



Client/Project: **Port of Houston**

Project Number: 10199881

Subject: Project 11 – Channel Improvement

Originator: WDF

Date: 7/23/20

Task: Pipeline Protection Wall

Checker:

Date:

## **Spilman Island Pipeline Protection Wall** **United States Coast Guard Private Aid to Navigation**

### **CFR 33 SUBPART 67.01-5 – Definitions**

CFR 33 defines “structures” as any and all fixed structures, temporary or permanent, for which a Corps of Engineers’ permit is issued. The Spilman Island Pipeline Protection Wall is included in this definition.

### **CFR 33 SUBPART 67.01-16 – Classification of Structures**

CFR 33 further classifies “Class C” structures as those closest to the shoreline, which are generally required to have the least powerful obstruction lights and sound signals. Given the nature of this project, it seems likely that it will be classified as “Class C”, but may be classified otherwise at the discretion of the USCG District Commander.

### **CFR 33 SUBPART 67.05 – General Requirements for Lights**

#### **67.05-1 (c) – Arrangement of Obstruction Lights**

Structures whose horizontal dimension(s) exceed(s) 50 feet on any one side shall be required to have an obstruction light on each corner, or as prescribed by the USCG District Commander. Each light is to have a 360° lens.

#### **67.05-5 – Multiple Obstruction Lights**

In instances where the overall dimensions of a structure necessitate the installation of multiple obstruction lights, the lights shall all be mounted on the same horizontal plane. All lights shall be operated to flash in unison, with a quick-flash characteristic of approximately 60 flashes per minute. Lights used to mark “Class C” structures shall be either white or red as prescribed by the USCG District Commander.

#### **67.05-16 – Operating Periods of Obstruction Lights**

Obstruction Lights shall be displayed at all times between the hours of sunset and sunrise at local time.

### **CFR 33 SUBPART 67.10 – General Requirements for Sound Signals**

#### **67.10-1 – Apparatus Requirements**

The sound signal must: have its maximum intensity at a frequency between 100 and 1,100 Hertz, sound a 2-second blast every 20 seconds (2 seconds sound, 18 seconds silence) unless otherwise authorized by the USCG District Commander, have a rated range as required by the structure classification, have a height not exceeding 25 feet, have not more than eight sound sources, and be approved by the USCG with appropriate markings.



### **67.10-5 – Location Requirements**

The sound signal must be located on the structure so that the sound signal produced is audible over 360° on the horizontal plane at all ranges up to and including the rated range, and be located at least 10 feet but not more than 150 feet above mean high water level.

### **67.10-5 – Operating Requirements**

Sound signals must be operated continuously, regardless of visibility, unless the sound signal is controlled by an attendant on the structure, remotely by an attendant on a nearby structure, or by a fog detection device capable of activating the sound signal when the visibility in any direction is reduced to the rated range at which sound signal operation is required.

## **CFR 33 SUBPART 67.30 – Class “C” Requirements**

### **67.30-5 – Obstruction Lights**

If classified as a “Class C” structure, requirements for obstruction lights are as follows.

- Color shall be white or red as prescribed by Subpart 67.05. If red lights are authorized to mark “Class C” structures, the color shall conform to the shade of red prescribed in Military Specification Mil-C-25050 (ASG), Type 1, Grade D. A copy of this specification may be obtained from the Commanding Officer.
- Lights shall be of sufficient candlepower as to be visible at a distance of at least one nautical mile on 90% of the nights of the year.
- Lights shall be displayed at such height, above mean high water, as shall be prescribed by the USCG District Commander.
- If “Class C” structures are erected in close proximity to one another, or are constructed in a manner which restricts passage of marine traffic, obstruction lights may be authorized to mark the perimeter structures only, to be determined by the USCG District Commander.
- Unless advised to the contrary by the USCG District Commander, obstruction lights shall be required on structures erected in water depths exceeding 3 feet at mean low water.
- In instances where obstruction lights are desired by an applicant, but are not required, a permit may be issued at the discretion of the USCG District Commander, provided they conform to the requirements set forth in this part.

### **67.30-10 – Sound Signals**

The owner of a “Class C” structure shall be required to install a sound signal if: the structure is erected on or adjacent to the edge of a navigable channel, fairway, or line of demarcation; or if the USCG District Commander decides it is necessary for the safety of marine commerce.

Requirements for sound signals outlined above are as follows:

- Rated range is required to be one-half mile, unless the District Commander prescribes a greater rated range, not to exceed two miles.
- Sound signals shall be operated whenever the visibility is less than three miles, unless the District Commander establishes a greater or lesser distance of visibility, not to exceed five miles.
- Sound signals outlined in this part must meet the requirements of Subpart 67.10



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## **CFR 33 Subpart 67.35 – Applications**

### **67.35-1 Procedure:**

An application, on Coast Guard forms which will be provided by the District Commander upon request, shall be submitted for each private aid to navigation for which a permit is required to establish, operate, move, change, or discontinue, except as modified in this subpart. An application on the prescribed form shall be submitted to the District Commander for each structure to be equipped with obstruction lights and/or sound signals if the structure is to remain in place six months or more.

### **67.35-5 – Contents of Application:**

All applicable items of the prescribed forms shall be completed. A brief descriptive print of the structure or aid to navigation involved shall be furnished with the application, together with a location plat or chart section. Each application shall have appended to it a list showing the type, model, name, and address of the manufacturer of the lighting apparatus and the sound signal equipment to be used. Each application shall always specify the date the proposals contained therein are desired to be effective, and approval thereof must be obtained before the proposed action is undertaken.

### **67.35-15 – To Whom Addressed:**

The applications and correspondence dealing with private aids to navigation and obstruction lighting should be addressed to the District Commander having jurisdiction over the area.

NOTE: When the needs of navigation permit, the owner may be given reasonable opportunity to establish and maintain the necessary markings.

## PART 66—PRIVATE AIDS TO NAVIGATION

### Subpart 66.01—Aids to Navigation Other Than Federal or State

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  - 66.01-3 Delegation of authority to District Commanders.
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  - 66.01-10 Characteristics.
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### Subpart 66.10—Uniform State Waterway Marking System

- 66.10-1 General.
- 66.10-5—66.10-10 [Reserved]
- 66.10-15 Aids to navigation.
- 66.10-35 Navigation lights.

AUTHORITY: 14 U.S.C. 83, 84, 85; 43 U.S.C. 1333; Pub. L. 107-296, 116 Stat. 2135; Department of Homeland Security Delegation No. 0170.1.

### Subpart 66.01—Aids to Navigation Other Than Federal or State

SOURCE: CGFR 68-152, 33 FR 19816, Dec. 27, 1968, unless otherwise noted.

#### § 66.01-1 Basic provisions.

(a) No person, public body, or instrumentality not under the control of the Commandant, exclusive of the Armed Forces, will establish and maintain, discontinue, change or transfer ownership of any aid to maritime navigation, without first obtaining permission to do so from the Commandant.

(b) For the purposes of this subpart, the term private aids to navigation includes all marine aids to navigation operated in the navigable waters of the United States other than those operated by the Federal Government (part 62 of this subchapter) or those operated in State waters for private aids to navigation (subpart 66.05).

(c) Coast Guard authorization of a private aid to navigation does not authorize any invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other Federal, State or local laws or regulations.

[CGFR 68-152, 33 FR 19816, Dec. 27, 1968, as amended by CGD 85-057, 51 FR 11448, Apr. 3, 1986; USCG-2009-0416, 74 FR 27437, June 10, 2009; USCG-2012-0306, 77 FR 37312, June 21, 2012; USCG-2005-21869, 80 FR 5330, Jan. 30, 2015]

#### § 66.01-3 Delegation of authority to District Commanders.

(a) Under Section 888 of Pub. L. 107-296, 116 Stat. 2135, the Commandant delegates to the District Commanders within the confines of their respective districts (see Part 3 of this chapter for descriptions) the authority to grant permission to establish and maintain, discontinue, change or transfer ownership of private aids to maritime navigation, and otherwise administer the requirements of this subpart.

(b) The decisions of the District Commander may be appealed within 30 days from the date of decision. The decision

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of the Commandant in any case is final.

[CGFR 68-152, 33 FR 19816, Dec. 27, 1968, as amended by USCG-1998-3799, 63 FR 35526, June 30, 1998; USCG-2003-14505, 68 FR 9535, Feb. 28, 2003]

### § 66.01-5 Application procedure.

To establish and maintain, discontinue, change, or transfer ownership of a private aid to navigation, you must apply to the Commander of the Coast Guard District in which the aid is or will be located. You can find application form CG-2554 at [http://www.uscg.mil/forms/form\\_public\\_use.asp](http://www.uscg.mil/forms/form_public_use.asp). You must complete all parts of the form applicable to the aid concerned, and must forward the application to the District Commander. You must include the following information:

(a) The proposed position of the aid to navigation by two or more horizontal angles, bearings and distance from charted landmarks, or the latitude and longitude as determined by GPS or differential GPS. Attach a section of chart or sketch showing the proposed position.

(b) The name and address of the person at whose expense the aid will be maintained.

(c) The name and address of the person who will maintain the aid to navigation.

(d) The time and dates during which it is proposed to operate the aid.

(e) The necessity for the aid.

(f) For lights: The color, characteristic, range, effective intensity, height above water, and description of illuminating apparatus. Attach a copy of the manufacturer's data sheet to the application.

(g) For sound signals: Type (whistle, horn, bell, etc.) and characteristic.

(h) For buoys or daybeacons: Shape, color, number, or letter, depth of water in which located or height above water.

(i) For AIS AtoN and racons: Manufacturer and model number of AIS AtoN and racon, position and height above water of desired installation, and requested MORSE coding or AIS AtoN

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message characteristics. Equipment must have FCC authorization.

