

COAST PILOT 4 35 Ed 2003 Change No. 3

Page 196—Paragraph 3265, line 4; read:

year of the permit's expiration date.

(r) *Moratorium on charter vessel/headboat permits for Gulf coastal migratory pelagic fish and Gulf reef fish.* The provisions of this paragraph (r) are applicable through June 16, 2006. Notwithstanding the other provisions of this paragraph (r), the expiration dates of all charter vessel/headboat permits for Gulf reef fish or Gulf coastal migratory pelagic fish that were not issued under the provision of this paragraph (r) and that were valid or renewable as of December 17, 2002, will be extended through November 13, 2003, provided that a permit has not been issued under this paragraph (r) for the applicable vessel.

(1) *Applicability.* Beginning November 13, 2003, the only valid charter vessel/headboat permits for Gulf coastal migratory pelagic fish or Gulf reef fish are those that have been issued under the moratorium criteria in this paragraph (r). No applications for additional charter vessel/headboat permits for these fisheries will be accepted. Existing permits may be renewed, are subject to the transferability provisions in paragraph (r)(9) of this section, and are subject to the requirement for timely renewal in paragraph (r)(10) of this section.

(2) *Initial eligibility.* Initial eligibility for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish is limited to the following:

(i) An owner of a vessel that had a valid charter vessel/headboat permit for Gulf reef fish or coastal migratory pelagic fish on March 29, 2001, or held such a permit during the preceding year or whose application for such permit had been received by NMFS, by March 29, 2001, and was being processed or awaiting processing.

(ii) Any person who can provide NMFS with documentation verifying that, prior to March 29, 2001, he/she had a charter vessel or head/boat under construction and that the associated expenditures were at least \$5,000 as of that date. If the vessel owner was constructing the vessel, the vessel owner must provide NMFS with receipts for the required expenditures. If the vessel was being constructed by someone other than the owner, the owner must provide NMFS with a copy of the contract and/or receipts for the required expenditures.

(iii) A historical captain, defined for the purposes of paragraph (r) of this section as a person who provides NMFS with documentation verifying that

(A) Prior to March 29, 2001, he/she was issued either a USCG Operator of Uninspected Passenger Vessel license (commonly referred to as a 6-pack license) or a USCG Masters license; operated, as a captain, a federally permitted charter vessel or headboat in the Gulf reef fish and /or coastal migratory pelagic fisheries; but does not have a fishery permit issued in their name; and

(B) At least 25 percent of his/her earned income

was derived from charter vessel or headboat fishing in one of the years, 1997, 1998, 1999, or 2000.

(3) *Special conditions applicable to eligibility based on historical captain status.* A person whose eligibility is based on historical captain status will be issued a letter of eligibility by the RA. The letter of eligibility may be redeemed through the RA for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish, with a historical captain endorsement. The letter of eligibility is valid for the duration of the moratorium; is valid only for a vessel of the same or lesser authorized passenger capability as the vessel used to document earned income in paragraph (r)(2)(iii)(B) of this section; and is valid only for the fisheries certified on the application under paragraph (r)(2)(iii)(A) of this section. A charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish with a historical captain endorsement is valid only on a vessel that the historical captain operates as a captain.

(4) *Determination of eligibility based on permit history.* NMFS' permit records are the sole basis for determining eligibility based on permit or application history. An owner of a currently permitted vessel who believes he/she meets the permit or application history criterion based on ownership of a vessel under a different name, as may have occurred when ownership has changed from individual to corporate or vice versa, must document his/her continuity of ownership. An owner will not be issued initial charter vessel/headboat permits for Gulf coastal migratory pelagic fish or Gulf reef fish under the moratorium in excess of the number of federally permitted charter vessels and/or headboats that he/she owned simultaneously at some time during the period March 29, 2000 through March 29, 2001.

(5) *Application requirements and procedures—(i) General.* An applicant who desires a charter vessel/headboat permit for Gulf coastal migratory pelagic fish or Gulf reef fish must submit an application for such permit to the RA postmarked or hand-delivered not later than September 15, 2003. Application forms are available from the RA. The information requested on the application form varies according to the eligibility criterion that the application is based upon as indicated in paragraphs (r)(5)(ii), (r)(5)(iii), and (r)(5)(iv) of this section; however, all applicants must provide a copy of the applicable, valid USCG Operator of Uninspected Passenger Vessel license or Masters license and valid USCG Certificate of Inspection. Failure to apply in a timely manner will preclude permit issuance even when the applicant meets the eligibility criteria for such permit.

