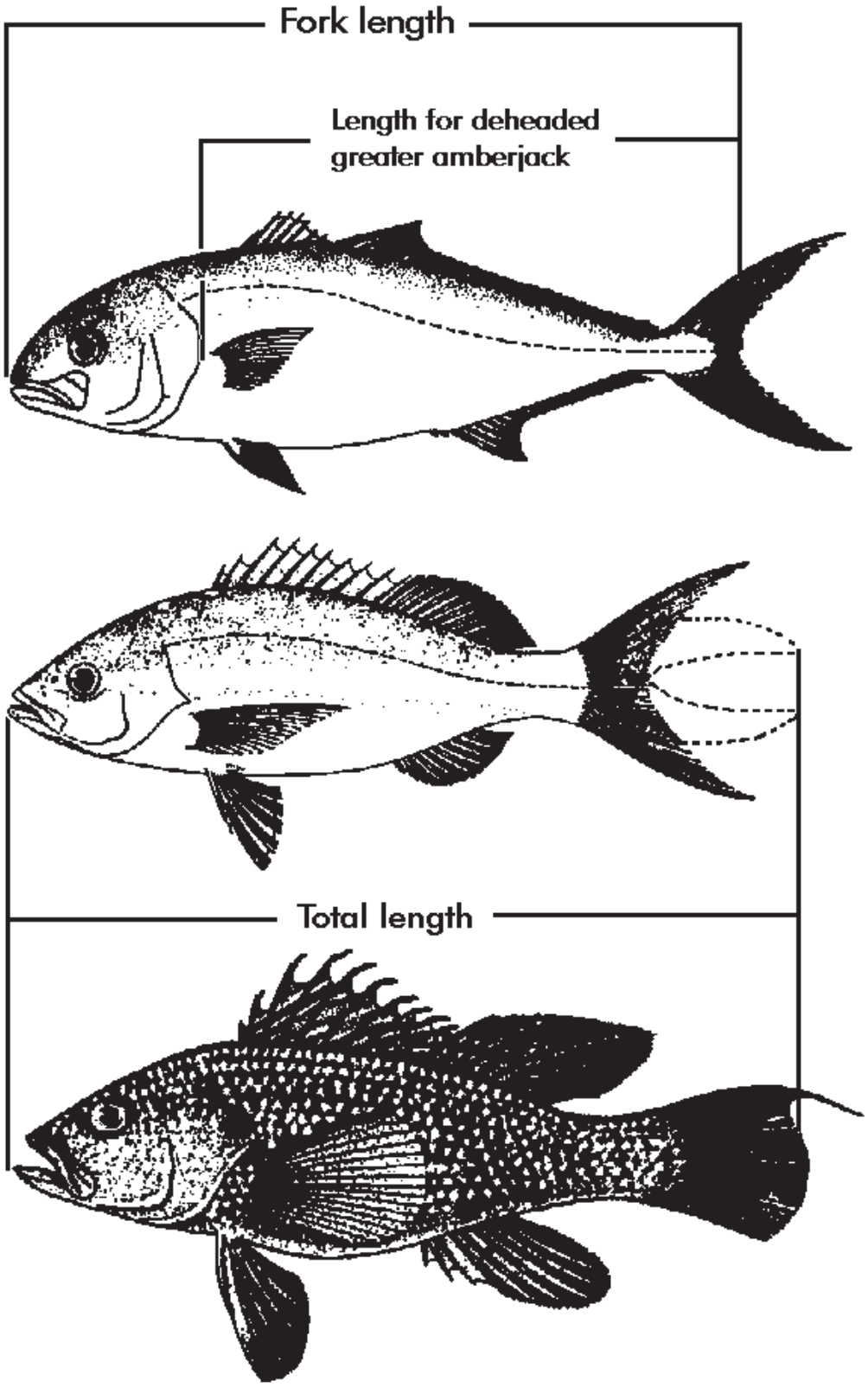
TABLE 2 OF APPENDIX B TO PART 622.—SEAWARD COORDINATES OF THE STRESSED AREA			
Point No. and reference location[1]		**Latitude**	**Longitude**
1	Seaward limit of Florida's waters northeast of Dry Tortugas	24°45.5'N.	82°41.5'W.
2	North of Marquesas Keys	24°48.0'N.	82°06.5'W.
3	Off Cape Sable	25°15.0'N	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 Key—Offshore	28°10.0'N.	83°45.0'W.
8	Off Anclote Key—Inshore	28°10.0'N.	83°14.0'W.
9	Off Deadman Bay	29°38.0'N.	84°00.0'W.
10	Seawared 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 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