[CGFR 68-152, 33 FR 19816, Dec. 27, 1968, as amended by CGD 85-057, 51 FR 11448, Apr. 3, 1986; USCG-2000-7466, 68 FR 68238, Dec. 8, 2003; USCG-2000-7466, 69 FR 12541, Mar. 17, 2004; USCG-2001-10714, 69 FR 24982, May 5, 2004; USCG-2008-0179, 73 FR 35002, June 19, 2008; USCG-2012-0306, 77 FR 37312, June 21, 2012; USCG-2005-21869, 80 FR 5330, Jan. 30, 2015]

### § 66.01-10 Characteristics.

The characteristics of a private aid to navigation must conform to those prescribed by the United States Aids to Navigation System set forth in subpart B of part 62 of this subchapter.

[USCG-2000-7466, 68 FR 68238, Dec. 8, 2003]

### § 66.01-11 Lights.

(a) Except for range and sector lights, each light approved as a private aid to navigation must:

(1) Have at least the effective intensity required by this subpart omnidirectionally in the horizontal plane, except at the seams of its lens-mold.

(2) Have at least 50% of the effective intensity required by this subpart within  $\pm 2^\circ$  of the horizontal plane.

(3) Have a minimum effective intensity of at least 1 candela for a range of 1 nautical mile, 3 candelas for one of 2 nautical miles, 10 candelas for one of 3 nautical miles, and 54 candelas for one of 5 nautical miles. The District Commander may change the requirements for minimum intensity to account for local environmental conditions. For a flashing light this intensity is determined by the following formula:

$$I_e = G / (0.2 + t_2 - t_1)$$

Where:

$I_e$  = Effective intensity

$G$  = The integral of the instantaneous intensity of the flashed light with respect to time

$t_1$  = Time in seconds at the beginning of the flash

$t_2 - t_1$  is greater than or equal to 0.2 seconds.

(4) Unless the light is a prefocused lantern, have a means of verifying that the source of the light is at the focal point of the lens.

(5) Emit a color within the angle of 50% effective intensity with color coordinates lying within the boundaries defined by the corner coordinates in Table 66.01-11(5) of this part when plotted on the Standard Observer Diagram of the International Commission on Illumination (CIE).

TABLE 66.01-11(5)—COORDINATES OF CHROMATICITY

Color	Coordinates of chromaticity	
	x axis	y axis
White .....	0.500	0.382
	0.440	0.382
	0.285	0.264
	0.285	0.332
	0.453	0.440
Green .....	0.500	0.440
	0.305	0.689
	0.321	0.494
	0.228	0.351
	0.028	0.385
Red .....	0.735	0.265
	0.721	0.259
	0.645	0.335
Yellow .....	0.665	0.335
	0.618	0.382
	0.612	0.382
	0.555	0.435
	0.560	0.440

(6) Have a recommended interval for replacement of the source of light that ensures that the lantern meets the minimal required intensity stated in paragraph (a)(3) of this section in case of degradation of either the source of light or the lens.

(7) Have autonomy of at least 10 days if the light has a self-contained power system. Power production for the prospective position should exceed the load during the worst average month of insolation. The literature concerning the light must clearly state the operating limits and service intervals. Low-voltage disconnects used to protect the battery must operate so as to prevent sporadic operation at night.

(b) The manufacturer of each light approved as a private aid to navigation must certify compliance by means of an indelible plate or label affixed to the aid that meets the requirements of § 66.01-14.

[USCG-2000-7466, 68 FR 68238, Dec. 8, 2003]

**§ 66.01-12 May I continue to use the private aid to navigation I am currently using?**

If, after March 8, 2004, you modify, replace, or install any light that requires a new application as described in § 66.01-5, you must comply with the rules in this part.

[USCG-2000-7466, 68 FR 68239, Dec. 8, 2003]

**§ 66.01-13 When must my newly manufactured equipment comply with these rules?**

After March 8, 2004, equipment manufactured for use as a private aid to navigation must comply with the rules in this part.

[USCG-2000-7466, 68 FR 68239, Dec. 8, 2003]

**§ 66.01-14 Label affixed by manufacturer.**

(a) Each light, intended or used as a private aid to navigation authorized by this part, must bear a legible, indelible label (or labels) affixed by the manufacturer and containing the following information:

- (1) Name of the manufacturer.
- (2) Model number.
- (3) Serial number.

(4) Words to this effect: “This equipment complies with requirements of the U.S. Coast Guard in 33 CFR part 66.”

(b) This label must last the service life of the equipment.

(c) The manufacturer must provide the purchaser a data sheet containing the following information:

- (1) Recommended service life based on the degradation of either the source of light or the lamp.
- (2) Range in nautical miles.
- (3) Effective intensity in candela.
- (4) Size of lamp (incandescent only).
- (5) Interval, in days or years, for replacement of dry-cell or rechargeable battery.

[USCG-2000-7466, 68 FR 68239, Dec. 8, 2003]

**§ 66.01-15 Action by Coast Guard.**

(a) The District Commander receiving the application will review it for completeness and will assign the aid one of the following classifications:

Class I: Aids to navigation on marine structures or other works which the

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owners are legally obligated to establish, maintain and operate as prescribed by the Coast Guard.

Class II: Aids to navigation exclusive of Class I located in waters used by general navigation.

Class III: Aids to navigation exclusive of Class I located in waters not ordinarily used by general navigation.

(b) Upon approval by the District Commander, a signed copy of the application will be returned to the applicant. Approval for the operation of radar beacons (racons) will be effective for an initial two year period, then subject to annual review without further submission required of the owner.

[CGFR 68-152, 33 FR 19816, Dec. 27, 1968, as amended by CGD 85-057, 51 FR 11448, Apr. 3, 1986]

### § 66.01-20 Inspection.

All classes of private aids to navigation shall be maintained in proper operating condition. They are subject to inspection by the Coast Guard at any time and without prior notice.

### § 66.01-25 Discontinuance and removal.

(a) No person, public body or instrumentality shall change, move or discontinue any authorized private aid to navigation required by statute or regulation (Class I, § 66.01-15) without first obtaining permission to do so from the District Commander.

(b) Any authorized private aid to navigation not required by statute or regulation (Classes II and III, § 66.01-15) may be discontinued and removed by the owner after 30 days' notice to the District Commander to whom the original request for authorization for establishment of the aid was submitted.

(c) Private aids to navigation which have been authorized pursuant to this part shall be discontinued and removed without expense to the United States by the person, public body or instrumentality establishing or maintaining such aids when so directed by the District Commander.

### § 66.01-30 Corps of Engineers' approval.

(a) Before any private aid to navigation consisting of a fixed structure is

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placed in the navigable waters of the United States, authorization to erect such structure shall first be obtained from the District Engineer, U.S. Army Corps of Engineers in whose district the aid will be located.

(b) The application to establish any private aid to navigation consisting of a fixed structure shall show evidence of the required permit having been issued by the Corps of Engineers.

### § 66.01-40 Exemptions.

(a) Nothing in the preceding sections of this subpart shall be construed to interfere with or nullify the requirements of existing laws and regulations pertaining to the marking of structures, vessels and other obstructions sunken in waters subject to the jurisdiction of the United States (Part 64 of this subchapter), the marking of artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf (Part 67 of this subchapter), or the lighting of bridges over navigable waters of the United States (Subchapter J of this subchapter).

(b) Persons marking bridges pursuant to Subchapter J of this title are exempted from the provisions of § 66.01-5.

[CGD 78-156, 48 FR 11268, Mar. 17, 1983]

### § 66.01-45 Penalties.

Any person, public body or instrumentality, excluding the armed forces, who shall establish, erect or maintain any aid to maritime navigation without first obtaining authority to do so from the Coast Guard, with the exception of those established in accordance with § 64.11 of this chapter, or who shall violate the regulations relative thereto issued in this part, is subject to the provisions of 14 U.S.C. 83.

[CGD 78-156, 48 FR 11268, Mar. 17, 1983, as amended by USCG-2008-0179, 73 FR 35002, June 19, 2008]

### § 66.01-50 Protection of private aids to navigation.

Private aids to navigation lawfully maintained under these regulations are entitled to the same protection against interference or obstruction as is afforded by law to Coast Guard aids to navigation (Part 70 of this subchapter).

If interference or obstruction occurs, a prompt report containing all the evidence available should be made to the Commander of the Coast Guard District in which the aids are located.

**§ 66.01-55 Transfer of ownership.**

(a) When any private aid to navigation authorized by the District Commander, or the essential real estate or facility with which the aid is associated, is sold or transferred, both parties to the transaction shall submit application (§66.01-5) to the Commander of the Coast Guard District in which the aid is located requesting authority to transfer responsibility for maintenance of the aid.

(b) The party relinquishing responsibility for maintenance of the private aid to navigation shall indicate on the application form (CG-2554) both the discontinuance and the change of ownership of the aid sold or transferred.

(c) The party accepting responsibility for maintenance of the private aid to navigation shall indicate on the application form (CG-2554) both the establishment and the change of ownership of the aid sold or transferred.

(d) In the event the new owner of the essential real estate or facility with which the aid is associated refuses to accept responsibility for maintenance of the aid, the former owner shall be required to remove the aid without expense to the United States. This requirement shall not apply in the case of any authorized private aid to navigation required by statute or regulation (Class I, §66.01-15) which shall be maintained by the new owner until the conditions which made the aid necessary have been eliminated.

**Subpart 66.05—State Aids to Navigation**

SOURCE: CGFR 66-32, 31 FR 10320, July 30, 1966, unless otherwise noted.

**§ 66.05-1 Purpose.**

The purpose of the regulations in this subpart is to prescribe the conditions under which state governments may regulate aids to navigation owned by state or local governments, or private parties. With the exception on the provisions of subpart 66.10, which are valid

until December 31, 2003, aids to navigation must be in accordance with the United States Aids to Navigation System in part 62 of this subchapter.