(ii) *Application based on the prior permit/application history criterion.* On or about June 16, 2003, the RA will mail an application for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish to each owner of a vessel who, according to NMFS' permit records, is eligible based on the permit or application history criterion in paragraph (r)(2)(i) of this section. Information requested on the application is consistent with the standard information required in paragraph (b)(3)(ii) of this section. The RA

will also mail each such owner a notice that his/her existing charter vessel/headboat permit(s) for coastal migratory pelagic fish and/or Gulf reef fish will expire November 13, 2003, and that the new permit(s) required under this moratorium will be required as of that date. A vessel owner who believes he/she qualifies for a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on permit or application history, but who does not receive an application from the RA, must request an application from the RA and provide documentation of eligibility. The RA will mail applications and notifications to vessel owner addresses as indicated in NMFS' permit records.

(iii) *Application based on a charter vessel/headboat under construction prior to March 29, 2001.* A person who intends to obtain a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on the vessel-under-construction eligibility criterion in paragraph (r)(2)(ii) of this section must obtain an application from the RA. Information requested on the application includes the standard information required in paragraph (b)(3)(ii) of this section and the documentation of construction and associated costs as specified in paragraph (r)(2)(ii) of this section.

(iv) *Application based on historical captain status.* A person who intends to obtain a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish based on historical captain status must obtain an application from the RA. Information requested on the application includes the standard information required in paragraph (b)(3)(ii) of this section and documentation of the criteria specified in paragraphs (r)(2)(iii)(A) and (B) of this section. Such documentation includes income tax records pertinent to verifying earned income; a copy of the applicable USCG license and/or Certificate of Inspection; and a notarized affidavit signed by a vessel owner certifying the period the applicant served as captain of a charter vessel or headboat permitted for Gulf reef fish and/or coastal migratory pelagic fish whether the charter vessel or headboat was permitted for Gulf reef fish or coastal migratory pelagic fish or both, and whether the charter vessel or headboat was uninspected (i.e., 6-pack) or had a USCG Certificate of Inspection.

(v) *Incomplete applications.* If an application that is postmarked or hand-delivered in a timely manner is incomplete, the RA will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 20 days of the date of the RA's notification, the application will be considered abandoned.

(6) *Issuance of initial permits.* If a complete application is submitted in a timely manner and the applicable eligibility requirements specified in paragraph (r)(2) of this section are met, the RA will issue a charter vessel/headboat permit for Gulf coastal migratory pelagic fish and/or Gulf reef fish or a letter of eligibility for such fisheries, as appropriate, and mail it to the applicant not later than November 3, 2003.

(7) *Notification of ineligibility.* If the applicant does not meet the applicable eligibility requirements of paragraph

(r)(2) of this section, the RA will notify the applicant, in writing, of such determination and the reasons for it not later than October 14, 2003.

(8) *Appeal process.* (i) An applicant may request an appeal of the RA's determination regarding initial permit eligibility, as specified in paragraph (r)(2) of this section, by submitting a written request for reconsideration to the RA with copies of the appropriate records for establishing eligibility. Such request must be postmarked or hand-delivered within 45 days after the date of the RA's notification of ineligibility and may include a request for an oral hearing. If an oral hearing is granted, the RA will notify the applicant of the place and date of the hearing and will provide the applicant a maximum of 45 days prior to the hearing to provide information in support of the appeal.

(ii) A request for an appeal constitutes the appellant's authorization under section 402(b)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et. Seq.) for the RA to make available to the appellate officer(s) such confidential records as are pertinent to the appeal.

(iii) The RA may independently review the appeal or may appoint one or more appellate officers to review the appeal and make independent recommendations to the RA. The RA will make the final determination regarding granting or denying the appeal.

(iv) The RA and appellate officer(s) are empowered only to deliberate whether the eligibility criteria in paragraph (r)(2) of this section were applied correctly. Hardship or other factors will not be considered in determining eligibility.

