

SAILING DIRECTIONS CORRECTIONS

PUB 140 2 Ed 2001 LAST NM 32/03

Page 87—Line 41/L; insert after:

Advance notification requirements for certain vessels

The following vessels are subject to additional advance notification requirements:

1. Gas and chemical tankers older than 10 years of age.
2. Bulk carriers older than 12 years of age.
3. Oil tankers over 3,000 gross tons and older than 15 years of age.
4. Passenger vessels, other than ro-ro ferries and high speed passenger craft, older than 15 years of age

The advance notification shall be sent at least 3 days prior to the ETA at the port. If the voyage from the previous port is expected to take less than 3 days, the advance notification shall be sent prior to leaving the previous port.

The advance notification shall be submitted to SeeBerufsgenossenschaft by one of the following methods:

1. Phone: +49(0)40 36-13-72-14/02
2. Fax: +49(0)40 36-13-72-95
3. E-mail: psc-germany@see-bg.de

The advance notification shall contain the following information:

1. Vessel name.
 2. Flag.
 3. IMO number.
 4. DWT.
 5. Date of construction of the vessel, as determined by the date indicated in the vessel's safety certificates.
 6. For tankers:
 - a. Configuration (single hull, single hull with segregated ballast tanks, double hull).
 - b. Condition of the cargo and ballast tanks (full, empty, inerted).
 - c. Volume and type of cargo.
 7. ETA at the port.
 8. Planned duration of the port call.
 9. Planned operations at the port of destination (loading, unloading, other).
 10. Planned statutory survey inspections and substantial maintenance/repair work to be conducted in the port of destination.
- (Ger NM 29/03, Section 4) 34/03

PUB 172 9 Ed 2001 LAST NM 33/03

Page 52—Line 35/R; insert after:

Green Terminal, E of Port Sudan, has been extended. A new terminal added to handle vehicles and general cargo has a total length of 548m, with an alongside depth of 14.2m.

El Khair Oil Terminal (19°35'N., 37°15'E.) is a new port (2003) located S of Port Sudan. It has a total length of 310m, with an alongside depth of 14.6m.

(PUBS 017-03) 34/03

Page 84—Line 29/L; insert after:

Caution.—There are numerous magnetic anomalies in

the northern Gulf of Aqaba. It has been reported (2003) that there is an additional 14°E variation near the main wharf in the vicinity of position 29°30'N, 34°35'E.

(PUBS 021-03) 34/03

Page 199—Line 41/L; read:

225,000 dwt, with a maximum draft of 19.8m, can berth
(BA NP 63) 34/03

Page 199—Line 44/L; read:

65,000 dwt, with a maximum draft of 13.2m and maximum
(BA NP 63) 34/03

PUB 173 7 Ed 2002 LAST NM 33/03

Page 176—Lines 26 to 28/R; read:

Yadana Gas Field (15°08'N., 94°47'E.), a platform with a light flare, is situated about 48 miles SE of Purian Point. A second platform with a light flare is situated about 2 miles N of the first platform.

A submarine pipeline runs E from the S platform to shore about 9 miles S of Dolphins Nose.

A 500m restricted zone surrounds platforms; navigating, fishing, and anchoring are prohibited.
(CH 63410) 34/03

PUB 200 4 Ed 2002 LAST NM 27/03

Page 118—Line 26/R; insert after:

It has been reported that a rock (60°29'S., 46°16'W.), dangerous to navigation lies about 3.5 miles W of Melson Rocks.

(BA NM 29/03) 34/03

COAST PILOT CORRECTIONS

**COAST PILOT 1 33 Ed 2003 Change No. 11
LAST NM 33/03**

Page 113—Paragraph 1447; insert after:

§165.9 Geographic application of limited and controlled access areas and regulated navigation areas.

(a) *General.* The geographic application of the limited and controlled access areas and regulated navigation areas in this part are determined based on the statutory authority under which each is created.

(b) *Safety zones and regulated navigation areas.* These zones and areas are created under the authority of the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232. Safety zones established under 33 U.S.C. 1226 and regulated navigation areas may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(c) *Security zones.* These zones have two sources of authority—the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232, and the Act of June 15, 1917, as amended by both the Magnuson Act of August 9, 1950 (“Magnuson

COAST PILOT 1 (Continued)

Act”), 50 U.S.C. 191–195, and sec. 104 the Maritime Transportation Security Act of 2002 (Pub. L. 107-295, 116 Stat. 2064). Security zones established under either 33 U.S.C. 1226 or 50 U.S.C. 191 may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(d) *Naval vessel protection zones*. These zones are issued under the authority of 14 U.S.C. 91 and 633 and may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 3 nautical miles from the baseline.

(FR 7/18/03) 34/03

COAST PILOT 1 33 Ed 2003 Change No. 12

Page 1—Paragraph 2, line 4; read:
at <http://nauticalcharts.noaa.gov/>. A subscription to the ...
(NOS/03) 34/03

Page 20—Paragraph 394, lines 3 to 14; read:
bathymetric map are referred. The tidal datum of **Mean Lower Low Water** has been used as Chart Datum along the east, west and Gulf coasts, including the coasts of Alaska, Hawai‘i, the West Indies and other United States and United Nations islands of the Pacific.
(CL 68/03) 34/03

Page 74—Paragraph 511, line 5 to Paragraph 512, line 1; read:
the number posted at the bridge.

§117.601 Malden River.

The draw of S16 bridge, mile 0.3 between ...
(33 CFR 117; CL 1799/02) 34/03

Page 75—Paragraph 523, line 7 to Paragraph 525; read:
shall be passed through the draw as soon as possible.

§117.609 Mystic River.

(a) The draw of the S99 Alford Street Bridge, mile 1.4, shall open on signal; except that, Monday through Saturday, excluding holidays, the draw need not open for the passage of vessel traffic from 7:45 a.m. to 9 a.m., 9:10 a.m. to 10 a.m., and 5 p.m. to 6 p.m., daily. From November 1 through March 31, between 3 p.m. and 7 a.m., at least an eight-hour advance notice is required for bridge openings by calling the number posted at the bridge.

(b) The draw of the Wellington Bridge, mile 2.5, need not open for the passage of vessel traffic.
(CL 1921/02; FR 10/11/02) 34/03

Page 184—Paragraph 192, line 9; read:
the west. Entering by this passage, avoid the aquiculture site located immediately northwest of the wooded island just southwest of Pond Island and two rocks, ...
(CL 499/02) 34/03

Page 350—Paragraph 81, line 2; read:
importation of coal and petroleum products. Marblehead is principally ...
(CL 212/03) 34/03

Page 350—Paragraph 89, line 2; read:
north end of Childrens Island, is small grassy, and rocky.
(CL 212/03; NOS 13275) 34/03

Page 351—Paragraph 96, line 8; read:
70°49'10"W. In 1999, a submerged obstruction which might be a hazard to navigation was reported 0.9 mile northwest of Eagle Island in about 42°32'11"N., 70°49'35"W. Mariners are advised to use caution while navigating in the area.
(27/99 CG1; CL 1851/02;
CL 212/03; NOS 13275) 34/03

Page 352—Paragraph 108, line 5; read:
Midchannel Rock covered 5 feet, on the southwest is marked on its ...
(CL 212/03; NOS 13275) 34/03

Page 352—Paragraph 113, line 4; read:
buoy.
(CL 212/03; LL/03) 34/03

COAST PILOT 3 36 Ed 2003 NEW EDITION
(NOS) 34/03

COAST PILOT 4 35 Ed 2003 NEW EDITION
(NOS) 34/03

COAST PILOT 6 33 Ed 2003 Change No. 8
LAST NM 32/03

Page 43—Paragraph CFR Box, (insert above Title 21):
Title 15 Commerce and Foreign Trade
(15 CFR 922) 34/03

Page 43—Paragraph CFR Box (insert above 21 CFR 1250):
15 CFR 922 National Marine Sanctuary Program Regulations
(15 CFR 922) 34/03

Page 323—Paragraph 211; strike out.
(CL 974/03) 34/03

Page 323—Paragraph 215, line 5; read:
shoal area.
The **Thunder Bay National Marine Sanctuary and Underwater Preserve** has been established to protect and preserve a nationally significant collection of approximately 160 shipwrecks, spanning over a century of Great Lakes shipping and maritime history. The sanctuary encompasses 448 square miles of northwest Lake Huron and includes Thunder Bay. (See **15 CFR 922**, chapter 2 for limits and reg-

COAST PILOT 6 (Continued)

ulations.)

(15 CFR 922)

34/03

COAST PILOT 6 33 Ed 2003 Change No. 9

Page 43—Paragraph 2; insert after:

TITLE 15—COMMERCE AND FOREIGN TRADE

PART 922— National Marine Sanctuary Program Regulations

Subpart A—General

§922.1 Applicability of regulations.

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

§922.2 Mission, goals, and special policies.

(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.

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

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

(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;

(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;

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

(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;

(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;

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

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

(9) Maintain, restore, and enhance living resources by

providing places for species that depend upon these marine areas to survive and propagate.

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

(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;

(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;

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

(e) Program regulations, policies, standards, guidelines, and procedures under the Act concerning the identification, evaluation, registration, and treatment of historical resources shall be consistent, to the extent practicable, with the declared national policy for the protection and preservation of these resources as stated in the National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*, the Archeological and Historical Preservation Act of 1974, 16 U.S.C. 469 *et seq.*, and the Archeological Resources Protection Act of 1979 (ARPA), 16 U.S.C. 470aa *et seq.* The same degree of regulatory protection and preservation planning policy extended to historical resources on land shall be extended, to the extent practicable, to historical resources in the marine environment within the boundaries of designated National Marine Sanctuaries. The management of historical resources under the authority of the Act shall be consistent, to the extent practicable, with the Federal archeological program by consulting the Uniform Regulations, ARPA (43 CFR part 7) and other relevant Federal regulations. The Secretary of the Interior's Standards and Guidelines for Archeology may also be consulted for guidance. These guidelines are available from the Office of Ocean and Coastal Management at (301) 713-3125

§922.3 Definitions.

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.

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.

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

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.

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

Conventional hook and line gear means any fishing appa-

COAST PILOT 6 (Continued)

ratus 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.

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

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

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

Fish wastes means waste materials resulting from commercial fish processing operations.

Historical resource means any resource possessing historical, cultural, archaeological or paleontological significance, including sites, 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.

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

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.

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

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.

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

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).

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.

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.