[CGD 97-018, 63 FR 33573, June 19, 1998]

**§ 66.05-5 Definitions.**

(a) The term *State waters for private aids to navigation* means those navigable waters of the United States which the Commandant, upon request of a State Administrator, has designated as waters within which a State government may regulate the establishment, operation, and maintenance of marine aids to navigation, including regulatory markers. The Commandant will entertain requests to make such designations with respect to navigable waters of the United States not marked by the Federal government. These designations when approved will be set forth in separate sections by States in this subpart and will briefly describe or identify waters so designated.

(b) The term *Uniform State Waterway Marking System (USWMS)* means the system of private aids to navigation which may be operated in State waters. Subpart 66.10, which describes the USWMS, expires on December 31, 2003.

(c) The term *State Administrator* means the official of a State having power under the law of the State to regulate, establish, operate or maintain maritime aids to navigation on waters over which the State has jurisdiction.

(d) The term *State aids to navigation* means all private marine aids to navigation operated in State waters for private aids to navigation, whether owned by a State, political subdivisions thereof or by individuals, corporations, or organizations.

(e) The term *regulate State maritime aids to navigation* means to control the establishment, disestablishment, operation and maintenance of State aids to navigation.

[CGFR 66-32, 31 FR 10320, July 30, 1966, as amended by CGD 97-018, 63 FR 33573, June 19, 1998]



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**§ 66.05-10 State waters for private aids to navigation; designations; revisions, and revocations.**

(a) A State Administrator who desires to regulate State maritime aids to navigation in the navigable waters of the United States not marked by the Federal Government, shall request the Commandant to designate the specific bodies of water involved as State waters for private aids to navigation.

(b) The request shall be forwarded to the District Commander in whose district the bodies of water are located. The request shall give the name and description of the waterway; the extent of use being made of the waterway for marine navigation, in general terms; an appropriate chart or sketch of the area; and a general outline of the nature and extent of the State aids to navigation which the Administrator plans to establish in the waterway.

(c) The District Commander shall review the request and consult with the State Administrator concerning the terms of an initial agreement to be entered into under provisions of § 66.05-20. When they have arrived at terms of an agreement satisfactory to both, the District Commander shall forward the request to the Commandant with recommendations and the terms of agreement mutually settled upon. If they cannot reach such agreement, the District Commander shall forward the request with recommendations and a statement of the points agreed upon and the points remaining at issue.

(d) Upon receipt of the request, the Commandant will determine whether or not approval of the request is in the public interest and will inform the State Administrator and the District Commander of the Coast Guard's decision. If the request is approved, the designation by the Commandant of the waters in question as State waters for private aids to navigation will be also defined and described in this subpart.

(e) The Commandant may, upon his or her own initiative or upon request, revoke or revise any designations of State waters for private aids to navigation previously made by him or her. Written notice shall be given the State Administrator of the action contemplated by the Commandant. The State Administrator will be afforded a

period of not less than 30 days from the date of the notice in which to inform the Commandant of the State's views in the matter before final action is completed to revoke or revise such designation.

[CGFR 66-32, 31 FR 10320, July 30, 1966, as amended by USCG-2001-10714, 69 FR 24982, May 5, 2004]

**§ 66.05-20 Coast Guard-State agreements.**

(a) The District Commander in whose District a waterway is located may enter into agreements with State Administrators permitting a State to regulate aids to navigation, including regulatory markers, in State waters for private aids to navigation, as, in the opinion of the District Commander, the State is able to do in a manner to improve the safety of navigation. When a waterway is located within the area of jurisdiction of more than one Coast Guard District, the District Commander in whose District the State capital is located shall execute the agreement in behalf of the Coast Guard. All such agreements shall reserve to the District Commander the right to inspect the State aids to navigation without prior notice to the State. They shall stipulate that State aids to navigation will conform to the Uniform State Waterway marking System or to the U.S. Aids to Navigation System and that the State Administrator will modify or remove State aids to navigation without expense to the United States when so directed by the District Commander, subject to the right of appeal on the part of the State Administrator to the Commandant.

(b) A Coast Guard-State agreement shall become effective when both parties have signed the agreements. In lieu of the procedure prescribed in § 66.01-5, the agreement shall constitute blanket approval by the Commandant, of the State aids to navigation, including regulatory markers, established or to be established in State waters for private aids to navigation designated or to be designated by the Commandant.

(c) In addition to the matters set forth in paragraph (a) of this section, Coast Guard-State agreements shall cover the following points, together

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with such other matters as the parties find it desirable to include:

(1) A description, in sufficient detail for publication in Notices to Mariners, of all aids to navigations under State jurisdiction in navigable waters of the United States in existence prior to the effective date of the agreement which have not been previously approved under procedures of § 66.01–5.

(2) Procedures for use by the State administrator to notify the District Commander of changes made in State aids to navigation, as required by § 66.05–25.

(3) If prior to December 21, 2003, specification of the marking system to be used, whether the U.S. Aids to Navigation System or the Uniform State Waterway Marking System.

(4) Specification of standards as to minimum size and shape of markers, the use of identifying letters, the use of reflectors or retroreflective materials, and any other similar standards so as to enable Coast Guard inspectors to determine compliance with Statewide standards.

[CGD 86–031, 52 FR 42645, Nov. 6, 1987, as amended by CGD 97–018, 63 FR 33573, June 19, 1998]

### § 66.05–25 Change and modification of State aids to navigation.

Wherever a State Administrator determines the need for change in State aids to navigation, he or she must inform the District Commander of the nature and extent of the changes, as soon as possible, but not less than 30 days in advance of making the changes.

[USCG–2001–10714, 69 FR 24982, May 5, 2004]

### § 66.05–30 Notice to Mariners.

(a) To improve public safety, the District Commander may publish information concerning State aids to navigation, including regulatory markers, in the Coast Guard Local Notices to Mariners.

(b) Notices to Mariners which concern the establishment, disestablishment, or change of State aids to navigation, including regulatory markers, may be published whenever the aids to navigation concerned are covered by navigational charts or maps issued by

the National Ocean Service or the U.S. Army Corps of Engineers.

[CGFR 66–32, 31 FR 10320, July 30, 1966, as amended by USCG–2000–7223, 65 FR 40055, June 29, 2000; USCG–2001–9286, 66 FR 33640, June 25, 2001; USCG–2001–10714, 69 FR 24982, May 5, 2004]

### § 66.05–35 Private aids to navigation other than State owned.

(a) No person, public body or other instrumentality not under control of the Commandant or the State Administrator, exclusive of the Armed Forces of the United States, shall establish, erect or maintain in State waters for private aids to navigation any aid to navigation without first obtaining permission to do so from the State Administrator. Discontinuance of any State aids to navigation may be effected by order of the State Administrator.

### § 66.05–40 Corps of Engineers' approval.

(a) In each instance where a regulatory marker is to be established in navigable waters of the United States which have been designated by the Commandant as State waters for private aids to navigation, the State Administrator is responsible for obtaining prior permission from the District Engineer, U.S. Army Corps of Engineers concerned, authorizing the State to regulate the water area involved, or a statement that there is no objection to the proposed regulation of the water area. A copy of the Corps of Engineers permit or letter of authority shall be provided by the Administrator to the District Commander upon request.

(b) Similarly, where an aid to navigation is to be placed on a fixed structure or a mooring buoy is to be established in State waters for private aids to navigation, the State Administrator shall assure that prior permission or a statement of no objection to the structures or mooring buoys proposed is obtained from the District Engineer concerned. A copy of the permit or letter is not required by the District Commander.

**§ 66.05–100**

**§ 66.05–100 Designation of navigable waters as State waters for private aids to navigation.**

In accordance with the procedures contained in § 66.05–10(d), the following navigable waters listed by the State in which they are located, are designated as State waters for private aids to navigation:

(a) *Arizona*. The portion of Lake Havasu within the State, except that portion within Havasu Lake National Wildlife Refuge.

(b) *Louisiana*. The portion of Toledo Bend Reservoir within the State.

(c) *Missouri*. Teach water within the State except the:

- (1) Mississippi River; and
- (2) Missouri River.

(d) *Montana*. The portion of Missouri River between the U.S. Highway 287 bridge near Townsend and Great Falls including the following impoundments:

- (1) Black Eagle Dam Reservoir.
- (2) Canyon Ferry Reservoir.
- (3) Hauser Lake.
- (4) Holter Lake.
- (5) Rainbow Dam Reservoir.

(e) *North Carolina*. Navigable waters within the State not marked with Coast Guard aids to navigation on June 1, 1973.

(f) *Pennsylvania*. The portion of Youghiogheny River Reservoir within the State.

(f-1) *South Carolina*. (1) The portion of Lake Wylie within the State; (2) Lake Marion; (3) Lake Moultrie; and (4) Lake Murray.

(g) *Texas*. The portion of Toledo Bend Reservoir within the State.

(h) *Virginia*. (1) Claytor Lake, on the New River in Pulaski County.

(2) Leesville Lake, on the Roanoke River below Smith Mountain Dam.

(3) The portions of the following reservoirs within the State:

- (i) Gaston.
- (ii) Holston.
- (iii) John H. Kerr.
- (iv) Philpott.

(i) *Wisconsin*. Navigable waters within the State not marked with Coast

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Guard aids to navigation as of May 1, 1996.

[CGD 72–154R, 38 FR 33473, Dec. 5, 1973, as amended by CGD 76–015, 41 FR 12879, Mar. 29, 1976; CGD 80–132, 46 FR 27643, May 21, 1981; CGD 98–3604, 63 FR 55947, Oct. 20, 1998; USCG–2001–10714, 69 FR 24982, May 5, 2004]

**Subpart 66.10—Uniform State Waterway Marking System**

**§ 66.10–1 General.**

(a) The Uniform State Waterway Marking System's (USWMS) aids to navigation provisions for marking channels and obstructions (see § 66.10–15) may be used in those navigable waters of the U.S. that have been designated as state waters for private aids to navigation and in those internal waters that are non-navigable waters of the U.S. All other provisions for the use of regulatory markers and other aids to navigation must be in accordance with United States Aid to Navigation System, described in part 62 of this subchapter.