(v) The RA will notify the applicant of the decision regarding the appeal within 45 days after receipt of the request for appeal or within 45 days after the conclusion of the oral hearing, if applicable. The RA's decision will constitute the final administrative action by NMFS.

(FR 5/15/03)

36/03

COAST PILOT 4 35 Ed 2003 Change No. 4
Page 38—Paragraph 656, line 4 to Paragraph 657, line 1;
read:

in the Coast Pilot and Sailing Directions.

MARINE POLLUTION

Compliance with the Federal Water Pollution Control Act or Clean Water Act

The Federal Water Pollution Control Act (FWPCA) or Clean Water Act (CWA) was passed to restore and maintain the chemical, physical and biological integrity of our nation's waters.

No Discharge Zones

Section 312 of the FWPCA, entitled "Marine Sanitation Devices" (see **40 CFR 140** in Chapter 2), gives the Environmental Protection Agency (EPA) and States the authority to designate certain areas as No-Discharge Zones (NDZ) for vessel sewage. Freshwater lakes, freshwater reservoirs, or other freshwater impoundments whose entrances and exits prohibit traffic by regulated vessels (vessels with installed

toilets) are, by regulation, NDZs. Rivers that do not support interstate navigation vessel traffic are also NDZs by regulation. Water bodies that can be designated as NDZs by States and EPA include: the Great Lakes and their connecting waterways, freshwater lakes and impoundments accessible through locks, and other flowing waters that support interstate navigation by vessels subject to regulation.

Inside No-Discharge Zone waters, discharge of any sewage, whether treated or untreated, is completely prohibited.

Discharge of sewage in waters not designated under **40 CFR 140** as No-Discharge Zones is regulated by the Marine Sanitation Device Standard (see **40 CFR 140** in Chapter 2.)

Oil Pollution

The FWPCA also ...
(CL 139/02; 40 CFR 140) 36/03

Page 115—Paragraphs 1542 to 1543; read:

(d) [Suspended]
(e) [Suspended]
(FR 5/22/03) 36/03

Page 118—Paragraph 1593, lines 8 to 12; read:
of Canada by fax at 315-764-3235 or at 315-764-3200.
(FR 5/22/03) 36/03

Page 118—Paragraph 1594, line 4 to Paragraph 1599; read:
Captain of the Port (COTP).
(d) [Suspended]
(FR 5/22/03) 36/03

Page 119—Paragraphs 1606 to 1608; read:
(c) [Suspended]
(FR 5/22/03) 36/03

Page 497—Paragraph 11, line 1; read:
Seattle: Director, Marine Operations Center (Pacific),
National ...
(CL 1200/03) 36/03

COAST PILOT 4 35 Ed 2003 Change No. 5

Page 396—Paragraph 168, lines 7 to 9; read:
near the head of the southerly branch. In January 2003, the
reported centerline controlling depth was 12 feet from St.
Johns River to the mouth of the creek, thence in 1985, 10
feet at midchannel to near the head of the southerly branch.
(CL 1025/03; CL 1042/03; BP 180777) 36/03

Page 396—Paragraph 173, line 1; read:
Overhead power cables with a reported least clearance of
81 ...
(CL 1042/03; BP 180777) 36/03

Page 396—Paragraph 174; read:
An overhead power cable with a reported clearance of 85
feet crosses the river about 3.5 above the highway bridge at
Palatka.
(CL 1042/03; BP 180777) 36/03

Page 396—Paragraph 177, line 1; read:
In October 2002, shoaling to 5.4 feet was ...
(CL 1025/03; BP 180777) 36/03

Page 396—Paragraph 179; read:
The eastern entrance at **Polly Creek** is just to the west of
the mouth of Dunns Creek.
(CL 1042/03; BP 180777) 36/03

Page 397—Paragraph 180, line 3; read:
obstructed by a row of submerged pilings in Dunns Creek.
(CL 1042/03; BP 180777) 36/03

COAST PILOT 4 35 Ed 2003 Change No. 6
Page 80 to Page 81; strike out.
(FR 7/1/03) 36/03

Page 82—Paragraph 706, line 7; read:
161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Des-
ignated Frequencies, and ...
(FR 7/1/03) 36/03