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.*

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.

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. For Thunder Bay National Marine Sanctuary and Underwater Preserve, Sanctuary resource means an underwater cultural resource as defined at § 922.191.

Secretary means the Secretary of the United States Department of Commerce, or designee.

Shunt means to discharge expended drilling cuttings and fluids near the ocean seafloor.

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.

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.

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.

Take or taking means:

(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;

(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. 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.

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

Vessel means a watercraft of any description capable of being used as a means of transportation in/on the waters of

COAST PILOT 6 (Continued)

the Sanctuary.

§922.4 Effect of National Marine Sanctuary designation.

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:

- (a) Generally recognized principles of international law;
- (b) An agreement between the United States and the foreign state of which the person is a citizen; or
- (c) An agreement between the United States and the flag state of the foreign vessel, if the person is a crew member of the vessel.

Subpart D—Management Plan Development and implementation**§922.30 General.**

(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.

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

§922.31 Promotion and coordination of Sanctuary use.

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

Subpart E—Regulations of General Applicability**§922.40 Purpose.**

The purpose of the regulations in this Subpart and in Subparts F through R is to implement the designations of the thirteen National Marine Sanctuaries for which site specific regulations appear in Subparts F through R, respectively, by regulating activities affecting them, consistent with their respective terms of designation in order to protect, preserve and manage and thereby ensure the health, integrity and continued availability of the conservation, ecological, recre-

ational, research, educational, historical and aesthetic resources and qualities of these areas. Additional purposes of the regulations implementing the designation of the Florida Keys and Hawaiian Islands Humpback Whale National Marine Sanctuaries are found at §§922.160, and 922.180, respectively.

§922.41 Boundaries.

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

§922.42 Allowed Activities.

All activities (e.g., fishing, boating, diving, research, education) may be conducted unless prohibited or otherwise regulated in Subparts F through R, subject to any emergency regulations promulgated pursuant to §§922.44, 922.111(c), 922.165, 922.186, or 922.196, subject to all prohibitions, regulations, restrictions, and conditions validly imposed by any Federal, State, or local authority of competent jurisdiction, including Federal and State fishery management authorities, and subject to the provisions of section 312 of the National Marine Sanctuaries Act (NMSA), (16 U.S.C. 1431 *et seq.*). The Assistant Administrator may only directly regulate fishing activities pursuant to the procedure set forth in section 304(a)(5) of the NMSA.

§922.43 Prohibited or otherwise regulated activities.

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

§922.44 Emergency Regulations.

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, Florida Keys, Hawaiian Islands Humpback Whale, and Thunder Bay National Marine Sanctuaries. See §§922.111(c), 922.165, 922.186, and 922.196, respectively, for the authority to issue emergency regulations with respect to those sanctuaries.

§922.45 Penalties.

(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.

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

§922.46 Response costs and damages.

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

COAST PILOT 6 (Continued)

liable *in rem* to the United States for response costs and damages resulting from such destruction, loss or injury.

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

(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.

(b) The prohibitions listed in Subparts F through P, and Subpart R do not apply to any activity authorized by a valid lease, permit, license, approval or other authorization in existence on the effective date of Sanctuary designation, or in the case of the Florida Keys National Marine Sanctuary the effective date of the regulations in 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, 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.

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

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

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

- (1) A detailed description of the proposed activity including a timetable for completion;
- (2) The equipment, personnel and methodology to be employed;
- (3) The qualifications and experience of all personnel;
- (4) The potential effects of the activity, if any, on Sanctuary resources and qualities; and
- (5) Copies of all other required licenses, permits, approvals or other authorizations.

(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.

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

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

(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, Subpart R or for other good cause. Any such action shall be communicated in writing to the permittee or applicant by certified mail and shall set forth the reason(s) for the action taken. Procedures governing permit sanctions and denials for enforcement reasons are set forth in subpart D of 15 CFR part 904.

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

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

(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;

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

(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

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

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

(c) Notification of filings of applications should be sent to the Director, Office of Ocean and Coastal Resource Manage-

COAST PILOT 6 (Continued)

ment at the address specified in Subparts L through P, or Subpart R as appropriate. A copy of the application must accompany the notification.

(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.

(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.

(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.

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

(h) The applicant may appeal any objection by or terms or conditions imposed by the Director, to the Assistant Administrator in accordance with the procedures set forth in §922.50.

§922.50 Appeals of administrative action.

(a)(1) Except for permit actions taken for enforcement reasons (see subpart D of 15 CFR part 904 for applicable procedures), an applicant for, or a holder of, a National Marine Sanctuary permit; an applicant for, or a holder of, a Special Use permit pursuant to section 310 of the Act; a person requesting certification of an existing lease, permit, license or right of subsistence use or access under §922.47; or, for those Sanctuaries described in Subparts L through P and Subpart R, an applicant for a lease, permit, license or other authorization issued by any Federal, State, or local authority of competent jurisdiction (hereinafter appellant) may appeal to the Assistant Administrator:

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

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

(iii) For those Sanctuaries described in Subparts L through P and Subpart R, the objection to issuance of 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.

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

includes any such interested persons.

(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.

(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.

(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.

(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.

(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 R—Thunder Bay National Marine Sanctuary and Underwater Preserve**§922.190 Boundary.**

The Thunder Bay National Marine Sanctuary and Underwater Preserve (Sanctuary) consists of an area of approximately 448 square miles (1169 square kilometers) of waters of Lake Huron and the submerged lands thereunder, over, around, and under the underwater cultural resources in Thunder Bay. The boundary forms an approximately rectangular area by extending along the ordinary high water mark between the northern and southern boundaries of Alpena

COAST PILOT 6 (Continued)

County, cutting across the mouths of rivers and streams, and lakeward from those points along latitude lines to longitude 83 degrees west. The coordinates of the boundary are set forth in Appendix A to this Subpart.

§922.191 Definitions.

(a) The following terms are defined for purposes of Subpart R:

Minor project means any project listed in Appendix B to this Subpart.

Programmatic Agreement means the agreement among NOAA, the Federal Advisory Council on Historic Preservation, and the State of Michigan, developed pursuant to the National Marine Sanctuaries Act (NMSA), 16 U.S.C. 1431 *et seq.* and section 106 of the National Historic Preservation Act of 1966 as amended, 16 U.S.C. 470 *et seq.*, which, in part, sets forth the procedures for review and approval of State Permits that authorize activities prohibited by the Sanctuary regulations.

State Archaeologist means the State Archaeologist, Michigan Historical Center, Michigan Department of State.

State Permit means any lease, permit, license, approval, or other authorization issued by the State of Michigan for the conduct of activities or projects within the Thunder Bay National Marine Sanctuary and Underwater Preserve that are prohibited by the regulations at § 922.193.

Traditional fishing means those commercial, recreational, and subsistence fishing activities that were customarily conducted within the Sanctuary prior to its designation, as identified in the Final Environmental Impact Statement and Management Plan for this Sanctuary. Copies of the Final Environmental Impact Statement/Management Plan (FEIS/MP) are available upon request to the Marine Sanctuaries Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 305 East-West Highway, 11th Floor, Silver Spring, MD 20910, (301) 713-3125. Traditional fishing includes tribal fishing rights as provided for in the 1836 Treaty of Washington and subsequent court decisions related to the Treaty.

Underwater cultural resource means:

(1) Any sunken watercraft, including a ship, boat, canoe, skiff, raft, or barge; the rigging, gear, fittings, trappings, and equipment of any sunken watercraft; the personal property of the officers, crew, and passengers of any sunken watercraft; and the cargo of any sunken watercraft, that sank prior to the effective date of Sanctuary designation; and

(2) Any of the above that sinks on or after the date of Sanctuary designation determined to be an underwater cultural resource by the Director pursuant to § 922.198. Underwater cultural resource also means any historical remnant of docks or piers or associated material, or materials resulting from activities of historic and prehistoric Native Americans.

(b) Other terms appearing in the regulations are defined at 15 CFR part 922 subpart A, and/or in the National Marine Sanctuaries Act, as amended, 16 U.S.C. 1431 *et seq.*

§922.192 Joint Management Committee.

(a) A state/federal Joint Management Committee shall be established to oversee and engage in decision-making authority for the Thunder Bay National Marine Sanctuary and Underwater Preserve.

(b) The Joint Management Committee shall be comprised of one Federal employee named by the NOAA Administrator and one state employee named by the Governor of Michigan. The Federal employee cannot be the sanctuary manager (the individual who exercises day-to-day management over the Sanctuary) and must have a civil service grade higher than that of the sanctuary manager.

(c) The Joint Management Committee shall:

(1) Develop a position description for, recruit prospective candidates for the position of, interview candidates for the position of, and take part in the annual performance evaluation of, the sanctuary manager;

(2) Approve revisions to the Management Plan;

(3) Approve annual work plans;

(4) Approve, on an annual basis, the expenditure of allocated state and federal funds and other sources of revenue for the Thunder Bay National Marine Sanctuary and Underwater Preserve, in accordance with the Management Plan and the annual work plans; and

(5) Make decisions on other key issues related to management of the Thunder Bay National Marine Sanctuary and Underwater Preserve.

(d) The Joint Management Committee shall meet as agreed to by the members but not less than once annually.

(e) If the Joint Management Committee is unable to reach agreement on an issue, the members shall follow the "Consultation and Conflict Resolution" procedures set forth in the Interlocal Agreement between NOAA and the State of Michigan.

(f) The Joint Management Committee may invite affected public parties to participate in selected aspects of Sanctuary management as:

(1) Parties to the Interlocal Agreement pursuant to the Michigan Urban Cooperation Act of 1967, MCL 124.501 *et seq.*; and/or

(2) Pursuant to the NMSA.

§922.193 Prohibited or otherwise regulated activities.

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

(1) Recovering, altering, destroying, possessing, or attempting to recover, alter, destroy, or possess an underwater cultural resource.

(2) Drilling into, dredging or otherwise altering the lake bottom associated with underwater cultural resources, including contextual information; or constructing, placing or abandoning any structure, material or other matter on the lakebottom associated with underwater cultural resources, except as an incidental result of:

(i) Anchoring vessels;

(ii) Traditional fishing operations; or

(iii) Minor projects (as defined in Appendix B of this subpart) that do not adversely affect underwater cultural

COAST PILOT 6 (Continued)

resources.

(3) Using grappling hooks or other anchoring devices on underwater cultural resource sites that are marked with a mooring buoy.