(b) Until December 31, 2003, the Uniform State Waterway Marking System's (USWMS) aids to navigation provisions for marking channels and obstructions may be used in those navigable waters of the U.S. that have been designated as state waters for private aids to navigation and in those internal waters that are non-navigable waters of the U.S. All other provisions for the use of regulatory markers and other aids to navigation shall be in accordance with United States Aid to Navigation System, described in part 62 of this subchapter.

(c) The USATONS may be used in all U.S. waters under state jurisdiction, including non-navigable state waters.

[CGD 97–018, 63 FR 33574, June 19, 1998, as amended by USCG–2012–0306, 77 FR 37312, June 21, 2012]

**§§ 66.10–5—66.10–10 [Reserved]**

**§ 66.10–15 Aids to navigation.**

(a) USWMS aids to navigation may have lateral or cardinal meaning.

(b) On a well defined channel including a river or other relatively narrow natural or improved waterway, an aid to navigation shall normally be a solid colored buoy. A buoy which marks the

left side of the channel viewed looking upstream or toward the head of navigation shall be colored all black. A buoy which marks the right side of the channel viewed looking upstream or toward the head of navigation shall be colored all red. On a well defined channel, solid colored buoys shall be established in pairs, one on each side of the navigable channel which they mark, and opposite each other to inform the user that the channel lies between the buoys and that the user should pass between the buoys.

(c) On an irregularly defined channel, solid colored buoys may be used singly in staggered fashion on alternate sides of the channel provided they are spaced at sufficiently close intervals to inform the user that the channel lies between the buoys and that the user should pass between the buoys.

(d) Where there is no well-defined channel or when a body of water is obstructed by objects whose nature or location is such that the obstruction can be approached by a vessel from more than one direction, supplemental aids to navigation having cardinal meaning (i.e., pertaining to the cardinal points of the compass, north, east, south, and west) may be used. The use of an aid to navigation having cardinal meaning is discretionary provided that the use of such a marker is limited to wholly State owned waters and the State waters for private aids to navigation as defined and described in this part.

(e) Aids to navigation conforming to the cardinal system shall consist of three distinctly colored buoys.

(1) A white buoy with a red top may be used to indicate to a vessel operator that the operator must pass to the south or west of the buoy.

(2) A white buoy with a black top may be used to indicate to a vessel operator that the operator must pass to the north or east of the buoy.

(3) In addition, a buoy showing alternate vertical red and white stripes may be used to indicate to a vessel operator that an obstruction to navigation extends from the nearest shore to the buoy and that the operator must not pass between the buoy and shore. The number of white and red stripes is discretionary, provided that the white

stripes are twice the width of the red stripes.

[CGFR 66-32, 31 FR 10321, July 30, 1966, as amended by CGD 97-018, 63 FR 33574, June 19, 1998; USCG-2001-10714, 69 FR 24982, May 5, 2004]

#### § 66.10-35 Navigation lights.

A red light shall only be used on a solid colored red buoy. A green light shall only be used on a solid colored black or a solid colored green buoy. White lights shall be used for all other buoys. When a light is used on a cardinal system buoy or a vertically striped white and red buoy, it shall always be quick flashing.

[CGD 97-018, 63 FR 33574, June 19, 1998]

## PART 67—AIDS TO NAVIGATION ON ARTIFICIAL ISLANDS AND FIXED STRUCTURES

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**Subpart 67.15—Miscellaneous Marking Requirements**

- 67.15-1 Lights and signals on attendant vessels.
- 67.15-5 Seismographic and surveying operations.
- 67.15-10 Spoil banks, artificial islands, and dredged channels.

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- 67.20-1 Class “A” structures.
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- 67.20-10 Sound signal.

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- 67.25-1 Class “B” structures.
- 67.25-5 Obstruction lights.
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**Subpart 67.30—Class “C” Requirements**

- 67.30-1 Class “C” structures.
- 67.30-5 Obstruction lights.
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**Subpart 67.35—Applications**

- 67.35-1 Procedure.
- 67.35-5 Contents of application.
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AUTHORITY: 14 U.S.C. 85, 633; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGFR 58-17, 23 FR 3377, May 20, 1958, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 67 appear by USCG-2001-10714, 69 FR 24983, 24984, May 5, 2004.

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**Subpart 67.01—General Requirements**

**§ 67.01-1 Scope.**

(a) The regulations in this part prescribe the obstruction lights and sound signals to be operated as privately maintained maritime aids to navigation on the artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf and in the waters under the jurisdiction of the United States, for the purpose of exploring for, developing, removing and transporting resources therefrom.

(b) Subpart 66.01 in Part 66 of this subchapter shall be applicable to all private aids to navigation erected on or over the Outer Continental Shelf in the same manner and to the same extent as they are applicable to private aids to navigation established, erected, or maintained in the waters under the jurisdiction of the United States.

**§ 67.01-5 Definitions.**

(a) *Structures.* The term “structures” as used in this part shall include all fixed structures, temporary or permanent, for which a Corps of Engineers’ permit is issued. It shall include, but is not necessarily limited to, all drilling platforms, Mobile Offshore Drilling Units (MODUs) when attached to the bottom, production platforms, quarters platforms, pipe line riser platforms, manifold platforms, loading platforms, boat landings, caissons, well protective structures, tank battery barges submerged on station, drilling barges submerged on location, breakwater barges submerged on location, artificial islands and all other piles, pile clusters, pipes, or structures erected in the waters.

(b) *Class “A”, “B”, or “C” structures.* The term “Class A, B, or C structures” refers to the classification assigned to structures erected in areas in which corresponding requirements for marking are prescribed.

(c) *Line of demarcation.* The term “line of demarcation” means the dividing line used administratively to distinguish between the areas in which structures shall conform to Class “A” and Class “B” or “C” requirements.

(d) *Outer Continental Shelf.* The term “Outer Continental Shelf” means all submerged lands lying seaward and outside the area of lands beneath navigable waters as defined in the Submerged Lands Act (sec. 2, 67 Stat. 29, 43 U. S. C. 1301), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(e) *Reliable operation.* The term “reliable” as used in this part shall mean that dependability which will insure to the highest degree reasonably possible the uninterrupted operation of lights and sound signals as private aids to navigation for safety of marine commerce.

(f) *Sound signal.* The term “sound signal” as used in this part shall mean the audible sound signal, authorized as a private aid to navigation, to mark a structure for the safety of marine commerce whenever the visibility has been reduced by fog, mist, rain, falling snow, smoke, dust, or other phenomena.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 63-18, 28 FR 4026, Apr. 14, 1963; USCG-2001-10714, 69 FR 24983, May 5, 2004]

#### § 67.01-10 Delegation of functions.

The Coast Guard District Commander may delegate the authority for performing inspections, enforcement, and administration of regulations to any civilian or military position in the Coast Guard.

[USCG-2001-10714, 69 FR 24983, May 5, 2004]

#### § 67.01-15 Classification of structures.

(a) *When will structures be assigned to a Class?* The District Commander will assign structures to Class A, B, or C as part of processing an application for a permit to establish and operate lights and sound signals.

(b) *In general, where will the different classes of structures be located?* Specific criteria in paragraph (c) of this section may create exceptions, but, in general, structures the farthest from shore are likely to be assigned to Class A and required to have obstruction lights and sound signals that can be detected from the farthest distance. Structures closest to shore are likely to be assigned to Class C and, while subject to

requirements to ensure that they are also detectable from a safe distance away, will be required to have the least powerful obstruction lights or sound signals. The location and standards for Class B structures will generally be in between Class A and C structures.

(c) *What criteria will be used to classify structures?* When assigning a structure to a class, the District Commander will take into consideration whether a line of demarcation has been prescribed, and matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located, the proximity of the structure to vessel routes, the nature and amount of vessel traffic, and the effect of background lighting.

(1) If a line of demarcation has been prescribed, the District Commander will assign those structures seaward of the line of demarcation to Class A. He or she will assign all structures shoreward of the line of demarcation to either Class B or Class C, unless the District Commander determines under § 67.05-25 that the structure should be assigned to Class A because of the structure’s proximity to a navigable channel, fairway or line of demarcation.

(2) If a line of demarcation has not been prescribed, the District Commander will assign a structure to Class A, B, or C as he or she deems appropriate.

[USCG-2001-10714, 69 FR 24983, May 5, 2004]

#### § 67.01-20 Prescribing lines of demarcation.

The District Commander sends recommendations for establishing or changing lines of demarcation to the Commandant. For the purposes of this part, when the Commandant approves of additions to or changes in prescribed lines of demarcation, such additions or changes will be published in the FEDERAL REGISTER and will become effective on the date specified in that publication.

[USCG-2001-10714, 69 FR 24983, May 5, 2004]

#### § 67.01-30 Equivalents.

The use of alternate equipment, apparatus, or installation arrangements specified in this part may be permitted

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by the District Commander to such extent and under such conditions as will result in achieving a degree of safety or compliance with these regulations equivalent to or above the minimum requirements set forth in this part.

**Subpart 67.05—General Requirements for Lights**

**§ 67.05-1 Arrangement of obstruction lights.**

(a) Structures having a maximum horizontal dimension of 30 feet or less on any one side, or in diameter, shall be required to have one obstruction light visible for 360°.

(b) Structures having a maximum horizontal dimension of over 30 feet, but not in excess of 50 feet, on any one side, or in diameter, shall be required to have two obstruction lights installed on diagonally opposite corners, 180° apart, or as prescribed by the District Commander, each light to have a 360° lens.

(c) Structures having a horizontal dimension of over 50 feet on any one side, or in diameter, shall be required to have an obstruction light on each corner, or 90° apart in the case of circular structures, or as prescribed by the District Commander, each light to have a 360° lens.

(d) Where the overall dimensions of a structure require the installation of two or more obstruction lights, the lights shall all be mounted on the same horizontal plane within the limitations of height specified in § 67.20-5, § 67.25-5, or § 67.30-5, as applicable.

