

UNITED STATES COAST PILOT CORRECTIONS

COAST PILOT 4 34 Ed 2002 Change No. 12
LAST NM 18/03

Page 152—Paragraph 3568, line 4; read:
days of the permit's expiration date.

§622.19 South Atlantic rock shrimp limited access.

(a) *Applicability.* Effective July 15, 2003, for a person aboard a vessel to fish for rock shrimp in the South Atlantic EEZ off Georgia or off Florida or possess rock shrimp in or from the South Atlantic EEZ off Georgia or off Florida, a limited access endorsement for South Atlantic rock shrimp must be issued to the vessel and must be on board.

(b) *Initial eligibility.* A vessel is eligible for an initial limited access endorsement for South Atlantic rock shrimp if the owner—

(1) Owned a vessel with a Federal permit for South Atlantic rock shrimp on or before December 31, 2000, and

(2) Landed at least 15,000 lbs (6,804 kg) of South Atlantic rock shrimp in any one of the calendar years 1996 through 2000 from a vessel that he/she owned.

(c) *Determinations of eligibility—(1) Permit history.* The sole basis for determining whether a vessel had a Federal permit for South Atlantic rock shrimp, and that vessel's owner during the time it was permitted, is the RA's permit records. A person who believes he/she meets the permit history criterion based on ownership of a vessel under a different name, as may have occurred when ownership changed from individual to corporate or vice versa, must document his/her ownership.

(2) *Landings.* (i) Landings of rock shrimp from the South Atlantic EEZ during the qualifying period are verified from landings data that were submitted on or before January 31, 2001 and are in state or Federal database systems; no additional landings data will be accepted.

(ii) Only landings when a vessel had a valid Federal permit for rock shrimp, that were harvested from the South Atlantic EEZ, and that were landed and sold in compliance with state and Federal regulations will be used to establish eligibility.

(iii) For the purpose of eligibility for an initial limited access endorsement for South Atlantic rock shrimp, the owner of a vessel that had a permit for South Atlantic rock shrimp during the qualifying period retains the rock shrimp landings record of that vessel during the time of his/her ownership, unless, prior to January 16, 2003, a sale of the vessel includes a written agreement that credit for qualifying landings is transferred to the new owner. Qualifying landings are landings of at least 15,000 lb (6,804 kg) of rock shrimp harvested from the South Atlantic EEZ in any one of the calendar years 1996 through 2000. Such transfer of credit must be for vessel's entire record of landings of rock shrimp from the South Atlantic during the time of the seller's ownership; no partial transfers are allowed.

(d) *Implementation procedures—(1) Notification of status.* On or about March 17, 2003, the RA will notify each owner of a vessel that had a permit for South Atlantic rock shrimp on or before December 31, 2000, and each owner of a vessel

currently permitted for South Atlantic rock shrimp, of the RA's initial determination of eligibility for a limited access endorsement for South Atlantic rock shrimp. The notification will include a determination regarding the 15,000-lb (6,804-kg) threshold level for endorsement. If the landings in the combined state and Federal databases do not meet the 15,000-lb (6,804-kg) threshold for any of the qualifying years, the landings in each of the qualifying years, as shown in those databases, will be included. Each notification will include an application for such endorsement. Addresses for notifications will be based on the RA's permit records. Each owner of a vessel that had a permit for South Atlantic rock shrimp on or before December 31, 2000, and each owner of a currently permitted vessel, who does not receive notification by April 1, 2003 must advise the RA of non-receipt within 15 days thereafter.

(2) *Applications.* (i) An owner of a vessel who desires a limited access endorsement for South Atlantic rock shrimp must submit an application for such endorsement post-marked or hand-delivered not later than May 16, 2003. Failure to apply in a timely manner will preclude issuance of an endorsement even if the vessel owner meets the eligibility criteria for the endorsement.

(ii) An applicant who agrees with the RA's initial determination of eligibility does not need to provide documentation of eligibility with his/her application.

(iii) An applicant who disagrees with the RA's initial determination of eligibility must provide documentation of eligibility with his/her application. Such documentation must include the name and official number of the vessel permitted for South Atlantic rock shrimp and the dates, quantities, trip tickets, and purchasing dealers for specific landings claimed for the vessel. In addition, if an owner's application for a limited access endorsement is based on qualifying landings that were transferred to him/her through a written agreement, as discussed in paragraph (c)(2)(iii) of this section, the application must be accompanied by a copy of that agreement and a statement of the cost associated with obtaining the catch history. Documentation and other information submitted on or with an application are subject to verification by comparison with state or Federal records and information. If such documentation and information cannot be verified from state or Federal records and information, the documentation and other information will be rejected. Submission of false documentation or information may disqualify an owner from obtaining an initial limited access endorsement for South Atlantic rock shrimp and is a violation of the regulations in this part.