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

(b) Members of a federally-recognized Indian tribe may exercise treaty-secured rights, subject to the requirements of other applicable law, without regard to the requirements of this subpart. The Director may consult with the governing body of a tribe regarding ways the tribe may exercise such rights consistent with the purposes of the Sanctuary, provided that the rights are authorized by the tribe by regulation, license, or permit.

(c) The prohibitions in paragraphs (a)(1) through (3) of this section do not apply to valid law enforcement activities, or any activity necessary to respond to an emergency threatening life or the environment.

(d) The prohibitions in paragraphs (a) (1) through (3) of this section do not apply to any activity:

(1) Specifically authorized by, and conducted in accordance with the scope, purpose, terms and conditions of, a permit issued pursuant to § 922.195 or a Special Use Permit issued pursuant to section 310 of the NMSA.

(2) Specifically authorized by any 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 § 922.194 and § 922.47 and with any terms and conditions for 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.

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

(a) A person may conduct an activity prohibited by § 922.193 (a)(1) through (3) if such activity is specifically authorized by a valid Federal, State, or local lease, permit, license, approval, or other authorization in existence on the effective date of Sanctuary designation, or by any valid right of subsistence use or access in existence on the effective date of Sanctuary designation, *provided that*:

(1) For any State or local lease, permit, license, approval, or other authorization, or any right of subsistence use, the State Archaeologist certifies to the Director, within 90 days of the effective date of designation, that the activity authorized under the State or local lease, permit, license, approval, or other authorization, or any right of subsistence use, is being conducted consistent with the Programmatic Agreement, in which case such activity shall be deemed to have met the requirements of this section and § 922.47; or

(2) in the case where either:

(i) The State Archaeologist does not certify that the activity authorized under a State or local lease, permit, license, approval, or other authorization, or right of subsistence use is being conducted consistent with the Programmatic Agreement; or

(ii) The activity is conducted pursuant only to a Federal permit, the holder of the authorization or right complies with paragraphs (b) through (k) of this section.

(b) For an activity described in paragraph (a)(2) of this section, the holder of the authorization or right may conduct the activity prohibited by § 922.193 (a)(1) through (3) *provided that*:

(1) The holder of such authorization or right notifies the Director, in writing, within 90 days of the effective date of Sanctuary designation, of the existence of such authorization or right and requests certification of such authorization or right;

(2) The holder complies with the other provisions of § 922.194; and

(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.

(c) The holder of an authorization or right described in paragraph (a)(2) of this section authorizing an activity prohibited by § 922.193 may conduct the activity without being in violation of applicable provisions of § 922.193, pending final agency action on his or her certification request, provided the holder is in compliance with this § 922.194.

(d) Any holder of an authorization or right described in paragraph (a)(2) 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 § 922.193, thus requiring certification under this section.

(e) Requests for findings or certifications should be addressed to the Director, Office of Ocean and Coastal Resource Management; ATTN: Sanctuary Manager, Thunder Bay National Marine Sanctuary and Underwater Preserve, 1305 East-West Highway, N/ORM, Silver Spring, Maryland, 20910. A copy of the lease, permit, license, approval, or other authorization must accompany the request.

(f) The Director may request additional information from the certification requester as he or she deems reasonably necessary to condition appropriately the exercise of the certified authorization or right to achieve the purposes for which the Sanctuary was designated. The Director must receive the information requested within 45 days of the postmark date of the request. The Director may seek the views of any persons on the certification request.

(g) The Director may amend any certification made under this § 922.194 whenever additional information becomes available justifying such an amendment.

(h) 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 § 922.194, in writing, to both the holder of the certified lease, permit, license, approval, other authorization, or right, and the issuing agency, and shall set forth the reason(s) for the decision or action taken.

COAST PILOT 6 (Continued)

(i) Any time limit prescribed in or established under this § 922.194 may be extended by the Director for good cause.

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

(k) Any amendment, renewal, or extension made after the effective date of Sanctuary designation, to a lease, permit, license, approval, other authorization or right is subject to the provisions of § 922.195 and § 922.49.

(l) For any activity authorized pursuant to § 922.193 (b), the holder of such license or permit shall notify the Director, in writing, within 90 days of the effective date of Sanctuary designation, of the existence of such authorization or right.

922.195 Permit procedures and criteria.

(a) A person may conduct an activity prohibited by § 922.193 (a)(1) through (3), if conducted in accordance with the scope, purpose, terms and conditions of a State Permit *provided that*:

(1) The State Archaeologist certifies to NOAA that the activity authorized under the State Permit will be conducted consistent with the Programmatic Agreement, in which case such State Permit shall be deemed to have met the requirements of § 922.49; or

(2) In the case where the State Archaeologist does not certify that the activity to be authorized under a State Permit will be conducted consistent with the Programmatic Agreement, the person complies with the requirements of § 922.49 of this part.

(b) If no State Permit is required to conduct an activity prohibited by § 922.193 (a)(1) through (3) of this subpart, a person may conduct such activity if it is conducted in accordance with the scope, purpose, terms and conditions of a Federal permit, provided that the person complies with the provisions of §922.49 of this part.

(c) In instances where the conduct of an activity is prohibited by § 922.193 (a)(1) through (3) of this subpart is not addressed under a State or other Federal lease, license, permit or other authorization, a person must obtain a Sanctuary permit from NOAA pursuant to § 922.48 (c) through (f) of this part and the Programmatic Agreement in order to conduct the activity.

(d) A permit for recovery of an underwater cultural resource may be issued if:

(1) The proposed activity satisfies the requirements for permits described under paragraphs (a) through (c) of this section;

(2) The recovery of the underwater cultural resource is in the public interest;

(3) Recovery of the underwater cultural resource is part of research to preserve historic information for public use; and

(4) Recovery of the underwater cultural resource is necessary or appropriate to protect the resource, preserve historical information, or further the policies of the Sanctuary.

(e) A person shall file an application for a permit with the Michigan Department of Environmental Quality, Land and Water Management Division, P.O. Box 30458, Lansing, MI, 48909-7958. The application shall contain all of the follow-

ing information:

(1) The name and address of the applicant;

(2) Research plan that describes in detail the specific research objectives and previous work done at the site. An archaeological survey must be conducted on a site before an archaeological permit allowing excavation can be issued;

(3) Description of significant previous work in the area of interest, how the proposed effort would enhance or contribute to improving the state of knowledge, why the proposed effort should be performed in the Sanctuary, and its potential benefits to the Sanctuary;

(4) An operational plan that describes the tasks required to accomplish the project's objectives and the professional qualifications of those conducting and supervising those tasks (see § 922.195(e)(9) of this section. The plan must provide adequate description of methods to be used for excavation, recovery and the storage of artifacts and related materials on site, and describe the rationale for selecting the proposed methods over any alternative methods;

(5) Archaeological recording, including site maps, feature maps, scaled photographs, and field notes;

(6) An excavation plan describing the excavation, recovery and handling of artifacts;

(7)(i) A conservation plan documenting:

(A) The conservation facility's equipment;

(B) Ventilation temperature and humidity control; and

(C) storage space.

(ii) Documentation of intended conservation methods and processes must also be included;

(8) A curation and display plan for the curation of the conserved artifacts to ensure the maintenance and safety of the artifacts in keeping with the Sanctuary's federal stewardship responsibilities under the Federal Archaeology Program (36 CFR Part 79, Curation of Federally-Owned and Administered Archaeological Collections); and

(9) Documentation of the professional standards of an archaeologist supervising the archaeological recovery of historical artifacts. The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or closely related field plus:

(i) At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;

(ii) At least four months of supervised field and analytic experience in general North American archaeology;

(iii) Demonstrated ability to carry research to completion; and

(iv) At least one year of full-time professional experience at a supervisory level in the study of archeological resources in the underwater environment.

§922.196 Emergency regulations.

(a) Where necessary to prevent or minimize the destruction of, loss of, or injury to an underwater cultural resource, or to minimize the imminent risk of such destruction, loss, or injury, any and all activities are subject to immediate tempo-

COAST PILOT 6 (Continued)

rary regulation, including prohibition. An emergency regulation shall not take effect without the approval of the Governor of Michigan.

(b) Emergency regulations remain in effect until a date fixed in the rule or six months after the effective date, whichever is earlier. The rule may be extended once for not more than six months.

922.197 Consultation with affected federally-recognized Indian tribes.

The Director shall regularly consult with the governing bodies of affected federally-recognized Indian tribes regarding areas of mutual concern.

§922.198 Procedures for determining watercraft and related items which sink on or after the date of Sanctuary designation to be an underwater cultural resource.

The Director, in consultation with the State of Michigan, appropriate federal agencies, and the governing body of any affected federally-recognized tribe, may determine, after providing 45 days for public comment, that any sunken watercraft, including a ship, boat, canoe, skiff, raft, or barge; the rigging, gear, fittings, trappings, and equipment of any sunken watercraft; the personal property of the officers, crew, and passengers of any sunken watercraft; and the cargo of any sunken watercraft, that sinks on or after the date of Sanctuary designation, to be an underwater cultural resource if such is determined by the Director to be 50 years or older and of special national significance due to architectural significance or association with individuals or events that are significant to local or national history.

Appendix A to Subpart R of Part 922–Thunder Bay National Marine Sanctuary and Underwater Preserve Boundary Coordinates

[Based on North American Datum of 1983]

| Point | Latitude | Longitude |
|-------|-------------|-------------|
| 1 | 45°12'25.5" | 83°23'18.6" |
| 2 | 45°12'25.5" | 83°00'00.0" |
| 3 | 44°51'30.5" | 83°00'00.0" |
| 4 | 44°51'30.5" | 83°19'17.3" |

Appendix B to Subpart R of Part 922–Minor Projects for Purposes of § 922.193(a)(2)(iii)

Pursuant to Michigan State Administrative Rule R 322.1013 of Part 325, Great Lakes Submerged Lands of Public Act 451 (Michigan State Statute), the Michigan Department of Environmental Quality (Department) issues permits for projects that are of a minor nature which are not controversial, which have minimal adverse environmental impact, which will be constructed of clean, non-polluting materials, which do not impair the use of the adjacent bottomlands by the public, and which do not adversely affect riparian interests of adjacent owners. The following projects are minor projects:

(a) Noncommercial single piers, docks, and boat hoists which meet the following design criteria:

(i) are of a length or size not greater than the length or size of similar structures in the vicinity and on the watercourse involved; and

(ii) provide for the free littoral flow of water and drift material.