(e) Lesser structures and piles, pile clusters or flare templates, etc., will not normally be required to be marked by obstruction lights, when they are located within 100 yards of a Class “A”, “B” or “C” structure marked by established obstruction lights, but they shall be marked with red or white retro-reflective material, installed as prescribed by the District Commander.

(f) All obstruction lights shall be installed in a manner which will permit at least one of them to be carried in sight of the mariner, regardless of the angle of approach, until the mariner is

within 50 feet of the structure, visibility permitting.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by USCG-2001-10714, 69 FR 24983, May 5, 2004]

**§ 67.05-5 Multiple obstruction lights.**

When more than one obstruction light is required by this part to mark a structure, all such lights shall be operated to flash in unison.

**§ 67.05-10 Characteristics of obstruction lights.**

All obstruction lights required by this part shall be powered from a reliable power source, including auxiliary power sources as necessary. They shall display a quick-flash characteristic of approximately 60 flashes per minute, unless prescribed otherwise in the permit issued by the District Commander. Their color shall be white when marking Class “A” and “B” structures, and either white or red, as prescribed by the District Commander, when marking Class “C” structures. In determining whether white or red lights shall be authorized, the District Commander shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

**§ 67.05-15 Operating periods of obstruction lights.**

Obstruction lights shall be displayed at all times between the hours of sunset and sunrise, local time, commencing at the time the construction of a structure is begun. During construction and until such time as a platform capable of supporting the obstruction lights is completed, the fixed lights on an attending vessel shall be used. In addition, when lights are in use for general illumination to facilitate the construction or operation of a structure, and can be seen from any angle of approach at a distance equal to that prescribed for the obstruction

lights for the class of structure, the actual operation of obstruction lights also will not be required.

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958]

**§ 67.05-20 Minimum lighting requirements.**

The obstruction lighting requirements prescribed in this part are the minimum requirements only and shall not preclude the maintainer from making application for authorization to establish more lights, or lights of greater intensity than required to be visible at the distances prescribed: *Provided*, That the prescribed characteristics of color and flash duration are adhered to.

**§ 67.05-25 Special lighting requirements.**

Whenever a structure is erected in a position on or adjacent to the edges of navigable channels and fairways, or lines of demarcation, the District Commander is authorized to require the structure to be marked by the lights which in his judgment are necessary for the safety of marine commerce, and without regard to the fact that the structure may be located in an area in which either Class "B" or Class "C" requirements are otherwise applicable. The requirements for the lights in any of these cases, shall not exceed those established for structures in the Class "A" areas.

**Subpart 67.10—General Requirements for Sound signals**

SOURCE: CGD 72-74R, 37 FR 13512, July 8, 1972, unless otherwise noted.

**§ 67.10-1 Apparatus requirements.**

The sound signal required by §§ 67.20-10, 67.25-10, and 67.30-10 must:

- (a) Have its maximum intensity at a frequency between 100 and 1,100 Hertz;
- (b) Sound a 2-second blast every 20 seconds (2 seconds sound, 18 seconds silence) unless otherwise authorized by the District Commander;
- (c) Have the rated range required by § 67.20-10, § 67.25-10, or § 67.30-10;
- (d) Have a height not exceeding 25 feet;
- (e) Have not more than eight sound sources;

(f) Be approved by the Coast Guard under § 67.10-15; and

(g) Be permanently marked with:

- (1) The date of Coast Guard approval;
- (2) The manufacturer and date of manufacture;
- (3) A model designation;
- (4) The approved range; and
- (5) The power necessary to comply with the provisions of paragraph (c) of this section.

**§ 67.10-5 Location requirements.**

The sound signal required by §§ 67.20-10, 67.25-10, and 67.30-10 must:

(a) Be located on the structure so that the sound signal produced is audible over 360° in a horizontal plane at all ranges up to and including the required rated range; and

(b) Be located at least 10 feet but not more than 150 feet above mean high water.

**§ 67.10-10 Operating requirements.**

(a) Sound signals required by §§ 67.20-10, 67.25-10, and 67.30-10 must be operated continuously, regardless of visibility, unless the sound signal is controlled:

- (1) By an attendant on the structure;
- (2) Remotely by an attendant on a nearby structure; or

(3) By a fog detection device capable of activating the sound signal when the visibility in any direction is reduced to the rated range at which sound signal operation is required by this part.

(b) During construction and until such time as a sound signal is installed and operating on a platform, the whistle of an attending vessel moored alongside the platform may be used to sound the signal required for the structure by this part.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by USCG-2001-10714, 69 FR 24983, May 5, 2004]

**§ 67.10-15 Approval of sound signals.**

(a) The Coast Guard approves a sound signal if:

- (1) It meets the requirements for sound signals in § 67.10-1 (a), (b), (c), (d), and (e) when tested under § 67.10-20; or
- (2) It is similar to a sound signal which was tested and approved under the provisions of this section and the



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Coast Guard has approved all variations in design, construction, production, and manufacture from the sound signal tested.  
 (b) A sound signal that is an identical production model of a sound signal which has been approved under paragraph (a) of this section is a Coast Guard approved sound signal.

§ 67.10-20 Sound signal tests.

- (a) Sound signal tests must:
  - (1) Be made by the applicant in the presence of a Coast Guard representative, who certifies the test if the procedures comply with the requirements of this section;
  - (2) Be made with Coast Guard supplied and calibrated sound level meters and power meters; and
  - (3) Be made in an anechoic chamber large enough to accommodate the entire sound signal, as if installed for actual use.
- (b) The sound pressure level must be measured as a function of:

- (1) Distance by using a sufficient number of points to allow a far-field extrapolation of the sound pressure level;
- (2) Power at outputs up to and including the approximate power level necessary to comply with § 67.10-1(c);
- (3) Horizontal angle at increments not greater than 30°; and
- (4) Harmonic content to at least the third harmonic.
- (c) In analyzing the test data to determine the minimum power necessary to produce the sound pressure level specified in Table A of this section the Coast Guard follows the procedures prescribed by the International Association of Lighthouse Authorities (IALA) in Supplement No. 3 to the IALA Bulletin of February 1969 for analysis of harmonic components and does not consider components above 1,100 Hertz as adding to the audible range.

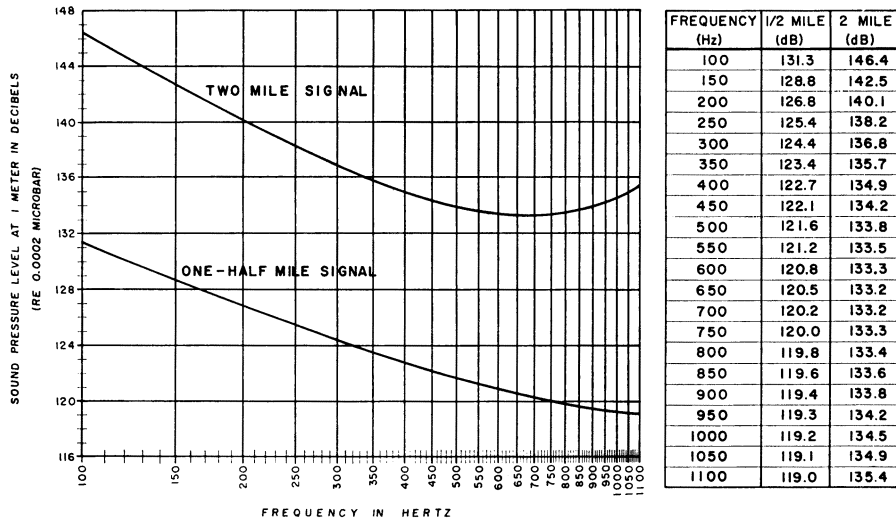


TABLE A: REQUIRED SOUND PRESSURE LEVELS AT 1 METER FOR 1/2 AND 2 MILE FOG SIGNALS

§ 67.10-25 Application for tests.

A person requesting a Coast Guard representative at a test of a sound signal must:

- (a) Direct a written request to the Aids to Navigation Division (CG-NAV-1), U.S. Coast Guard Stop 7418, 2703

Martin Luther King Jr. Avenue SE., Washington, DC 20593–7418 including:

- (1) Requestor's name, address, and telephone number;
- (2) A description of the sound signal;
- (3) Rated range for which approval is requested;
- (4) Location of the anechoic chamber; and
- (5) Proposed test dates.

(b) Bear all the expenses of conducting the test conducted in accordance with § 67.10–20 including all travel and per diem expenses of the U.S. Government in sending a Coast Guard representative to the test.

[CGD 72–74R, 37 FR 13512, July 8, 1972, as amended by CGD88–052, 53 FR 25119, July 1, 1988; CGD 96–026, 61 FR 33663, June 28, 1996; USCG–2001–10714, 69 FR 24983, May 5, 2004; USCG–2010–0351, 75 FR 36281, June 25, 2010; USCG–2014–0410, 79 FR 38431, July 7, 2014; USCG–2015–0433, 80 FR 44279, July 27, 2015; USCG–2016–0498, 82 FR 35080, July 28, 2017]

#### § 67.10–30 Withdrawal of approval.

The Coast Guard may withdraw approval of a sound signal if it fails to meet the requirements of § 67.10–1 (a), (b), and (c).

#### § 67.10–35 Notice of approval and withdrawal of approval.

(a) The Coast Guard publishes a notice of the approval or withdrawal of approval of a sound signal in the Local Notice to Mariners.

(b) A listing of approved sound signals may be obtained from any District Commander.

#### § 67.10–40 Sound signals authorized for use prior to January 1, 1973.

Any sound signal authorized for use by the Coast Guard and manufactured prior to January 1, 1973, is excepted from the requirements in this subpart, except §§ 67.10–1 (b) and (c), 67.10–5, and 67.10–10, if the sound signal has a minimum sound pressure level as specified in Table A of Subpart 67.10 of Title 33 of the Code of Federal Regulations in effect on December 31, 1972, for the range required by § 67.20–10, § 67.25–10, or § 67.30–10.