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

(3) *Issuance.* If a complete application is submitted in a timely manner and the eligibility requirements specified in paragraph (b) of this section are met, the RA will take action as follows:

(i) If a qualified applicant owns a vessel that has a

valid permit for South Atlantic rock shrimp, the RA will issue an initial limited access endorsement for South Atlantic rock shrimp and mail it to the vessel owner prior to July 15, 2003.

(ii) If a qualified applicant does not currently own a vessel, the RA will inform him/her of qualification, but no endorsement will be issued. Such qualified applicant must apply for a permit and endorsement for a vessel that he/she owns, or transfer the rights to the endorsement to an owner of a vessel, prior to July 15, 2005. After that date, the rights to an initial limited access endorsement for South Atlantic rock shrimp that were based on the qualification will expire. A qualified applicant who desires to transfer the rights to an initial endorsement to the owner of a vessel must submit an application requesting such transfer to the RA. Such transfer of rights will include transfer of credit for the vessel's entire record of landings of rock shrimp from the South Atlantic during the time of the qualified applicant's ownership.

(4) *Reconsideration.* (i) If the eligibility requirements specified in paragraph (b) of this section are not met, the RA will notify applicant, in writing, not later than July 16, 2003. The notification will include the reason for the determination that the eligibility requirements were not met. An applicant may request reconsideration of the RA's determination regarding initial endorsement eligibility by submitting a written request for reconsideration to the RA. Such request must be postmarked or hand-delivered not later than September 15, 2003 and must provide additional written documentation supporting eligibility for the endorsement.

(ii) Upon receipt of a request for reconsideration, the RA will forward the initial application, the RA's response to that application, the request for reconsideration, and pertinent records to an Application Oversight Board consisting of state directors (or their designees) from each state in the Council's area of jurisdiction. Upon request, a vessel owner may make a personal appearance before the Application Oversight Board.

(iii) If reconsideration by the Application Oversight Board is requested, such request constitutes the applicant's written authorization under section 402(b)(1)(F) of the Magnuson-Stevens Act for the RA to make available to the members of the Application Oversight Board such confidential catch and other records as are pertinent to the matter under reconsideration.

(iv) The Application Oversight Board may only deliberate whether the eligibility criteria specified in paragraph (b) of this section were applied correctly in the applicant's case, based solely on the available record, including documentation submitted by the applicant. The Application Oversight Board may not consider whether an applicant should have been eligible for a vessel permit because of hardship or other factors. The Application Oversight Board members will provide individual recommendations for each application for reconsideration to the RA.

(v) The RA will make a final decision based on the eligibility criteria specified in paragraph (b) of this section

and the available record, including documentation submitted by the applicant, and the recommendations and comments from members of the Application Oversight Board. The RA may not consider whether an applicant should have been eligible for a vessel permit because of hardship or other factors. The RA will notify the applicant of the decision and the reason for it, in writing, within 15 days of receiving the recommendations from the Application Oversight Board members. The RA's decision will constitute the final administrative action by NMFS.

(e) *Transfer of an endorsement.* A limited access endorsement for South Atlantic rock shrimp is valid only for the vessel and owner named on the permit/endorsement. To change either the vessel or the owner, and application for transfer must be submitted to the RA. An owner of a vessel with an endorsement may request that the RA transfer the endorsement to another vessel owned by the same entry, to the same vessel owned by another entity, or to another vessel with another owner. A transfer of an endorsement under this paragraph will include the transfer of the vessel's entire catch history of South Atlantic rock shrimp to a new owner; no partial transfers are allowed.

(f) *Renewal.* The RA will not reissue a limited access endorsement for South Atlantic rock shrimp if the endorsement is revoked or if the RA does not receive a complete application for renewal of the endorsement within 1 year after the endorsement's expiration date.

(g) *Non-renewal of inactive endorsements.* In addition to the sanctions and denials specified in §622.4(j)(1), a limited access endorsement for South Atlantic rock shrimp that is inactive for a period of 4 consecutive calendar years will not be renewed. For the purpose of this paragraph, "inactive" means that the vessel with the endorsement has not landed at least 15,000 lb (6,804 kg) of rock shrimp from the South Atlantic EEZ in a calendar year.