(b) Spring piles and pile clusters when their design and purpose is usual for such projects in the vicinity and on the watercourse involved.

(c) Seawalls, bulkheads, and other permanent revetment structures which meet all of the following purpose and design criteria:

(i) the proposed structure fulfills an identifiable need for erosion protection, bank stabilization, protection of uplands, or improvements on uplands;

(ii) the structure will be constructed of suitable materials free from pollutants, waste metal products, debris, or organic materials;

(iii) the structure is not more than 300 feet in length and is located in an area on the body of water where other similar structures already exist;

(iv) the placement of backfill or other fill associated with the construction does not exceed an average of 3 cubic yards per running foot along the shoreline and a maximum of 300 cubic yards; and

(v) the structure or any associated fill will not be placed in a wetland area or placed in any manner that impairs surface water flow into or out of any wetland area.

(d) Groins 50 feet or less in length, as measured from the toe to bluff, which meet all of the following criteria:

(i) the groin is low profile, with the lakeward end not more than 1 foot above the existing water level; and

(ii) the groin is placed at least 1/2 of the groin length from the adjacent property line or closer with written approval of the adjacent riparian.

(e) Filling for restoration of existing permitted fill, fills placed incidental to construction of other structures, and fills that do not exceed 300 cubic yards as a single and complete project, where the fill is of suitable material free from pollutants, waste metal products, debris, or organic materials.

(f) Dredging for the maintenance of previously dredged areas or dredging of not more than 300 cubic yards as a single and complete project when both of the following criteria are met:

(i) No reasonable expectation exists that the materials to be dredged are polluted; and

(ii) All dredging materials will be removed to an upland site exclusive of wetland areas.

(g) Structural repair of man-made structures, except as exempted by Michigan State Administrative Rule R 322.1008(3), when their design and purpose meet both of the following criteria:

(i) The repair does not alter the original use of a recently serviceable structure; and

(ii) The repair will not adversely affect public trust values or interests, including navigation and water quality.

(h) Fish or wildlife habitat structures which meet both of the following criteria:

(i) Are placed so the structures do not impede or create a navigational hazard; and

(ii) Are anchored to the bottomlands.

COAST PILOT 6 (Continued)

(i) Scientific structures such as staff gauges, water monitoring devices, water quality testing devices, survey devices, and core sampling devices, if the structures do not impede or create a navigational hazard.

(j) Navigational aids which meet both of the following criteria:

(i) Are approved by the United States Coast Guard; and

(ii) Are approved under Michigan State Act No. 303 of the Public Acts of 1967, as amended, being Section 281.1001 *et seq.* of the Michigan Compiled Laws, and known as the Marine Safety Act.

(k) Extension of a project where work is being performed under a current permit and which will result in no damage to natural resources.

(l) A sand trap wall which meets all of the following criteria:

(i) The wall is 300 feet or less in length along the shoreline;

(ii) The wall does not extend more than 30 feet lake-ward of the toe of bluff;

(iii) The wall is low profile, that is, it is not more than 1 foot above the existing water level; and

(iv) The wall is constructed of wood or steel or other non-polluting material.

(m) Physical removal of man-made structures or natural obstructions which meet all of the following criteria:

(i) The debris and spoils shall be removed to an upland site, not in a wetland, in a manner which will not allow erosion into public waters;

(ii) The shoreline and bottom contours shall be restored to an acceptable condition; and

(iii) Upon completion of structure removal, the site does not constitute a safety or navigational hazard. Department staff shall consider fisheries and wildlife resource values when evaluating applications for natural obstruction removal.

(15 CFR 922) 34/03

COAST PILOT 6 33 Ed 2003 Change No. 10

Page 87—Paragraph 968 to Paragraph 978, line 1; read:

Subpart C—Vessel Traffic Service and Vessel Movement Reporting System Areas and Reporting Points

Note: All geographic coordinates contained in part ... (FR 7/1/03) 34/03

Page 94—Paragraph 1145, line 3; read:

more gross tons (except as provided in paragraphs (c) and (d) of ...

(FR 7/1/03) 34/03

Page 94—Paragraph 1151, lines 1 to 2; read:

(c) Provisions of §§164.11(a)(2) and (c), 164.30, 164.33, and 164.46 do not apply to warships or other vessels ...

(FR 7/1/03) 34/03

Page 94—Paragraph 1151, line 7; read: regulations regarding navigation safety.

(d) Provisions of §164.46 apply to some self-propelled vessels of less 1600 gross tonnage.

(FR 7/1/03) 34/03

Page 94—Paragraph 1152, line 1; read:

(a) Except as provided in §164.46(a)(2) of this part (in-cluding §§164.38 and 164.39) does ...

(FR 7/1/03) 34/03

Page 94—Paragraph 1164, line 3; read:

.....164.74

International Electrotechnical Commission (IEC)

3, rue de Varemb, Geneva, Switzerland.

IEC 61993-2, Maritime navigation and radiocommuni-cation equipment and systems—Automatic identification sys-tems (AIS)—part 2: Class A shipborne equipment of the universal automatic identification system (AIS)—Operational and performance requirements, methods of test and required test results First edition, 2001-12 164.46

(FR 7/1/03) 34/03

Page 94—Paragraph 1165, line 5; read:

1975164.13

Resolution MSC.74(69), Annex 3, Recommendation on Performance Standards for a Universal Shipborne Automatic Identification System (AIS), adopted May 12, 1998 ..164.46

SN/Circ.277, Guidelines for the Installation of a Ship-borne Automatic Identification System (AIS), dated January 6, 2003164.46

SOLAS, International Convention for Safety of Life at Sea, 1974, and 1988 Protocol relating thereto, 2000 Amend-ments, effective January and July 2002, (SOLAS 2000 Amendments)164.46

Conference resolution 1, Adoption of amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974, and amendments to Chapter V of SOLAS 1974, adopted December 12, 2002 164.46

(FR 7/1/03) 34/03

Page 94—Paragraph 1168, line 4; read:

Services and Ship-to-Ship Identification, 1992164.43

ITU-R Recommendation M.1371-1, Technical character-istics for a universal shipborne automatic identifica-tion system using time division multiple access in the VHF maritime mobile band, 1998-2001164.46

(FR 7/1/03) 34/03

Page 100—Paragraph 1338, line 3 to Paragraph 1339, line 2; read:

with a rate of turn indicator.

§164.43 Automatic Identification System Shipborne Equipment—Prince William Sound.

(a) Until July 1, 2004, each vessel required to provide automated position reports to a Vessel Traffic Service (VTS)

COAST PILOT 6 (Continued)

under §165.1704 of this subchapter must do so ...
(FR 7/1/03) 34/03

Page 100—Paragraph 1357, line 2; read:
operating procedures are set forth in Part 161 of this chapter.

§164.46 Automatic Identification System (AIS).

(a) The following vessels must have an installed, operational AIS that complies with the IMO Resolution MSC.74(69), ITU-R Recommendation M.1371-1, and IEC 61993-2, and that is installed using IMO SN/Circ.277 (Incorporated by reference, see §164.03) as of the date specified. “Length” refers to “registered length” as defined in 46 CFR, part 69.

(1) Self-propelled vessels of 65 feet or more in length engaged in commercial service and on an international voyage, not later than December 31, 2004.

(2) Notwithstanding paragraph (a)(1) of this section, the following vessels subject to the International Convention for Safety at Life at Sea, 1974, (SOLAS) as amended, that are on an international voyage must also comply with SOLAS, chapter V, as amended by SOLAS 2000 Amendments and Conference resolution 1 (Incorporated by reference, see §164.03):

(i) Passenger vessels, of 150 gross tonnage or more, not later than July 1, 2003;

(ii) Tankers, regardless of tonnage, not later than the first safety survey for safety equipment on or after July 1, 2003;

(iii) Vessels, other than passenger vessels or tankers, of 50,000 gross tonnage or more, not later than July 1, 2004; and

(iv) Vessels, other than passenger vessels or tankers, of 300 gross tonnage or more but less than 50,000 gross tonnage, not later than the first safety survey for safety equipment on or after July 1, 2004, but no later than December 31, 2004.

(b) Notwithstanding paragraphs (a)(1) and (a)(2) of this

section, the following vessels, transiting an area listed in table 161.12(c) of §161.12 of this part.

(1) Each self-propelled vessel of 65 feet or more in length, engaged in commercial service;

(2) Each towing vessel of 26 feet or more in length and more than 600 horsepower;

(3) Each vessel of 100 gross tons or more carrying one or more passengers for hire; and

(4) Each passenger vessel certificated to carry 50 or more passengers for hire.

(c) The vessels listed in paragraph (b) of this section must comply according to the following schedule:

(1) For VTS St. Marys River, not later than December 31, 2003;

(2) For VTS Berwick Bay, VMRS Los Angeles/Long Beach, VTS Lower Mississippi River, VTS Port Arthur and VTS Prince William Sound, not later than July 1, 2004; and

(3) For VTS Houston-Galveston, VTS New York, VTS Puget Sound, and VTS San Francisco, not later than December 31, 2004.

(d) The requirements for Vessel Bridge-to-Bridge radiotelephones in §§26.04(a) and (c), 26.05, 26.06 and 26.07 of this chapter, also apply to AIS. The term “effective operating condition” used in §26.06 includes accurate input and upkeep of all AIS data fields, including estimated time of arrival, destination, and number of people on board.

(e) The use of a portable AIS is permissible, only to the extent that electromagnetic interference does not affect the proper function of existing navigation and communication equipment on board, and such that only one AIS unit may be in operation at any one time.

(f) The AIS Pilot Plug, on each vessel over 1,600 gross tons, on international voyage, shall be available for pilot use, easily accessible from the primary conning position of the vessel, and near an AC power receptacle.