### Subpart 67.15—Miscellaneous Marking Requirements

#### § 67.15–1 Lights and signals on attendant vessels.

The requirements prescribed by this part apply to structures. The barges, vessels, and other miscellaneous floating plants in attendance must display lights and signals under the International Navigational Rules Act of 1977 (33 U.S.C. 1601–1608) that adopted the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), or the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001–2038). When vessels are fixed to or submerged onto the seabed, however, they become structures as described in § 67.01–5.

[USCG–2001–10714, 69 FR 24983, May 5, 2004]

#### § 67.15–5 Seismographic and surveying operations.

All stakes, casings, pipes, and buoys, except bamboo poles and wooden stakes less than 2 inches in diameter, placed in the water to facilitate seismographic or surveying operations shall be marked, in the manner prescribed by the District Commander, for the safety of navigation.

#### § 67.15–10 Spoil banks, artificial islands, and dredged channels.

(a) All submerged spoil banks, or artificial islands resulting from the dredging of private channels, laying of pipelines, or any other private operation, and all privately dredged channels which, in the judgment of the District Commander are required to be marked by aids to navigation, shall be marked by private aids to navigation conforming to the standard United States system of aids to navigation characteristics described in subpart B of part 62 of this subchapter.

(b) To receive a permit to establish and maintain a private aid to navigation for the purposes described in paragraph (a) of this section, submit your application to the District Commander. The District Commander will review all applications and issue all permits.

[USCG–2001–10714, 69 FR 24983, May 5, 2004]

**Subpart 67.20—Class “A” Requirements**

**§ 67.20-1 Class “A” structures.**

Class “A” structures shall be the structures erected in an area where Class “A” requirements must be met.

**§ 67.20-5 Obstruction lights.**

The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part. The lights shall be of sufficient candlepower as to be visible at a distance of at least five nautical miles 90 percent of the nights of the year. The lights shall be displayed not less than 20 feet above mean high water, but not at a height greater than that governed by the requirement in § 67.05-1(f) that mariners be able to see at least one of the lights, regardless of the angle of approach, until within 50 feet of the structure, visibility permitting.

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958, as amended by USCG-2001-10714, 69 FR 24983, May 5, 2004]

**§ 67.20-10 Sound signal.**

(a) The owner of a Class “A” structure shall:

(1) Install a sound signal that has a rated range of at least 2 miles; and,

(2) Operate the sound signal when the visibility in any direction is less than 5 miles.

(b) The District Commander may waive any requirements in paragraph (a) of this section if he or she finds that a structure is so close to other structures and so enveloped by the sound signals on other structures that it is not a hazard to navigation.

[CGD 72-74R, 37 FR 13513, July 8, 1972, as amended by USCG-2001-10714, 69 FR 24984, May 5, 2004]

**Subpart 67.25—Class “B” Requirements**

**§ 67.25-1 Class “B” structures.**

Class “B” structures shall be the structures erected in an area where Class “B” requirements must be met.

**§ 67.25-5 Obstruction lights.**

(a) The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part and shall be of suffi-

cient candlepower as to be visible at a distance of at least three nautical miles 90 percent of the nights of the year. The lights shall be displayed not less than 20 feet above mean high water, but not at a height greater than that specified in § 67.05-1(f), except that on Class “B” structures which are required to be marked by only one light, that light may be displayed not less than 10 feet above mean high water if the structural features preclude mounting the light within the range of heights otherwise specified in this section.

(b) The District Commander may waive the requirement for obstruction lights on Class “B” structures if there is no hazard to navigation by so doing.

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958, as amended by CGFR 62-32, 27 FR 10101, Oct. 13, 1962]

**§ 67.25-10 Sound signal.**

(a) The owner of a Class “B” structure shall:

(1) Install a sound signal that has a rated range of at least one-half mile, except that the District Commander may—

(i) Prescribe a greater rated range, not to exceed 2 miles, under the provisions of paragraph (b) of this section; or

(ii) Exempt the structure from the requirements of this paragraph, under the provisions of paragraph (c) of this section;

(2) Operate the sound signal when the visibility in any direction is less than 3 miles, unless the District Commander establishes a greater or lesser distance of visibility, not to exceed 5 miles, under the provisions of paragraph (b) or (c) of this section.

(b) The owner of a Class “B” structure shall install a sound signal with a greater rated range or operate it at times of greater visibility than required in paragraph (a) of this section if:

(1) The structure is erected on or adjacent to the edge of a:

(i) Navigable channel;

(ii) Fairway; or

(iii) Line of demarcation; and

(2) The District Commander decides a greater range or operation of the sound signal at times of greater visibility is

necessary for the safety of marine commerce.

(c) The District Commander may waive or relax the provisions of paragraph (a) of this section, if he or she finds that a structure is:

(1) So close to other structures and so enveloped by the sound signals on other structures that it is not a hazard to navigation; or

(2) So located in a shoal area that it is not a hazard to navigation.

[CGD 72-74R, 37 FR 13513, July 8, 1972, as amended by USCG-2001-10714, 69 FR 24983, 24984, May 5, 2004]

### Subpart 67.30—Class “C” Requirements

#### § 67.30-1 Class “C” structures.

Class “C” structures shall be the structures erected in an area where Class “C” requirements must be met.

#### § 67.30-5 Obstruction lights.

(a) The obstruction lights shall be white or red lights as prescribed in Subpart 67.05 of this part and shall be of sufficient candlepower as to be visible at a distance of at least one nautical mile 90 percent of the nights of the year. The lights shall be displayed at such height, above mean high water, as shall be prescribed by the District Commander. When the District Commander shall authorize red lights to mark a Class “C” structure, the color thereof shall conform to the shade of red prescribed in Military Specification Mil-C-25050 (ASG), Type 1, Grade D. A copy of the specification may be obtained from the Commanding Officer, Document Automation and Production Service, 700 Robbins Avenue, Building 4, Section D, Philadelphia, PA 19111-5091.

(b) When Class “C” structures are erected in close proximity to each other, or are connected in such a manner as to prevent marine traffic from passing freely through the field, obstruction lights may be authorized to mark the perimeter structures only, when in the judgment of the District Commander the group of structures which are equipped with obstruction lights are so arranged that the particular structures are protected to the

degree required by this part, and are not a hazard to navigation.

(c) Unless advised to the contrary by the District Commander, obstruction lights shall be required on Class “C” structures erected in depths of water greater than 3 feet at mean low water.

(d) In cases where, although not required, an applicant desires to establish and operate obstruction lights, a permit therefor shall be granted, at the discretion of the District Commander: *Provided*, That the lights meet the requirements set forth in this part.

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958, as amended by CGFR 68-95, 33 FR 15285, Oct. 15, 1968; USCG-2001-10714, 69 FR 24983, 24984, May 5, 2004]

#### § 67.30-10 Sound signals.

(a) The owner of a Class “C” structure shall install a sound signal if:

(1) The structure is erected on or adjacent to the edge of a:

(i) Navigable channel;

(ii) Fairways; or

(iii) Line of demarcation; and

(2) The District Commander decides it is necessary for the safety of marine commerce.

(b) Sound signals required by paragraph (a) of this section must have rated range of at least one-half mile, unless the District Commander prescribes a greater rated range, not to exceed 2 miles.

(c) The owner of the structure shall operate the sound signal required by paragraph (a) of this section whenever the visibility in any direction is less than 3 miles, unless the District Commander establishes a greater or lesser distance of visibility, not to exceed 5 miles.

(d) Class “C” structures may have sound signals if:

(1) Authorized by the District Commander under the provisions of Subpart 66.01 of this subchapter; and

(2) The sound signal meets the requirements of § 67.10-1 (a) and (b).

[CGD 72-74R, 37 FR 13513, July 8, 1972]

### Subpart 67.35—Applications

#### § 67.35-1 Procedure.

(a) An application, on Coast Guard forms which will be provided by the

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District Commander upon request, shall be submitted for each private aid to navigation for which a permit is required to establish, operate, move, change or discontinue, except as modified in this subpart.

(b) An application on the prescribed form shall be submitted to the District Commander for each structure to be equipped with obstruction lights and/or sound signals if the structure is to remain in place six months or more. An application may be made by letter for each structure to be so equipped if the structure is to remain in place less than six months.

(c) One application form only shall be submitted to the District Commander to cover a group of unlighted buoys or daybeacons.

**§ 67.35-5 Contents of application.**

(a) All applicable items of the prescribed forms shall be completed. A brief descriptive print of the structure or aid to navigation involved shall be furnished with the application, together with a location plat or chart section. When Lambert coordinates are used to plot the position of the aid, the plat or chart shall be annotated to show latitude and longitude of the proposed aid to navigation, except when the position has been described by reference to one or more horizontal angles, or by the bearing and distance from a charted landmark.

(b) Each application shall have appended to it a list showing the type, model, name and address of the manufacturer of the lighting apparatus and sound signal equipment to be used.

(c) Each application shall always specify the date the proposals contained therein are desired to be effective, and approval thereof must be obtained before the proposed action is undertaken.

**§ 67.35-10 Private aids to navigation.**

See § 67.15-10(b) for review of applications respecting private aids to navigation for spoil banks, artificial islands and dredged channels.

**§ 67.35-15 To whom addressed.**

The applications and correspondence dealing with private aids to navigation and obstruction lighting should be ad-

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dressed to the District Commander having jurisdiction over the area.

**Subpart 67.40—Notification**

**§ 67.40-1 Notification to District Commander.**

(a) *Class “A” structures.* In the case of structures to be located in areas where Class “A” requirements must be met, notification shall be given to the District Commander of the approximate date work will commence, as soon as known after a permit is received from the Corps of Engineers, U.S. Army, or 30 days in advance, if possible. Persons constructing structures must notify the District Commander by either telegram or overnight mail on the day they begin construction. Within this notice, they must inform him or her of the lights and sound signals they will use during construction. When construction has been completed, the maintainer shall notify the District Commander to that effect by letter, stating whether or not the authorized obstruction lights and/or sound signals are in operation. Final notification by letter shall be given when the lights used for general illumination, to facilitate the construction or operation of the structure, have been discontinued and the authorized obstruction lights placed in operation.