(h) *Reissuance of non-renewed permits.* A permit that is not renewed under paragraph (g) of this section will be made available to a vessel owner randomly selected from a list of owners who had documented landings of rock shrimp from the South Atlantic EEZ prior to 1996 but who did not qualify for an initial limited access endorsement. To be placed on the list, an owner must submit a written request to the RA postmarked or hand-delivered not later than January 16, 2004. The written request must contain documentation of each specific landing claimed, i.e., date, quantity of rock shrimp, name and official number of the harvesting vessel, ownership of the vessel at the time of landing, and name and address of the purchasing dealer. Claimed landings that are not verified by comparison with state trip ticket or dealer records will not be recognized.

(FR 1/16/03)

20/03

COAST PILOT 4 34 Ed 2002 Change No. 13

Page 145—Paragraphs 3420 to 3434; read:

§622.9 Vessel monitoring systems (VMSs).

(a) *Requirement for use.* As of October 14, 2003 or 90 days after NMFS publishes in the **Federal Register**, the list of approved transmitting units and associated communications service providers, whichever is later, an owner or oper-

ator of a vessel that has been issued a limited access endorsement for South Atlantic rock shrimp must ensure that such vessel has a NMFS-approved, operating VMS on board when on a trip in the South Atlantic. An operating VMS includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and NMFS as provided by a NMFS-approved communication service provider.

(b) *Installing and activating the VMS.* Only a VMS that has been approved by NMFS for use in the South Atlantic rock shrimp fishery may be used. When installing and activating the NMFS-approved VMS, or when reinstalling and reactivating such VMS, the vessel owner or operator must—

(1) Follow procedures indicated on an installation and activation checklist, which is available from NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL; phone 727-570-5344; and

(2) Submit to NMFS, Office of Enforcement, Southeast Region, St. Petersburg, a statement certifying compliance with the checklist, as prescribed on the checklist.

(c) *Interference with the VMS.* No person may interfere with, tamper with, alter, damage, disable, or impede the operation of the VMS, or attempt any of the same.

(d) *Interruption of operation of the VMS.* When a vessel's VMS is not operating properly, the owner or operator must immediately contact NMFS, Office of Enforcement, Southeast Region, St. Petersburg, FL, and follow instructions from that office. If notified by NMFS that a vessel's VMS is not operating properly, the owner and operator must follow instructions from that office. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by NMFS the vessel's positions or returning to port until the VMS is operable.

(e) *Access to position data.* As a condition of authorized fishing for or possession of South Atlantic rock shrimp in or from the South Atlantic EEZ, a vessel owner or operator subject to the requirements for a VMS in this section must allow NMFS, the USCG, and their authorized officers and designees access to the vessel's position data obtained from the VMS.

(FR 1/16/03) 20/03

Page 165—Paragraph 3896, line 1; read:

(g) *Penaeid shrimp in the South Atlantic*—(1) *BRD requirement.*

(FR 1/16/03) 20/03

COAST PILOT 4 34 Ed 2002 Change No. 14

Page 200—Paragraph 45, lines 5 to 6; read:

gasoline, hull, engine and electronic repairs, a marine railway that can handle craft to 35 feet in length, marine supplies, and a ...

(CL 79/03; NOS 12205) 20/03

Page 245—Paragraph 203, line 5; read:

feet for a width of 300 feet and 135 feet for a width of 700 feet. In November 2002, replacement fixed bridges were under construction with a design clearance of 65 feet for a width of 250 feet over Town Creek and with a design clear-

ance of 186 feet for a width of 1,000 feet over Cooper River.
(CL 290/03; 48/02 CG7) 20/03

Page 262—Paragraph 45, lines 4 to 5; read:

electricity, water, ice, pump-out station and wet and dry storage. In 2002, a reported depth of 10 feet could be carried to the fish ...

(CL 1580/02; NOS 11511) 20/03

Page 270—Paragraph 190, lines 1 to 2; read:

St. Marys Approach Lighted Buoy STM (30°42'54"N., 81°14'39"W.) is 8.2 miles eastward of St. Marys Entrance. The ...

(07/03 CG7; LL/02) 20/03

Page 271—Paragraph 199, lines 7 to 8; read:

Marys Approach Lighted Buoy STM (30°42'54"N., 81°14'39"W.). Vessels with a draft of 36 feet or less are boarded

...
(07/03 CG7; LL/02) 20/03

Page 319—Paragraph 127, line 1; read:

Sand Key Light (24°27'14"N., 81°52'39"W.), 109 feet ...
(07/03 CG7; LL/02) 20/03

Page 319—Paragraph 130, lines 2 to 3; read:

Key West Harbor and the Gulf of Mexico. In May 2002, the midchannel controlling depth was 10 feet. Vessels can pass directly ...