(FR 7/1/03) 34/03

COAST PILOT 6 33 Ed 2003 Change No. 11

Page 83 to Page 84; read:

| TABLE 161.12(C).—VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas | | |
|---|---|--|
| Center MMSI¹ Call Sign | Designated frequency (Channel designation)—purpose² | Monitoring area^{3, 4} |
| Berwick Bay—003669950 <i>Berwick Traffic</i> | 156.550 MHz (Ch. 11) | The waters south of 29°45'N., west of 91°10'W., north of 29°37'N., and east of 91°18'W. |
| Houston-Galveston— 003669954 <i>Houston Traffic</i> | 156.550 MHz (Ch. 11) 156.250 MHz (Ch. 5A)— For Sailing Plans only | The navigable waters north of 29°N., west of 94°20'W., south of 29°49'N., and east of 95°20'W. |
| <i>Houston Traffic</i> | 156.600 MHz (Ch. 12) 156.250 MHz (Ch. 5A)— For Sailing Plans only | The navigable waters south of a line extending due west from the southern most end of Exxon Dock #1 (20°43.37'N., 95°01.27'W.) |

COAST PILOT 6 (Continued)

| | | |
|--|---|---|
| Los Angeles/Long Beach: MMSI/To be determined <i>San Pedro Traffic</i> | 156.700 MHz (Ch. 14) | <i>Vessel Movement Reporting System Area:</i> The navigable waters within a 25 nautical mile radius of Point Fermin Light (33°42.3'N., 118°17.6'W.) |
| Louisville: Not applicable <i>Louisville Traffic</i> | 156.650 MHz (Ch. 13) | The waters of the Ohio River between McAlpine Locks (Mile 606) and Twelve Mile Island (Mile 593), only when the McAlpine upper pool gauge is at approximately 13.0 feet or above. |
| Lower Mississippi River ⁵ — 0036699952 | | |
| <i>New Orleans Traffic</i> | 156.700 MHz (Ch. 14) | The navigable waters of the Lower Mississippi River below 30°38.7'N., 91°17.5'W. (Port Hudson Light at 255 miles Above Head of Passes (AHP)), the Southwest Pass, and, within a 12 nautical miles radius around 28°54.3'N., 89°25.7'W. (Southwest Pass Entrance Light at 19.9 miles Below Head of Passes). |
| <i>New Orleans Traffic</i> | 156.600 MHz (Ch. 12) | <i>New Orleans Sector.</i> The navigable waters of the Lower Mississippi River bounded on the north by a line drawn perpendicular at 29°56.4'N., 90°08.36'W. and on the south by a line drawn perpendicularly at 29°56.24'N., 89°59.86'W. (88 and 106 miles AHP). |
| New York —003669951 <i>New York Traffic</i> | 156.550 MHz (Ch.11)—For Sailing Plans only 156.600 MHz (Ch. 12)— For vessels at anchor | The area consists of the navigable waters of the Lower New York Bay bounded on the east by a line drawn from Norton Point to Breezy Point; on the south by a line connecting the entrance buoys at the Ambrose Channel, Swash Channel, and Sandy Hook Channel to Sandy Hook Point; and on the southeast including the waters of Sandy Hook Bay south to a line drawn at latitude 40°25'N.; then west in the Raritan Bay to the Raritan River Railroad Bridge, then north into waters of the Arthur Kill and Newark Bay to the Lehigh Valley Draw Bridge at latitude 40°41.9'N.; and then east including the waters of the Kill Van Kull and the Upper New York Bay north to a line drawn east-west from the Holland Tunnel ventilator shaft at latitude 40°43.7'N., longitude 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. |
| <i>New York Traffic</i> | 156.700 MHz (Ch. 14) | The navigable waters of the Lower New York Bay west of a line drawn from Norton Point to Breezy Point; and north of a line connecting the entrance buoys of Ambrose Channel, Swash Channel, and Sandy Hook Channel, to Sandy Hook Point; on the southeast including the waters of the Sandy Hook Bay south to a line drawn at latitude 40°25'N.; then west into the waters of Raritan Bay East Reach to a line drawn from Great Kills Light south through Raritan Bay East Reach LGB #14 to Comfort PT, NJ; then north including the waters of the Upper New York Bay south of 40°42.40'N. (Brooklyn Bridge) and 40°43.70'N. (Holland Tunnel Ventilator Shaft); west through the KVK into the Arthur Kill north of 40°38.25'N. (Arthur Kill Railroad Bridge); then north into the waters of the Newark Bay, south of 40°41.95'N. (Lehigh Valley Draw Bridge). |

COAST PILOT 6 (Continued)

| | | |
|---|----------------------|---|
| <i>New York Traffic</i> | 156.600 MHz (Ch. 12) | The navigable waters of the Raritan Bay south to a line drawn at latitude 40°26'N.; then west of a line drawn from Great Kills Light south through the Raritan Bay East Reach LGB #14 to Point Comfort, NJ; then west to the Raritan River Railroad Bridge; and north including the waters of the Arthur Kill to 40°28.25'N. (Arthur Kill Railroad Bridge); including the waters of the East River north of 40°42.40'N. (Brooklyn Bridge) to the Throgs Neck Bridge, excluding the Harlem River. |
| Port Arthur ⁵ —003669955 <i>Sabine Traffic</i> | To be determined | The navigable waters south of 30°10'N., east of 94°20'W., west of 93°22'W. and, north of 29°10'N. |
| Prince William Sound— 003669958 <i>Valdez Traffic</i> | 156.650 MHz (Ch. 13) | The navigable waters south of 61°05'N., east of 147°20'W., north of 60°N., and west of 146°30'W.; and, all navigable waters in Port Valdez. |
| Puget Sound ⁶ <i>Seattle Traffic</i> —003669957 | 156.700 MHz (Ch. 14) | The waters of Puget Sound, Hood Canal and adjacent waters south of a line connecting Marrowstone Point and Lagoon Point in Admiralty Inlet and south of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline. |
| <i>Seattle Traffic</i> —003669957 | 156.250 MHz (Ch. 5A) | The waters of the Strait of Juan de Fuca east of 124°40'W. excluding the waters in the central portion of the Strait of Juan de Fuca north and east of Race Rocks; the navigable waters of the Strait of Georgia east of 122°52'W.; the San Juan Island Archipelago, Rosario Strait, Bellingham Bay; Admiralty Inlet north of a line connecting Marrowstone Point and Lagoon Point and all waters east of Whidbey Island North of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline. |
| <i>Tofino Traffic</i> —003160012 | 156.725 MHz (Ch. 74) | The waters west of 124°40'W. within 50 nautical miles of the coast of Vancouver Island including the waters north of 48°N., and east of 127°W. |
| <i>Victoria Traffic</i> —003160010 | 156.550 MHz (Ch. 11) | The waters of the Strait of Georgia west of 122°52'W., the navigable waters of the central Strait of Juan de Fuca north and east of Race Rocks, including the Gulf Island Archipelago, Boundary Pass and Haro Strait. |
| San Francisco—003669956 <i>San Francisco Traffic</i> | 156.700 MHz (Ch. 14) | The navigable waters of the San Francisco Offshore Precautionary Area, the navigable waters shoreward of the San Francisco Offshore Precautionary Area east of 122°42.0'W. and north of 37°40.0'N. extending eastward through the Golden Gate, and the navigable waters of San Francisco Bay and as far east as the port of Stockton on the San Joaquin River, as far north as the port of Sacramento on the Sacramento River. |
| <i>San Francisco Traffic</i> | 156.600 MHz (Ch. 12) | The navigable waters within a 38 nautical mile radius of Mount Tamalpais (37°55.8'N., 122°34.6'W.) west of 122°42.0'W. and south of 37°40.0'N. and excluding the San Francisco Offshore Precautionary Area. |

COAST PILOT 6 (Continued)

| | | |
|--|----------------------|---|
| St. Marys River—003669953 <i>Soo Traffic</i> | 156.600 MHz (Ch. 12) | The waters of the St. Marys River between 45°57'N. (De Tour Reef Light) and 46°38.7'N. (Ile Parisienne Light), except the St. Marys Falls Canal and those navigable waters east of a line from 46°04.16'N. and 46°01.57'N. (La Pointe to Sims Point in Potagannissing Bay and Worsley Bay). |
| <p>Notes:</p> <p>¹Maritime Mobile Service Identifier (MMSI) is a unique nine-digit number assigned that identifies ship stations, ship earth stations, coast stations, coast earth stations, and group calls for use by a digital selective calling (DSC) radio, an INMARSAT ship earth station or AIS. AIS requirements are set forth in §§161.21 and 164.46 of this subchapter.</p> <p>²In the event of a communication failure, difficulties or other safety factors, the Center may direct or permit a user to monitor and report on any other designated monitoring frequency or the bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13) or 156.375 MHz (Ch. 67), to the extent that doing so provides a level of safety beyond that provided by other means. The bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13), is used in certain monitoring areas where the level of reporting does not warrant a designated frequency.</p> <p>³All geographic coordinates (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).</p> <p>⁴Some monitoring areas extend beyond navigable waters. Although not required, users are strongly encouraged to maintain a listening watch on the designated monitoring frequency in these areas. Otherwise, they are required to maintain watch as stated in 47 CFR 80.148.</p> <p>⁵Until rules regarding VTS Lower Mississippi River and VTS Port Arthur are published, vessels are exempted of all VTS and VMRS requirements set forth in 33 CFR part 161, except those set forth in §§161.21 and 161.46 of this subchapter.</p> <p>⁶A Cooperative Vessel Traffic Service was established by the United States and Canada within adjoining waters. The appropriate Center administers the rules issued by both nations; however, enforces only its own set of rules within its jurisdiction. Note, the bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13), is not so designated in Canadian waters, therefore users are encouraged and permitted to make passing arrangements on the designated monitoring frequencies.</p> | | |

(FR 7/1/03)

34/03

COAST PILOT 6 33 Ed 2003 Change No. 12

Page 45 to Page 46; strike out.

(FR 7/1/03)

34/03

Page 47—Paragraph 30, line 7; read:

Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and ...

(FR 7/1/03)

34/03

Page 81—Paragraph 870, line 4; read:

which the direction of traffic may be recommended.

Navigable waters means all navigable waters of the United States including the territorial sea of the United States, extending to 12 nautical miles from United States baselines, as described in Presidential Proclamation No. 5928 of December 27, 1988.

(FR 7/1/03)

34/03

Page 81—Paragraphs 872 to 876; read:

Vessel Movement Center (VMC) means the shore-based facility that operates the vessel tracking system for a Vessel Movement Reporting System (VMRS) area or sector within such an area. The VMC does not necessarily have the capability or qualified personnel to interact with marine traffic, nor does it necessarily respond to traffic situations developing in the area, as does a Vessel Traffic Service (VTS).

Vessel Movement Reporting System (VMRS) means a man-

datory reporting system used to monitor and track vessel movements. This is accomplished by a vessel providing information under established procedures as set forth in this part in the areas defined in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas).

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.

(FR 7/1/03)

34/03

Page 82—Paragraph 909, line 1; read:

(b) If, in a specific circumstance, a VTS User is unable ...