Page 120—Paragraph 1621, 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) 36/03

Page 120—Paragraphs 1623 to 1627; 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 capa-
bility or qualified personnel to interact with marine traffic,
nor does it necessarily respond to traffic situations develop-
ing 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 partici-
pate in a VMRS.
(FR 7/1/03) 36/03

Page 121—Paragraph 1661, line 1; read:
(b) If, in a specific circumstance, a VTS User is unable ...
(FR 7/1/03) 36/03

Page 121—Paragraph 1662 to Paragraph 1664, 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) 36/03

Page 124—Paragraph 1680, 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) 36/03

Page 124—Paragraph 1681, line 5 to Paragraph 1682; 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) 36/03

Page 124—Paragraph 1686 to Paragraph 1687, 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) 36/03

Page 124—Paragraph 1690, line 3; read:
 Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated Frequencies, ...
 (FR 7/1/03) 36/03

Page 124—Paragraph 1691, line 4; read:
 designated in Table 161.12(c) (VTS and VMRS Centers, Call Signs/MMSI, Designated ...
 (FR 7/1/03) 36/03

Page 124—Paragraph 1692, line 7 to Paragraph 1693, 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) 36/03

Page 124—Paragraphs 1702 to 1704; 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.
 (FR 7/1/03) 36/03

COAST PILOT 4 35 Ed 2003 Change No. 7
 Page 122 to Page 123; 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 north of a line extending due west from the southern most end of Exxon Dock #1 (20°43.37'N., 95°01.27'W.)
<i>Houston Traffic</i>	156.600 MHz (Ch. 12) 156.250 MHz (Ch. 5A)— For Sailing Plans only	The navigable waters south of a line extending due west from the southern most end of Exxon Dock #1 (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.
<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).

<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.

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).
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Notes:

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.

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.

³All geographic coordinates (latitude and longitude) are expressed in North American Datum of 1983 (NAD 83).

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.

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.

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.

(FR 7/1/03)

36/03

COAST PILOT 4 35 Ed 2003 Change No. 8

Page 126—Paragraphs 1705 to 1713; 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) 36/03

Page 126—Paragraph 1719, line 3; read:

VMRS area; and ...

(FR 7/1/03) 36/03

Page 126—Paragraph 1721 to Paragraph 1731, 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) 36/03

Page 130—Paragraph 1765, line 3; read:

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

(FR 7/1/03) 36/03

Page 131—Paragraph 1771, 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) 36/03

Page 131—Paragraph 1771, line 7; read:

regulations regarding navigation safety.

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

(FR 7/1/03) 36/03

Page 131—Paragraph 1772, line 1; read:

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

(FR 7/1/03) 36/03

Page 131—Paragraph 1784, line 3; read:

.....**164.74**

International Electrotechnical Commission (IEC)

3, rue de Varem, Geneva, Switzerland.

IEC 61993-2, Maritime navigation and radiocommunication equipment and systems—Automatic identification systems (AIS)—part 2: Class A shipborne equipment of the universal automatic identification system (AIS)—Operational and performance requirements, methods of test and required test results First edition, 2001-12164.46
(FR 7/1/03) 36/03

Page 131—Paragraph 1785, 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 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) 36/03

Page 131—Paragraph 1788, 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) 36/03

Page 137—Paragraph 1961, line 3 to Paragraph 1962, 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) 36/03

Page 137—Paragraph 1980, 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)

36/03

COAST PILOT 4 35 Ed 2003 Change No. 9

Page 1—Paragraph 2, line 4; read:

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

(NOS/03)

36/03

Page 144—Paragraph 2123; 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)

36/03

COAST PILOT 4 35 Ed 2003 Change No. 10

Page 253—Paragraph 137, lines 4 to 6; read:

whales. In the fall, October through December, right whales migrate from New England waters to their calving grounds in the coastal waters of South Carolina, Georgia, and northeastern Florida (the species only known calving ground). This migration can bring them to within 25 miles of the coast. The calving season is generally December through ...

(CL 1381/03)

36/03

Page 255—Paragraph 150, line 7; read:

CFR 224.103(c), chapter 2 for limits, regulations and exceptions).