(BP 177612) 20/03

COAST PILOT 4 34 Ed 2002 Change No. 15

Page 163—Paragraph 3851, lines 4 to 5; read:

Office, Southeast Area, St. Petersburg, FL, telephone 727-570-5344.

(50 CFR 622.41) 20/03

Page 164—Paragraph 3875, lines 2 to 7; read:

for a gillnet used to fish for Spanish mackerel in the Gulf, Mid-Atlantic, or South Atlantic EEZ is 3.5 inches (8.9 cm), stretched mesh.

(1) A vessel in the Gulf EEZ, or having fished on a trip in the Gulf EEZ, with a gillnet on board that has a mesh size less than 3.5 inches (8.9 cm), stretched mesh, may not possess on that trip any Spanish mackerel.

(2) A vessel in the South Atlantic or Mid-Atlantic EEZ, or having fished on a trip in such EEZ, with a gillnet on board that has a mesh size less than 3.5 inches (8.9 cm), stretched mesh, may possess or land on the day of that trip no more than 500 lb (227 kg) of incidentally caught Spanish mackerel.

(50 CFR 622.41) 20/03

Page 164—Paragraph 3893, line 11; read:

when pulled by a line.

(6) *Longline species limitation.* A vessel that has on board a valid Federal commercial permit for South Atlantic snapper-grouper, excluding wreckfish, that fishes in the EEZ

on a trip with a longline on board, may possess only the following South Atlantic snapper-grouper; snowy grouper, warsaw grouper, yellowedge grouper, misty grouper, golden tilefish, blueline tilefish, and sand tilefish. For the purpose of this paragraph, a vessel is considered to have a longline on board when a power-operated longline hauler, a cable of diameter suitable for use in the longline fishery on any reel, and gangions are on board. Removal of any one of these three elements constitutes removal of a longline.

(50 CFR 622.41)

20/03

Page 165—Paragraph 3900 to Paragraph 3901, line 2; read:

(iii) Fisheye.

(3) *Certification of BRDs*—(i) A person who seeks to have a BRD certified for use in the South Atlantic EEZ must submit an application to test such BRD, conduct the testing, and submit to the RA the results of the test conducted and recorded in accordance with the Testing Protocol for BRD Certification, which along with forms and procedures, is included in the *Bycatch Reduction Device Testing Protocol Manual* which is available from the SAFMC, One Southpark Circle, Suite 306, Charleston, SC 29407-4699, and from the RA. A BRD that meets the certification criterion, as determined under the Testing Protocol for BRD Certification, will be added to the list of certified BRDs in paragraph (g)(2) of this section.

(ii) A penaeid shrimp trawler that is authorized to test a BRD in the EEZ for possible certification, has such written authorization on board, and is conducting such test in accordance with the Testing Protocol for BRD Certification is granted a limited exemption from the BRD requirement specified in paragraph (g)(1) of this section. The exemption from the BRD requirement is limited to those trawls that are being used in the certification trials. All other trawls rigged for fishing must be equipped with certified BRDs.

(h) *Shrimp in the Gulf—(1) BRD requirement.* (i) Except as exempted in paragraphs (h)(1)(ii) through (iv) and paragraph (h)(3)(iii) of this section, on ...

(50 CFR 622.41)

20/03

COAST PILOT 4 34 Ed 2002 Change No. 16

Page 165—Paragraph 3905; read:

(2) *Certified BRDs.* The following BRDs are certified for use by shrimp trawlers in the Gulf EEZ. Specifications of these certified BRDs are contained in Appendix D to this part.

(i) Fisheye.

(ii) Gulf fisheye.

(iii) Jones-Davis.

(3) *Procedures for certification of additional BRDs.* The process for the certification of additional BRDs consists of two phases—an optional pre-certification phase and a required certification phase.

(i) *Pre-certification.* The pre-certification phase allows a person to test and evaluate a new BRD design for up to 60 days without being subject to the observer requirements and rigorous testing requirements specified for certification testing in the *Gulf Of Mexico Bycatch Reduction Device Testing Protocol Manual*.

(A) A person who wants to conduct pre-certification phase testing must submit an application, as specified in the *Gulf Of Mexico Bycatch Reduction Device Testing Protocol Manual*, to the RA. The *Gulf Of Mexico Bycatch Reduction Device Testing Protocol Manual*, which is available from the RA, upon request, contains the application forms.