(FR 7/1/03)

34/03

Page 82—Paragraph 910 to Paragraph 912, line 1; read:

(c) When not exchanging voice communications, a VTS User must maintain a listening watch as required by §26.04(e) of this chapter on the VTS frequency designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas). In addition, the VTS User must respond promptly when hailed and communicated in the English language.

Note to §161.12(c): As stated in 47 CFR 80.148(b), a very high frequency watch on Channel 16 (156.800 MHz) is not required on vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act and participating in a Vessel Traffic Service (VTS) system when the watch is maintained on both the vessel bridge-to-bridge frequency and a designated VTS fre-

COAST PILOT 6 (Continued)

quency.

- (d) As soon as practicable a VTS User shall notify ...
(FR 7/1/03) 34/03

Page 85—Paragraph 928, lines 2 to 6; read:

a system used to monitor and track vessel movements within a VTS or VMRS area. This is accomplished by requiring that vessels provide information under established procedures as set forth in this part, or as directed by the Center.

- (FR 7/1/03) 34/03

Page 85—Paragraph 929, line 5 to Paragraph 930; read:

are consolidated into three reports (sailing plan, position, and final).

§161.16 Applicability.

Unless otherwise stated, the provisions of this subpart apply to the following vessels and VMRS Users:

- (FR 7/1/03) 34/03

Page 85—Paragraph 934 to Paragraph 935, line 1; read:

As used in the subpart:

Center means a Vessel Traffic Center or Vessel Movement Center.

Published means available in a widely-distributed and publicly available medium (e.g., VTS User's Manual, ferry schedule, Notice to Mariners).

§161.18 Reporting requirements.

- (a) A Center may: (1) Direct a vessel to provide any of ...
(FR 7/1/03) 34/03

Page 85—Paragraph 938, line 3; read:

Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, ...

- (FR 7/1/03) 34/03

Page 85—Paragraph 939, line 4; read:

designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, ...

- (FR 7/1/03) 34/03

Page 85—Paragraph 940, line 7 to Paragraph 941, line 4; read:

VTS frequency.

- (d) A vessel must report:

(1) Any significant deviation from its Sailing Plan, as defined in §161.19, or from previously reported information; or

(2) Any intention to deviate from a VTS issued measure or vessel traffic routing system.

- (e) When reports required by this part include time ...
(FR 7/1/03) 34/03

Page 85—Paragraphs 950 to 957; read:

- (a) Upon point of entry into a VMRS area;
(b) At designated points as set forth in Subpart C; or
(c) When directed by the Center.

§161.21 Automated reporting.

(a) Unless otherwise directed, vessels equipped with an Automatic Identification System (AIS) are required to make continuous, all stations, AIS broadcasts, in lieu of voice Position Reports, to those Centers denoted in Table 161.12(c) of this part.

(b) Should an AIS become non-operational, while or prior to navigating a VMRS area, it should be restored to operating condition as soon as possible, and, until restored a vessel must:

- (1) Notify the Center;
(2) Make voice radio Position Reports at designated reporting points as required by §161.20(b) of this part; and
(3) Make any other reports as directed by the Center.

(FR 7/1/03) 34/03

Page 87—Paragraph 966, line 3; read:

the VMRS area; and ...

(FR 7/1/03) 34/03

COAST PILOT 6 33 Ed 2003 Change No. 13

Page 1—Paragraph 2, line 4; read:

<http://nauticalcharts.noaa.gov/>. A subscription to the Local ...

(NOS/03) 34/03

Page 107—Paragraph 1500; insert after:

§165.9 Geographic application of limited and controlled access areas and regulated navigation areas.

(a) *General*. The geographic application of the limited and controlled access areas and regulated navigation areas in this part are determined based on the statutory authority under which each is created.

(b) *Safety zones and regulated navigation areas*. These zones and areas are created under the authority of the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232. Safety zones established under 33 U.S.C. 1226 and regulated navigation areas may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(c) *Security zones*. These zones have two sources of authority—the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232, and the Act of June 15, 1917, as amended by both the Magnuson Act of August 9, 1950 (“Magnuson Act”), 50 U.S.C. 191–195, and sec. 104 the Maritime Transportation Security Act of 2002 (Pub. L. 107-295, 116 Stat. 2064). Security zones established under either 33 U.S.C. 1226 or 50 U.S.C. 191 may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(d) *Naval vessel protection zones*. These zones are issued under the authority of 14 U.S.C. 91 and 633 and may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 3 nautical miles from the baseline.

(FR 7/18/03) 34/03

COAST PILOT 6 (Continued)

Page 369—Paragraph 327, lines 8 to 9; read:
In 2002, the reported controlling depth in the channel was 4.8 feet. Mariners entering the harbor do so at their ...
(BP 180540; CL 803/03) 34/03

COAST PILOT 6 33 Ed 2003 Change No. 14

Page 310—Paragraph 54, lines 5 to 8; read:
breakwaters. In April 2003, the controlling depths were 4 feet (4.3 feet at midchannel) in the entrance channel to the basin with 6 to 8 feet in the basin (except for lesser depths along the E and N edges.)
(DD 4181) 34/03

Page 311—Paragraph 60, lines 6 to 12; read:
ends of the breakwaters are marked by lights. In April 2003, the controlling depths were 6.7 feet (7 feet at midchannel) in the entrance channel and between the breakwaters to the harbor basin with 8 to 10 feet in the N section (except for lesser depths in the NW corner) and 5 to 6 feet in the S section of the basin (except for lesser depths along the SE edge.)
(DD 4180) 34/03

Page 356—Paragraph 197; read:
In 2000-April 2003, the controlling depths in the dredged channel were 12.1 feet in the left half and 23.3 feet in the right half of the entrance channel to the lakeward end of the S pier (except for shoaling in the right half to 17.8 feet just NW of the South Pierhead Light); thence in 2000-July 2002, 17 feet (19.6 feet at midchannel) to Manistee Lake (except for shoaling to 10 feet in the right outside quarter, beginning about 0.4 mile above the mouth and continuing about 600 feet upriver, and shoaling to 13.3 feet in the right outside quarter, about 350 feet W of the Maple Street bridge.)
(DDs 4213-16) 34/03

Page 358—Paragraph 221, lines 1 to 3; read:
In July-September 2002, the controlling depth was 20.2 feet (28 feet at midchannel) in the entrance channel and through the ...
(DD 3490; DD 3890) 34/03

Page 359—Paragraph 237, lines 4 to 7; read:
marked by lights. In July 2002-April 2003, the controlling depth was 5.8 feet in the entrance and between the piers to the lake. Currents ...
(DD 4211) 34/03

Page 369—Paragraph 332, lines 1 to 5; read:
In May 2003, the controlling depth was 17.1 feet (21 feet at midchannel) in the entrance and through the outer basin to Lake Macatawa (except for shoaling to 10 feet along the N edge of the channel in the outer basin); thence in October-November 2002, the ...
(DD 4253) 34/03

Page 413—Paragraph 658, lines 7 to 13; read:
In May 2003, the controlling depths were 8.4 feet in the entrance and between the piers to the basin, thence 17 to 24 feet in the basin (except for lesser depths along the NW edge), thence 8.1 feet to ...
(DDs 4251-52) 34/03

**COAST PILOT 7 34 Ed 2002 Change No. 24
LAST NM 32/03**

Page 1—Paragraph 2, line 4; read:
nauticalcharts.noaa.gov/. A subscription to the Local Notice to ...
(NOS/03) 34/03

Page 127—Paragraph 2961; insert after:
§165.9 Geographic application of limited and controlled access areas and regulated navigation areas.

(a) *General.* The geographic application of the limited and controlled access areas and regulated navigation areas in this part are determined based on the statutory authority under which each is created.

(b) *Safety zones and regulated navigation areas.* These zones and areas are created under the authority of the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232. Safety zones established under 33 U.S.C. 1226 and regulated navigation areas may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(c) *Security zones.* These zones have two sources of authority—the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232, and the Act of June 15, 1917, as emended by both the Magnuson Act of August 9, 1950 (“Magnuson Act”), 50 U.S.C. 191–195, and sec. 104 the Maritime Transportation Security Act of 2002 (Pub. L. 107-295, 116 Stat. 2064). Security zones established under either 33 U.S.C. 1226 or 50 U.S.C. 191 may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(d) *Naval vessel protection zones.* These zones are issued under the authority of 14 U.S.C. 91 and 633 and may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 3 nautical miles from the baseline.

(FR 7/18/03) 34/03

**COAST PILOT 8 25 Ed 2003 Change No. 5
LAST NM 33/03**

Page 46—Paragraph 33, line 7; read:
161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and ...
(FR 7/1/03) 34/03

Page 47 to Page 48; strike out.
(FR 7/1/03) 34/03

COAST PILOT 8 (Continued)

Page 68—Paragraph 486, line 4; read:

which the direction of traffic may be recommended.

Navigable waters means all navigable waters of the United States including the territorial sea of the United States, extending to 12 nautical miles from United States baselines, as described in Presidential Proclamation No. 5928 of December 27, 1988.

(FR 7/1/03)

34/03

Page 69—Paragraphs 488 to 492; read:

Vessel Movement Center (VMC) means the shore-based facility that operates the vessel tracking system for a Vessel Movement Reporting System (VMRS) area or sector within such an area. The VMC does not necessarily have the capability or qualified personnel to interact with marine traffic, nor does it necessarily respond to traffic situations developing in the area, as does a Vessel Traffic Service (VTS).

Vessel Movement Reporting System (VMRS) means a mandatory reporting system used to monitor and track vessel movements. This is accomplished by a vessel providing information under established procedures as set forth in this part in the areas defined in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas).

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.

(FR 7/1/03)

34/03

Page 70—Paragraph 525, line 1; read:

(b) If, in a specific circumstance, a VTS User is unable ...
(FR 7/1/03)

34/03

Page 70—Paragraph 526 to Paragraph 528, line 1; read:

(c) When not exchanging voice communications, a VTS User must maintain a listening watch as required by §26.04(e) of this chapter on the VTS frequency designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas). In addition, the VTS User must respond promptly when hailed and communicated in the English language.

Note to §161.12(c): As stated in 47 CFR 80.148(b), a very high frequency watch on Channel 16 (156.800 MHz) is not required on vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Act and participating in a Vessel Traffic Service (VTS) system when the watch is maintained on both the vessel bridge-to-bridge frequency and a designated VTS frequency.