(50 CFR 224)

36/03

Page 274—Paragraph 18; insert after:

Northern Right Whales

Endangered northern right whales may occur within 25 miles of the Virginia and North Carolina coasts (peak sea-

son: December through April). (See **northern right whales**, indexed as such in chapter 3).

(CL 1381/03)

36/03

Page 297—Paragraph 7; insert after:

Northern Right Whales

Endangered northern right whales may occur within 25 miles of the North Carolina coast, and may occur in the approaches of the deepwater ports of Wilmington and Morehead City (peak season: December through April). (See **northern right whales**, indexed as such in chapter 3).

(CL 1381/03)

36/03

Page 319—Paragraph 9; insert after:

Northern Right Whales

Endangered northern right whales may occur within 25 miles of the North Carolina and South Carolina coasts (peak season: December through April). (See **northern right whales**, indexed as such in chapter 3).

(CL 1381/03)

36/03

Page 322—Paragraph 40; insert after:

Northern Right Whales

Endangered northern right whales may occur within 25 miles of the South Carolina coast in the approaches to Georgetown (peak season: December through April). (See **northern right whales**, indexed as such in chapter 3).

(CL 1381/03)

36/03

Page 335—Paragraph 156; insert after:

Northern Right Whales

Endangered northern right whales may occur within 25 miles of the South Carolina coast in the approaches to Charleston Harbor (peak season: December through April). (See **northern right whales**, indexed as such in chapter 3).

(CL 1381/03)

36/03

Page 343—Paragraph 22; read:

Northern Right Whales

Northern right whales have been sighted within 25 miles from the coast as far north as Winyah Bay (the deepwater port of Georgetown), Charleston Harbor, and the Savannah River in the calving season, generally December through March. In February, March, and April, right whales accompanied by calves, migrate northward to their summer feeding grounds off New England. This can take them to within 25 miles of the coastline.

(CL 1381/03)

36/03

Page 359—Paragraph 10, line 3; read:

coast out 15 nautical miles (see **50 CFR 226.203(c)**, ...

(50 CFR 226)

36/03

Page 359—Paragraph 10, lines 5 to 8; read:

as Winyah Bay (the deepwater port of Georgetown), Charleston Harbor and Savannah River in the calving season generally December through March. In March and April, right whales accompanied by calves migrate northward from

the critical habitat, often within 25 miles of the coast to ...
(CL 1381/03) 36/03

Page 359—Paragraph 10, line 12; read:
whale. (See **50 CFR 224.103(c)**, chapter 2 for limits, regulations, ...
(50 CFR 224) 36/03

Page 368—Paragraph 123, lines 3 to 6; read:
right whales (See **50 CFR 226.203(c)**, chapter 2.) The area is
a calving ground from, generally December through March.
It is illegal to approach right whales closer than 500 yards.
(See **50 CFR 224.103(c)**, ...
(50 CFR 224; 50 CFR 226) 36/03

Page 374—Paragraph 196, lines 4 to 7; read:
CFR 226.203(c), chapter 2. The area is a calving ground
from, generally December through March. It is illegal to
approach right whales closer than 500 yards. (See **50 CFR**
224.103(c), chapter 2 for limits, regulations, ...
(50 CFR 224; 50 CFR 226) 36/03

Page 381—Paragraph 5, lines 3 to 6; read:
northern right whales (see **CFR 226.203(c)**, chapter 2). The
area is a calving ground from, generally December through
March. It is illegal to approach right whales closer than 500
yards. (See **50 CFR 224.103(c)**, ...
(50 CFR 224; 50 CFR 226) 36/03

Page 404—Paragraphs 9 to 33; strike out.
(NOS/03) 36/03

Page 409—Paragraph 91, lines 3 to 6; read:
(See **50 CFR 226.203(c)**, chapter 2). The area is a calving
ground from, generally, December through March. It is ille-
gal to approach right whales closer than 500 yards. (See **50**
CFR 224.103(c), chapter 2 for limits, ...
(50 CFR 224; 50 CFR 226) 36/03

Page 470—Paragraph 275, lines 4 to 5; read:
Basin. In February 2003, the channel had a midchannel con-
trolling depth of 4.5 feet. There are ...
(BPs 181043-44; CL 1240/03) 36/03