(b) *Class “B” structures.* Notification shall be given to the District Commander in the case of structures to be located in areas where Class “B” requirements must be met, in the same manner as prescribed in the case of Class “A” structures, except that the telegram on the day construction of the structure is commenced shall not be required.

(c) *Class “C” structures.* Notification shall be given to the District Commander in the case of structures to be located in areas where Class “C” requirements must be met, upon completion of the structure.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 62-32, 27 FR 10101, Oct. 13, 1962; USCG-2001-10714, 69 FR 24984, May 5, 2004]

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### § 67.40-5 Waivers.

(a) The District Commander is authorized to modify or waive any requirement prescribed in this part whenever, in his or her judgment, the safety of marine commerce will not be impaired by so doing.

(b) When the District Commander shall determine that changed circumstances in the case of a structure, whose obstruction lights and/or sound signal have been modified or waived, constitutes a hazard to marine navigation, he or she is authorized to revoke or revise his or her previous action and to require the structure to be appropriately marked by suitable obstruction lights and/or sound signals in accordance with this part.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by USCG-2001-10714, 69 FR 24984, May 5, 2004]

### § 67.40-10 Communication with owner.

Communication with the owners of private aids to navigation by the District Commander shall be addressed to their usual or last known place of business, or to their local representative, if any. Communication shall be by the method considered appropriate for the circumstances.

### § 67.40-15 Marking at owner's expense.

The District Commander may mark, for the protection of marine commerce, any structure whenever the owner thereof has failed suitably to mark the same in accordance with this part, and the owner shall reimburse the Coast Guard for all costs incurred.

### § 67.40-20 Charges invoiced to owner.

Charges to the owner for the cost of marking a structure by the Coast Guard shall be determined in accordance with Part 74 of this subchapter. All such charges shall be invoiced to the owner beginning with the date such marking is established and shall continue until notice is received by the District Commander that the structure has been removed, or until the owner has applied for and been issued a permit by the District Commander to establish and operate the required obstruction lights and/or sound signals or other markings required by this part.

### § 67.40-25 Penalty.

The penalty for violation is in section 1, 63 Stat. 501 (14 U.S.C. 85), or section 4(e)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). Any person, firm, company, or corporation who shall fail or refuse to obey any of the lawful rules and regulations issued in this part or pursuant thereto shall be guilty of a misdemeanor and shall be fined not more than \$100 for each offense. Each day during which such violation shall continue shall be considered a new offense.

## Subpart 67.50—District Regulations

### § 67.50-1 Scope.

(a) The regulations in this subpart shall apply to the structures which are located within the boundaries of the Coast Guard districts hereinafter defined.

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

[CGD 86-082, 52 FR 33810, Sept. 8, 1987]

### § 67.50-5 First Coast Guard District.

(a) *Description.* See § 3.05-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

### § 67.50-15 Fifth Coast Guard District.

(a) *Description.* See § 3.25-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this

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District. When required, it will be determined in accordance with § 67.01-20.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

§ 67.50-20 Seventh Coast Guard District.

(a) Description. See § 3.35-1 of this chapter.

(b) Line of demarcation. There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

§ 67.50-25 Eighth Coast Guard District.

(a) Description. See § 3.40-1 of this chapter.

(b) Lines of demarcation. The two lines of demarcation described in this section are for administrative purposes to distinguish between the areas in which structures shall be subject to Class "A", "B" or "C" requirements. The primary line of demarcation delimits the areas to the seaward of which Class "A" requirements are imposed. The secondary line of demarcation delimits the areas to the shoreward of which Class "C" requirements are imposed. In those areas where no secondary line of demarcation is prescribed, the structures shoreward of the primary line of demarcation are considered to be Class "C" structures. Class "B" requirements are imposed on the structures in the areas between the two lines of demarcation.

(1) The coordinates of the primary line of demarcation within the jurisdiction of the District Commander are as follows:

- (i) Commencing at a point at Lat. 30°11'.3 N., Long. 88°03'.0 W., thence to;
(ii) A point at Lat. 30°11'.5 N., Long. 88°31'.7 W., thence to;
(iii) A point at Lat. 30°12'.7 N., Long. 88°58'.0 W., thence to;
(iv) A point due west of (iii) at Long. 89°00' W., thence to;
(v) A point at Lat. 30°08'.0 N., Long. 89°00' W., thence to;
(vi) A point at Lat. 30°04'.7 N., Long. 88°53'.7 W., thence via a line two miles to seaward around Chandeleur Island to;

(vii) A point at Lat. 29°34'.0 N., Long. 89°00' W., thence to;

(viii) A point at Lat. 29°15'.0 N., Long. 89°00' W., thence to;

(ix) A point at Lat. 29°14'.0 N., Long. 88°57'.7 W., thence to;

(x) A point at Lat. 29°10'.0 N., Long. 88°57'.0 W., thence to;

(xi) A point at Lat. 29°03'.6 N., Long. 89°02'.3 W., thence via the five fathom curve to;

(xii) A point at latitude 28°58'.1 N., longitude 89°09'.6 W., thence to;

(xiii) A point at latitude 28°57'.8 N., longitude 89°13'.6 W., thence to;

(xiv) A point at latitude 28°57'.8 N., longitude 89°19'.5 W., thence to;

(xv) A point at latitude 28°53'.8 N., longitude 89°25'.7 W., thence to;

(xvi) A point at latitude 28°52'.6 N., longitude 89°25'.9 W., thence via the 10 fathom curve to;

(xvii) A point at latitude 29°00' N., longitude 89°34'.0 W., thence to;

(xviii) A point at latitude 29°00' N., longitude 90°05'.0 W., thence to;

(xix) A point at latitude 28°46'.3 N., longitude 91°07'.5 W., thence to;

(xx) A point at latitude 29°11'.5 N., longitude 92°21'.0 W., thence to;

(xxi) A point at latitude 29°29'.0 N., longitude 92°32'.3 W., thence via the 5 fathom curve to;

(xxii) A point at latitude 29°41'.2 N., longitude 93°19'.9 W., thence to;

(xxiii) A point at latitude 29°38'.7 N., longitude 93°49'.4 W., thence to;

(xxiv) A point on the 5 fathom curve at latitude 29°35'.8 N., longitude 94°00' W., thence via the 5 fathom curve to;

(xxv) A point at latitude 29°26'.7 N., longitude 94°30'.0 W., thence to;

(xxvi) A point at latitude 28°55'.3 N., longitude 95°16'.3 W., thence to;

(xxvii) A point at latitude 28°54'.9 N., longitude 95°15'.6 W., thence to;

(xxviii) A point at latitude 28°19'.3 N., longitude 96°23'.3 W., thence to;

(xxix) A point at latitude 27°49'.5 N., longitude 97°01'.2 W., thence to;

(xxx) A point on the 10 fathom curve at latitude 27°30'.0 N., longitude 97°10'.0 W., thence via the 10 fathom curve to;

(xxxi) A point at latitude 27°00' N., longitude 97°17'.5 W., thence to;

(xxxii) A point at latitude 26°04'.1 N., longitude 97°08'.6 W.

(2) The coordinates of the secondary line of demarcation within the jurisdiction of the District Commander are as follows:

(i) Commencing at a point in Breton Sound at Lat. 29°34'.0 N., Long. 89°00'.0 W., thence to;

(ii) A point at Lat. 29°30'.0 N., Long. 89°10'.0 W., thence to;

(iii) A point at Lat. 29°20'.9 N., Long. 89°10'.0 W., thence to;

(iv) A point at Lat. 29°15'.3 N., Long. 89°04'.0 W., thence to;

(v) A point at Lat. 29°14'.1 N., Long. 88°59'.0 W., thence to;

(vi) A point at Lat. 29°08'.6 N., Long. 88°58'.3 W., thence to;

(vii) A point at Lat. 29°02'.1 N., Long. 89°06'.6 W., thence to;

(viii) A point at Lat. 28°58'.1 N., Long. 89°08'.4 W., thence to;

(ix) A point at Lat. 29°01'.1 N., Long. 89°16''.1 W., thence to;

(x) A point at Lat. 28°53'.7 N., Long. 89°26'.0 W., thence to;

(xi) A point at Lat. 28°54'.3 N., Long. 89°27'.5 W., thence to;

(xii) A point at Lat. 29°02'.2 N., Long. 89°24'.2 W., thence to;

(xiii) A point at Lat. 29°11'.8 N., Long. 89°30'.0 W., thence to;

(xiv) A point at Lat. 29°17'.9 N., Long. 89°46'.6 W., thence to;

(xv) A point at Lat. 29°17'.1 N., Long. 89°50'.8 W., thence to;

(xvi) A point at Lat. 29°14'.5 N., Long. 89°55'.1 W., thence to;

(xvii) A point at Lat. 29°10'.9 N., Long. 90°02'.9 W., thence to;

(xviii) A point at Lat. 29°05'.5 N., Long. 90°10'.0 W., thence to;

(xix) A point at Lat. 29°04'.5 N., Long. 90°12'.0 W., thence to;

(xx) A point at Lat. 29°02'.0 N., Long., 90°20'.8 W., thence to;

(xxi) A point at Lat. 29°01'.9 N., Long. 90°24'.9 W., thence to;

(xxii) A point at Lat. 29°03'.6 N., Long. 90°32'.8 W., thence to;

(xxiii) A point at Lat. 29°01'.9 N., Long. 90°41'.7 W., thence to;

(xxiv) A point at Lat. 29°00'.8 N., Long. 90°50'.0 W., thence to;

(xxv) A point at Lat. 29°02'.4 N., Long. 91°01'.5 W., thence to;

(xxvi) A point at Lat. 29°28'.5 N., Long. 92°10'.1 W., thence to;