(d) As soon as practicable a VTS User shall notify ...
(FR 7/1/03)

34/03

COAST PILOT 8 25 Ed 2003 Change No. 6

Page 71 to Page 72; read:

TABLE 161.12(C).—VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, and Monitoring Areas

Page 70—Paragraph 543, line 2 to Page 73—Paragraph 544, line 1; read:

a system used to monitor and track vessel movements within a VTS or VMRS area. This is accomplished by requiring that vessels provide information under established procedures as set forth in this part, or as directed by the Center.

(b) To avoid imposing an undue reporting burden ...

(FR 7/1/03)

34/03

Page 73—Paragraph 544, line 5 to Paragraph 545; read:

are consolidated into three reports (sailing plan, position, and final).

§161.16 Applicability.

Unless otherwise stated, the provisions of this subpart apply to the following vessels and VMRS Users:

(FR 7/1/03)

34/03

Page 73—Paragraph 549, line 1 to Paragraph 550; read:

As used in the subpart:

Center means a Vessel Traffic Center or Vessel Movement Center.

Published means available in a widely-distributed and publicly available medium (e.g., VTS User's Manual, ferry schedule, Notice to Mariners).

§161.18 Reporting requirements.

(a) A Center may: (1) Direct a vessel to provide any of ...

(FR 7/1/03)

34/03

Page 73—Paragraph 553, line 3; read:

Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, ...

(FR 7/1/03)

34/03

Page 73—Paragraph 554, line 4; read:

designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated ...

(FR 7/1/03)

34/03

Page 73—Paragraph 555, line 7 to Paragraph 556, line 1; read:

VTS frequency.

(d) A vessel must report:

(1) Any significant deviation from its Sailing Plan, as defined in §161.19, or from previously reported information; or

(2) Any intention to deviate from a VTS issued measure or vessel traffic routing system.

(e) When reports required by this part include time ...

(FR 7/1/03)

34/03

COAST PILOT 8 (Continued)

| Center MMSI ¹ Call Sign | Designated frequency (Channel designation)—purpose ² | Monitoring area ^{3, 4} |
|--|---|---|
| Berwick Bay—003669950 <i>Berwick Traffic</i> | 156.550 MHz (Ch. 11) | The waters south of 29°45'N., west of 91°10'W., north of 29°37'N., and east of 91°18'W. |
| Houston-Galveston— 003669954 <i>Houston Traffic</i> | 156.550 MHz (Ch. 11) 156.250 MHz (Ch. 5A)— For Sailing Plans only | The navigable waters north of 29°N., west of 94°20'W., south of 29°49'N., and east of 95°20'W. |
| <i>Houston Traffic</i> | 156.600 MHz (Ch. 12) 156.250 MHz (Ch. 5A)— For Sailing Plans only | The navigable waters south of a line extending due west from the southern most end of Exxon Dock #1 (20°43.37'N., 95°01.27'W.) |
| Los Angeles/Long Beach: MMSI/To be determined <i>San Pedro Traffic</i> | 156.700 MHz (Ch. 14) | <i>Vessel Movement Reporting System Area:</i> The navigable waters within a 25 nautical mile radius of Point Fermin Light (33°42.3'N., 118°17.6'W.) |
| Louisville: Not applicable <i>Louisville Traffic</i> | 156.650 MHz (Ch. 13) | The waters of the Ohio River between McAlpine Locks (Mile 606) and Twelve Mile Island (Mile 593), only when the McAlpine upper pool gauge is at approximately 13.0 feet or above. |
| Lower Mississippi River ⁵ — 0036699952 <i>New Orleans Traffic</i> | 156.700 MHz (Ch. 14) | The navigable waters of the Lower Mississippi River below 30°38.7'N., 91°17.5'W. (Port Hudson Light at 255 miles Above Head of Passes (AHP)), the Southwest Pass, and, within a 12 nautical miles radius around 28°54.3'N., 89°25.7'W. (Southwest Pass Entrance Light at 19.9 miles Below Head of Passes). |
| <i>New Orleans Traffic</i> | 156.600 MHz (Ch. 12) | <i>New Orleans Sector:</i> The navigable waters of the Lower Mississippi River bounded on the north by a line drawn perpendicular at 29°56.4'N., 90°08.36'W. and on the south by a line drawn perpendicularly at 29°56.24'N., 89°59.86'W. (88 and 106 miles AHP). |
| New York —003669951 <i>New York Traffic</i> | 156.550 MHz (Ch.11)—For Sailing Plans only 156.600 MHz (Ch. 12)— For vessels at anchor | The area consists of the navigable waters of the Lower New York Bay bounded on the east by a line drawn from Norton Point to Breezy Point; on the south by a line connecting the entrance buoys at the Ambrose Channel, Swash Channel, and Sandy Hook Channel to Sandy Hook Point; and on the southeast including the waters of Sandy Hook Bay south to a line drawn at latitude 40°25'N.; then west in the Raritan Bay to the Raritan River Railroad Bridge, then north into waters of the Arthur Kill and Newark Bay to the Lehigh Valley Draw Bridge at latitude 40°41.9'N.; and then east including the waters of the Kill Van Kull and the Upper New York Bay north to a line drawn east-west from the Holland Tunnel ventilator shaft at latitude 40°43.7'N., longitude 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. |

COAST PILOT 8 (Continued)

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| <i>New York Traffic</i> | 156.700 MHz (Ch. 14) | The navigable waters of the Lower New York Bay west of a line drawn from Norton Point to Breezy Point; and north of a line connecting the entrance buoys of Ambrose Channel, Swash Channel, and Sandy Hook Channel, to Sandy Hook Point; on the southeast including the waters of the Sandy Hook Bay south to a line drawn at latitude 40°25'N.; then west into the waters of Raritan Bay East Reach to a line drawn from Great Kills Light south through Raritan Bay East Reach LGB #14 to Comfort PT, NJ; then north including the waters of the Upper New York Bay south of 40°42.40'N. (Brooklyn Bridge) and 40°43.70'N. (Holand Tunnel Ventilator Shaft); west through the KVK into the Arthur Kill north of 40°38.25'N. (Arthur Kill Railroad Bridge); then north into the waters of the Newark Bay, south of 40°41.95'N. (Lehigh Valley Draw Bridge). |
| <i>New York Traffic</i> | 156.600 MHz (Ch. 12) | The navigable waters of the Raritan Bay south to a line drawn at latitude 40°26'N.; then west of a line drawn from Great Kills Light south through the Raritan Bay East Reach LGB #14 to Point Comfort, NJ; then west to the Raritan River Railroad Bridge; and north including the waters of the Arthur Kill to 40°28.25'N. (Arthur Kill Railroad Bridge); including the waters of the East River north of 40°42.40'N. (Brooklyn Bridge) to the Throgs Neck Bridge, excluding the Harlem River. |
| Port Arthur ⁵ —003669955 <i>Sabine Traffic</i> | To be determined | The navigable waters south of 30°10'N., east of 94°20'W., west of 93°22'W. and, north of 29°10'N. |
| Prince William Sound— 003669958 <i>Valdez Traffic</i> | 156.650 MHz (Ch. 13) | The navigable waters south of 61°05'N., east of 147°20'W., north of 60°N., and west of 146°30'W.; and, all navigable waters in Port Valdez. |
| Puget Sound ⁶ <i>Seattle Traffic</i> —003669957 | 156.700 MHz (Ch. 14) | The waters of Puget Sound, Hood Canal and adjacent waters south of a line connecting Marrowstone Point and Lagoon Point in Admiralty Inlet and south of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline. |
| <i>Seattle Traffic</i> —003669957 | 156.250 MHz (Ch. 5A) | The waters of the Strait of Juan de Fuca east of 124°40'W. excluding the waters in the central portion of the Strait of Juan de Fuca north and east of Race Rocks; the navigable waters of the Strait of Georgia east of 122°52'W.; the San Juan Island Archipelago, Rosario Strait, Bellingham Bay; Admiralty Inlet north of a line connecting Marrowstone Point and Lagoon Point and all waters east of Whidbey Island North of a line drawn due east from the southernmost tip of Possession Point on Whidbey Island to the shoreline. |
| <i>Tofino Traffic</i> —003160012 | 156.725 MHz (Ch. 74) | The waters west of 124°40'W. within 50 nautical miles of the coast of Vancouver Island including the waters north of 48°N., and east of 127°W. |
| <i>Victoria Traffic</i> —003160010 | 156.550 MHz (Ch. 11) | The waters of the Strait of Georgia west of 122°52'W., the navigable waters of the central Strait of Juan de Fuca north and east of Race Rocks, including the Gulf Island Archipelago, Boundary Pass and Haro Strait. |

COAST PILOT 8 (Continued)

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| San Francisco—003669956 <i>San Francisco Traffic</i> | 156.700 MHz (Ch. 14) | The navigable waters of the San Francisco Offshore Precautionary Area, the navigable waters shoreward of the San Francisco Offshore Precautionary Area east of 122°42.0'W. and north of 37°40.0'N. extending eastward through the Golden Gate, and the navigable waters of San Francisco Bay and as far east as the port of Stockton on the San Joaquin River, as far north as the port of Sacramento on the Sacramento River. |
| <i>San Francisco Traffic</i> | 156.600 MHz (Ch. 12) | The navigable waters within a 38 nautical mile radius of Mount Tamalpais (37°55.8'N., 122°34.6'W.) west of 122°42.0'W. and south of 37°40.0'N. and excluding the San Francisco Offshore Precautionary Area. |
| St. Marys River—003669953 <i>Soo Traffic</i> | 156.600 MHz (Ch. 12) | The waters of the St. Marys River between 45°57'N. (De Tour Reef Light) and 46°38.7'N. (Ile Parisienne Light), except the St. Marys Falls Canal and those navigable waters east of a line from 46°04.16'N. and 46°01.57'N. (La Pointe to Sims Point in Potagannissing Bay and Worsley Bay). |
| <p>Notes:</p> <p>¹Maritime Mobile Service Identifier (MMSI) is a unique nine-digit number assigned that identifies ship stations, ship earth stations, coast stations, coast earth stations, and group calls for use by a digital selective calling (DSC) radio, an INMARSAT ship earth station or AIS. AIS requirements are set forth in §§161.21 and 164.46 of this subchapter.</p> <p>²In the event of a communication failure, difficulties or other safety factors, the Center may direct or permit a user to monitor and report on any other designated monitoring frequency or the bridge-to-bridge navigational frequency, 156.650 MHz (Channel 13) or 156.375 MHz (Ch. 67), to the extent that doing so provides a level of safety beyond that provided by other means. The bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13), is used in certain monitoring areas where the level of reporting does not warrant a designated frequency.</p> <p>³All geographic coordinates (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).</p> <p>⁴Some monitoring areas extend beyond navigable waters. Although not required, users are strongly encouraged to maintain a listening watch on the designated monitoring frequency in these areas. Otherwise, they are required to maintain watch as stated in 47 CFR 80.148.</p> <p>⁵Until rules regarding VTS Lower Mississippi River and VTS Port Arthur are published, vessels are exempted of all VTS and VMRS requirements set forth in 33 CFR part 161, except those set forth in §§161.21 and 161.46 of this subchapter.</p> <p>⁶A Cooperative Vessel Traffic Service was established by the United States and Canada within adjoining waters. The appropriate Center administers the rules issued by both nations; however, enforces only its own set of rules within its jurisdiction. Note, the bridge-to-bridge navigational frequency, 156.650 MHz (Ch. 13), is not so designated in Canadian waters, therefore users are encouraged and permitted to make passing arrangements on the designated monitoring frequencies.</p> | | |

(FR 7/1/03)

34/03

COAST PILOT 8 25 Ed 2003 Change No. 7

Page 73—Paragraphs 565 to 572; read:

- (a) Upon point of entry into a VMRS area;
- (b) At designated points as set forth in Subpart C; or
- (c) When directed by the Center.