(xxvii) A point at Lat. 29°31'.1 N., Long. 92°21'.8 W., thence to;

(xxviii) A point at Lat. 29°34'.1 N., Long. 92°39'.3 W., thence to;

(xxix) A point at Lat. 29°41'.1 N., Long. 92°57'.2 W., thence to;

(xxx) A point at Lat. 29°44'.6 N., Long. 93°07'.9 W., thence to;

(xxxi) A point at Lat. 29°45'.6 N., Long. 93°13'.7 W., thence to;

(xxxii) A point at Lat. 29°45'.6 N., Long. 93°17'.3 W., thence to;

(xxxiii) A point at Lat. 29°44'.3 N., Long. 93°21'.0 W., thence to;

(xxxiv) A point at Lat. 29°45'.3 N., Long. 93°30'.0 W., thence to;

(xxxv) A point at Lat. 29°43'.3 N., Long. 93°43'.7 W., thence to;

(xxxvi) A point at Lat. 29°41'.0 N., Long. 93°48'.8 W., thence to;

(xxxvii) A point at Lat. 29°38'.8 N., Long. 93°50'.8 W., thence to;

(xxxviii) A point at Lat. 29°40'.0 N., Long. 93°57'.3 W., thence to;

(xxxix) A point at Lat. 29°39'.3 N., Long. 94°05'.0 W., thence to;

(xl) A point at Lat. 29°27'.0 N., Long. 94°37'.0 W., thence to;

(xli) A point at Lat. 29°23'.1 N., Long. 94°42'.6 W., thence to;

(xlii) A point at Lat. 29°20'.4 N., Long. 94°41'.5 W., thence to;

(xliii) A point at Lat. 29°06'.6 N., Long. 95°04'.4 W., thence to;

(xliv) A point at Lat. 29°04'.6 N., Long. 95°05'.7 W., thence to;

(xlv) A point at Lat. 29°02'.0 N., Long. 95°10'.0 W., thence to;

(xlvi) A point at Lat. 28°57'.3 N., Long. 95°16'.2 W., thence to;

(xlvii) A point at Lat. 28°55'.3 N., Long. 95°17'.9 W., thence to;

(xlviii) A point at Lat. 28°39'.5 N., Long. 95°48'.4 W., thence to;

(xlix) A point at Lat. 28°32'.1 N., Long. 96°06'.9 W., thence to;

(l) A point at Lat. 28°26'.4 N., Long. 96°17'.8 W., thence to;

(li) A point at Lat. 28°23'.6 N., Long. 96°21'.5 W., thence to;

(lii) A point at Lat. 28°19'.7 N., Long. 96°23'.3 W., thence to;

(liii) A point at Lat. 28°19'.3 N., Long. 96°25'.2 W., thence to;

(liv) A point at Lat. 28°14'.8 N., Long. 96°35'.0 W., thence to;

(lv) A point at Lat. 28°09'.1 N., Long. 96°43'.8 W., thence to;

(lvi) A point at Lat. 28°02'.4 N., Long. 96°52'.2 W., thence to;



(lvii) A point at Lat. 27°56'.2 N., Long. 96°58'.3 W., thence to;

(lviii) A point at Lat. 27°52'.8 N., Long. 97°01'.1 W., thence to;

(lix) A point at Lat. 27°49'.3 N., Long. 97°03'.0 W., thence to;

(lx) A point at Lat. 27°46'.4 N., Long. 97°05'.6 W., thence to;

(lxi) A point at Lat. 27°38'.9 N., Long. 97°10'.6 W., thence to;

(lxii) A point at Lat. 27°28'.3 N., Long. 97°16'.2 W., thence to;

(lxiii) A point at Lat. 27°21'.9 N., Long. 97°18'.9 W., thence to;

(lxiv) A point at Lat. 27°13'.7 N., Long. 97°21'.2 W., thence to;

(lxv) A point at Lat. 27°05'.4 N., Long. 97°22'.3 W., thence to;

(lxvi) A point at Lat. 26°57'.1 N., Long. 97°22'.2 W., thence to;

(lxvii) A point at Lat. 26°48'.9 N., Long. 97°20'.9 W., thence to;

(lxviii) A point at Lat. 26°39'.1 N., Long. 97°18'.1 W., thence to;

(lxix) A point at Lat. 26°28'.8 N., Long. 97°14'.3 W., thence to;

(lxx) A point at Lat. 26°18'.3 N., Long. 97°11'.3 W., thence to;

(lxxi) A point at Lat. 26°11'.7 N., Long. 97°10'.2 W., thence to;

(lxxii) A point at Lat. 26°04'.8 N., Long. 97°09'.3 W., thence to;

(lxxiii) A point at Lat. 26°04'.2 N., Long. 97°08'.8 W., thence to;

(lxxiv) A point at Lat. 25°58'.3 N., Long. 97°08'.3 W.

(c) *Seismographic and surveying operations.* (1) All stakes and casings (pipes), except bamboo poles and wooden stakes less than 2 inches in diameter, placed in the water during seismographic or surveying operations shall be marked with flags during the daylight hours. Those casings remaining in place during the hours of darkness shall be marked by a red light as prescribed in Subpart 67.30 of this part.

(2) All buoys used during seismographic operations shall be painted with international orange and white horizontal bands. The buoys shall be of light construction in order that they will not present a hazard to marine commerce.

(d) *Spoil marking.* (1) All submerged spoil resulting from the dredging of channels, laying of pipelines, or any other operation, which constitutes an obstruction to navigation, shall be

properly marked. The spoil banks should be examined at frequent intervals in order that the changing conditions may be kept under control. As markers are no longer required due to settling of banks, the Coast Guard will authorize their removal upon application.

(2) All openings in such submerged spoil shall be marked by daybeacons on each side of the openings. When spoil is located on each side of a channel or pipe line, each bank will be considered separately. The daybeacons shall be equipped with arrows designating the safe water through the opening. These daybeacons may also be used as channel markers for the dredged channels providing they are also equipped with arrows designating the spoil bank openings.

(3) When spoil banks constituting an obstruction to navigation abut an established traveled waterway, the outboard spoil bank markers shall be equipped with quick flashing lights described in Subpart 67.30 of this part, except that the color shall be in accordance with the provisions of Subpart 62.25 of Part 62 of this subchapter.

(e) *Applications.* All applications for private aids to navigation and all correspondence dealing with private aids to navigation and obstruction lighting must be addressed to Commander (oan), Eighth Coast Guard District, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, Louisiana 70130-3396.

(f) *Enclosures.* Applicants shall append on a separate sheet with each application, the description, including manufacturer, of obstruction lights and sound signals.

(g) *Corps of Engineers correspondence.* A copy of all correspondence directed to the District Engineer, Corps of Engineers, U.S. Army, in accordance with condition (i) of the Department of the Army permit, shall be forwarded to the District Commander for those operations conducted under permits authorizing the erection of structures in

areas in which Class “A”, Class “B”, or Class “C” requirements must be met.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961; CGFR 65-34, 30 FR 9485, July 29, 1965; CGFR 68-95, 33 FR 15285, Oct. 15, 1968; USCG-2000-7223, 65 FR 40055, June 29, 2000; USCG-2001-9286, 66 FR 33640, June 25, 2001]

#### § 67.50-30 Ninth Coast Guard District.

(a) *Description.* See § 3.45-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01-20.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 61-40, 26 FR 10353, Nov. 3, 1961]

#### § 67.50-35 Eleventh Coast Guard District.

(a) *Description.* See § 3.55-1 of this chapter.

(b) *Line of Demarcation.* The line of demarcation described in this section is for administrative purposes to distinguish between the areas in which structures shall be subject to Class “A”, “B”, or “C” requirements. The line delimits the areas to seaward of which class “A” requirements are imposed. The line of demarcation within the jurisdiction of the District Commander is defined as follows:

(1) Commencing at a point of latitude 41°59.8' N., longitude 124°19.5' W., thence southward along the seaward limit of the territorial sea to;

(2) A point at latitude 32°32.0' N, longitude 117°11.0' W.

(c) Structures located within a half nautical mile of Traffic Separation Scheme Los Angeles/Long Beach will also be subject to class “A” requirements. The traffic separation scheme is depicted on National Ocean Service Charts 18740, 18720, 18725, 18746, 18721.

[CGD11-86-02, 52 FR 37613, Oct. 8, 1987]

#### § 67.50-45 Thirteenth Coast Guard District.

(a) *Description.* See § 3.65-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this

District. When required, it will be determined in accordance with § 67.01-20.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 62-25, 27 FR 8733, Aug. 31, 1962]

#### § 67.50-50 Seventeenth Coast Guard District.

(a) *Description.* See § 3.85-1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required it will be determined in accordance with § 67.01-20.

[CGFR 68-95, 33 FR 15285, Oct. 15, 1968]

### PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

#### Subpart 70.01—Interference With Aids to Navigation

Sec.

70.01-1 General provisions.

70.01-5 Penalty.

#### Subpart 70.05—Collision With or Damage to Aids to Navigation

70.05-1 General provisions.

70.05-5 Penalty.

70.05-10 Revocation of merchant mariner credential officer endorsement or license.

70.05-15 Liability for damages.

70.05-20 Report required.

AUTHORITY: Secs. 14, 16, 30 Stat. 1152, 1153; secs. 84, 86, 92, 633, 642, 63 Stat. 500, 501, 503, 545, 547 (33 U.S.C. 408, 411, 412; 14 U.S.C. 84, 86, 92, 633, 642).

#### Subpart 70.01—Interference With Aids to Navigation

##### § 70.01-1 General provisions.

No person, excluding the Armed Forces, shall obstruct or interfere with any aid to navigation established and maintained by the Coast Guard, or any private aid to navigation established and maintained in accordance with part 64, 66, 67, or 68 of this subchapter.

[CGFR 58-17, 23 FR 3383, May 20, 1958]

##### § 70.01-5 Penalty.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of \$500 for