§161.21 Automated reporting.

(a) Unless otherwise directed, vessels equipped with an Automatic Identification System (AIS) are required to make continuous, all stations, AIS broadcasts, in lieu of voice Position Reports, to those Centers denoted in Table 161.12(c) of this part.

(b) Should an AIS become non-operational, while or prior to navigating a VMRS area, it should be restored to

operating condition as soon as possible, and, until restored a vessel must:

- (1) Notify the Center;
- (2) Make voice radio Position Reports at designated reporting points as required by §161.20(b) of this part; and
- (3) Make any other reports as directed by the Center.

(FR 7/1/03)

34/03

Page 75—Paragraph 581, line 3; read:
VMRS area; and ...

(FR 7/1/03)

34/03

Page 75—Paragraph 583, line 1 to Paragraph 593; read:
Subpart C—Vessel Traffic Service and Vessel Movement Reporting System Areas and Reporting Points

COAST PILOT 8 (Continued)

- Note:** All geographic coordinates contained in part ...
(FR 7/1/03) 34/03
- Page 78—Paragraph 652, line 3; read:
more gross tons (except as provided in paragraphs (c) and (d)
of ...
(FR 7/1/03) 34/03
- Page 78—Paragraph 658, lines 1 to 2; read:
(c) Provisions of §§164.11(a)(2) and (c), 164.30, 164.33,
and 164.46 do not apply to warships or other vessels ...
(FR 7/1/03) 34/03
- Page 78—Paragraph 658, line 7; read:
regulations regarding navigation safety.
(d) Provisions of §164.46 apply to some self-propelled
vessels of less 1600 gross tonnage.
(FR 7/1/03) 34/03
- Page 78—Paragraph 659, line 1; read:
(a) Except as provided in §164.46(a)(2) of this part (in-
cluding §§164.38 and 164.39) does ...
(FR 7/1/03) 34/03
- Page 79—Paragraph 671, line 3; read:
.....164.74
- International Electrotechnical Commission (IEC)**
3, rue de Varem, Geneva, Switzerland.
IEC 61993–2, Maritime navigation and radiocommunications
equipment and systems—Automatic identification systems (AIS)—part 2: Class A shipborne equipment of the universal automatic identification system (AIS)—Operational and performance requirements, methods of test and required test results First edition, 2001–12164.46
(FR 7/1/03) 34/03
- Page 79—Paragraph 673, line 3; read:
November 12, 1975164.13
Resolution MSC.74(69), Annex 3, Recommendation on Performance Standards for a Universal Shipborne Automatic Identification System (AIS), adopted May 12, 1998....164.46
SN/Circ.277, Guidelines for the Installation of a Shipborne Automatic Identification System (AIS), dated January 6, 2003164.46
SOLAS, International Convention for Safety of Life at Sea, 1974, and 1988 Protocol relating thereto, 2000 Amendments, effective January and July 2002, (SOLAS 2000 Amendments).....164.46
Conference resolution 1, Adoption of amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974, and amendments to Chapter V of SOLAS 1974, adopted December 12, 2002164.46
(FR 7/1/03) 34/03
- Page 79—Paragraph 676, line 4; read:
Services and Ship-to-Ship Identification, 1992164.43
ITU–R Recommendation M.1371–1, Technical characteristics for a universal shipborne automatic identification system using time division multiple access in the VHF maritime mobile band, 1998–2001164.46
(FR 7/1/03) 34/03
- Page 84—Paragraph 845, line 3 to Paragraph 846, line 2; read:
with a rate of turn indicator.
- §164.43 Automatic Identification System Shipborne Equipment—Prince William Sound.**
(a) Until July 1, 2004, each vessel required to provide automated position reports to a Vessel Traffic Service (VTS) under §165.1704 of this subchapter must do so ...
(FR 7/1/03) 34/03
- Page 84—Paragraph 864, line 2; read:
operating procedures are set forth in Part 161 of this chapter.
- §164.46 Automatic Identification System (AIS).**
(a) The following vessels must have an installed, operational AIS that complies with the IMO Resolution MSC.74(69), ITU–R Recommendation M.1371–1, and IEC 61993–2, and that is installed using IMO SN/Circ.277 (Incorporated by reference, see §164.03) as of the date specified. “Length” refers to “registered length” as defined in 46 CFR, part 69.
(1) Self-propelled vessels of 65 feet or more in length engaged in commercial service and on an international voyage, not later than December 31, 2004.
(2) Notwithstanding paragraph (a)(1) of this section, the following vessels subject to the International Convention for Safety at Life at Sea, 1974, (SOLAS) as amended, that are on an international voyage must also comply with SOLAS, chapter V, as amended by SOLAS 2000 Amendments and Conference resolution 1 (Incorporated by reference, see §164.03):
(i) Passenger vessels, of 150 gross tonnage or more, not later than July 1, 2003;
(ii) Tankers, regardless of tonnage, not later than the first safety survey for safety equipment on or after July 1, 2003;
(iii) Vessels, other than passenger vessels or tankers, of 50,000 gross tonnage or more, not later than July 1, 2004; and
(iv) Vessels, other than passenger vessels or tankers, of 300 gross tonnage or more but less than 50,000 gross tonnage, not later than the first safety survey for safety equipment on or after July 1, 2004, but no later than December 31, 2004.
(b) Notwithstanding paragraphs (a)(1) and (a)(2) of this section, the following vessels, transiting an area listed in table 161.12(c) of §161.12 of this part.
(1) Each self-propelled vessel of 65 feet or more in length, engaged in commercial service;
(2) Each towing vessel of 26 feet or more in length and more than 600 horsepower;
(3) Each vessel of 100 gross tons or more carrying one or more passengers for hire; and
(4) Each passenger vessel certificated to carry 50 or

COAST PILOT 8 (Continued)

more passengers for hire.

(c) The vessels listed in paragraph (b) of this section must comply according to the following schedule:

(1) For VTS St. Marys River, not later than December 31, 2003;

(2) For VTS Berwick Bay, VMRS Los Angeles/Long Beach, VTS Lower Mississippi River, VTS Port Arthur and VTS Prince William Sound, not later than July 1, 2004; and

(3) For VTS Houston-Galveston, VTS New York, VTS Puget Sound, and VTS San Francisco, not later than December 31, 2004.

(d) The requirements for Vessel Bridge-to-Bridge radio-telephones in §§26.04(a) and (c), 26.05, 26.06 and 26.07 of this chapter, also apply to AIS. The term “effective operating condition” used in §26.06 includes accurate input and upkeep of all AIS data fields, including estimated time of arrival, destination, and number of people on board.

(e) The use of a portable AIS is permissible, only to the extent that electromagnetic interference does not affect the proper function of existing navigation and communication equipment on board, and such that only one AIS unit may be in operation at any one time.

(f) The AIS Pilot Plug, on each vessel over 1,600 gross tons, on international voyage, shall be available for pilot use, easily accessible from the primary conning position of the vessel, and near an AC power receptacle.

(FR 7/1/03) 34/03

this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(d) *Naval vessel protection zones*. These zones are issued under the authority of 14 U.S.C. 91 and 633 and may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 3 nautical miles from the baseline.

(FR 7/18/03) 34/03

Page 336—Paragraph 139, lines 3 to 5; read:

The channel on the W side of Harbor Rock has a width of about 120 feet and is marked by lights. In 2001, the controlling depth was 23 feet.

(BP 175515; 25/97 CG17;
42/97 CG17; NOS 17327) 34/03

Page 338—Paragraph 184, lines 5 to 6; read:

channel and basin. In May 2001, the controlling depth was 9.5 feet in the entrance channel and basin except ...

(BP 175513) 34/03

COAST PILOT 8 25 Ed 2003 Change No. 8

Page 1—Paragraph 2, line 4; read:

<http://nauticalcharts.noaa.gov/>. A subscription to the Local ...

(NOS/03) 34/03

Page 91—Paragraph 1006; insert after:

§165.9 Geographic application of limited and controlled access areas and regulated navigation areas.

(a) *General*. The geographic application of the limited and controlled access areas and regulated navigation areas in this part are determined based on the statutory authority under which each is created.

(b) *Safety zones and regulated navigation areas*. These zones and areas are created under the authority of the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232. Safety zones established under 33 U.S.C. 1226 and regulated navigation areas may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of this chapter, including the territorial sea to a seaward limit of 12 nautical miles from the baseline.

(c) *Security zones*. These zones have two sources of authority—the Ports and Waterways Safety Act, 33 U.S.C. 1221–1232, and the Act of June 15, 1917, as amended by both the Magnuson Act of August 9, 1950 (“Magnuson Act”), 50 U.S.C. 191–195, and sec. 104 the Maritime Transportation Security Act of 2002 (Pub. L. 107-295, 116 Stat. 2064). Security zones established under either 33 U.S.C. 1226 or 50 U.S.C. 191 may be established in waters subject to the jurisdiction of the United States as defined in §2.38 of