(B) After reviewing the application, the RA will determine whether to issue a letter of authorization (LOA) to conduct pre-certification trials upon the vessel specified in the application. The RA will issue a pre-certification phase LOA if the BRD design is substantially unlike any BRD design previously determined not to meet the BRD certification criterion or, if the design is substantially similar to a BRD design previously determined not to meet the BRD certification criteria, and the application demonstrates that the design could meet the certification criterion through design revision or upon retesting (e.g., the application shows that statistical results could be improved upon retesting by such things as using a larger sample size than that previously used). If the RA authorizes pre-certification, the RA's letter of authorization must be on board the vessel during any trip involving the BRD testing.

(ii) *Certification.* A person who proposes a BRD for certification for use in the Gulf EEZ must submit an application to test such BRD, conduct the testing, and submit the results of the test in accordance with the *Gulf Of Mexico Bycatch Reduction Device Testing Protocol Manual*. The RA will issue a LOA to conduct certification trials upon the vessel specified in the application if the RA finds that: The test plan meets the requirements of the protocol; the observer identified in the application is qualified and has no current or prior financial relationship with the entity seeking BRD certification; the application presents a BRD candidate substantially unlike BRDs previously determined not to meet the current bycatch reduction criterion, or the applicant has shown good cause for reconsideration (such as the likelihood of improved statistical results yielded from a larger sample size than that previously used); and for BRDs not previously tested for certification, the results of any pre-certification trials conducted have been reviewed and deemed to indicate a reasonable scientific basis for conducting certification testing. If authorization to conduct certification trials is denied, the RA will provide a letter of explanation to the applicant, together with relevant recommendations to address the deficiencies resulting in the denial. If a BRD meets the certification criterion, as determined under the testing protocol, NMFS will publish a notice in the FEDERAL REGISTER adding the BRD to the list of certified BRDs in paragraph (h)(2) of this section providing the specifications for the newly certified BRD, including any special conditions deemed appropriate based on the certification testing results.

(iii) A shrimp trawler that is authorized to participate in the pre-certification phase or to test a BRD in the EEZ for possible certification has such written authorization on board and is conducting such test in accordance with

the *Gulf of Mexico Bycatch Reduction Device Testing Protocol Manual* is granted a limited exemption from the BRD requirement specified in paragraph (h)(1) of this section. The exemption from the BRD requirement is limited to those trawls that are being used in the certification trials. All other trawls rigged for fishing must be equipped with certified BRDs.

(i) *Gulf reef fish exhibiting trap rash*. Gulf reef fish in or from the Gulf EEZ that exhibit trap rash may be possessed on board a vessel only if that vessel has a valid fish trap endorsement, as required under §622.4(a)(2)(i), on board. Possession of such fish on board a vessel without a valid fish trap endorsement is prima facie evidence of illegal trap use and is prohibited. For the purpose of this paragraph, trap rash is defined as physical damage to fish that characteristically results from contact with wire fish traps. Such damage includes, but is not limited to, broken fin spines, fin rays, or teeth; visually obvious loss of scales; and cuts or abrasions on the body of the fish, particularly on the head, snout, or mouth.

(j) *Rock shrimp in the South Atlantic off Georgia and Florida*. The minimum mesh size for the cod end of a rock shrimp trawl net in the South Atlantic EEZ off Georgia and Florida is 1 7/8 inches (4.8 cm), stretched mesh. This minimum mesh size is required in at least the last 40 meshes forward of the cod end drawstring (tie-off rings), and smaller-mesh bag liners are not allowed. A vessel that has a trawl net on board that does not meet these requirements may not possess a rock shrimp in or from the South Atlantic EEZ off Georgia and Florida.

(50 CFR 622.41; FR 1/16/03) 20/03

COAST PILOT 4 34 Ed 2002 Change No. 17

Page 77—Paragraph 1255; strike out.
(DD 3242; CFR 117.821) 20/03

Page 212—Paragraph 267, lines 6 to 7; read:
hotels, and motels. Gasoline, diesel fuel, pump-out station, berthing with electricity, water, ice, marine supplies, and provisions are available. Hull, engine and electronic repairs can be made; lift to 30 tons.
(DB 715) 20/03

Page 212—Paragraph 276, lines 2 to 4; read:
Bern has a fixed span with a clearance of 7 feet. The Norfolk Southern Railway bridge, 0.9 mile above the ...
(DD 3243; CL 793/02) 20/03

Page 219—Paragraph 32, line 13; read:
Intracoastal Waterway just south of the Core Creek fixed highway bridge.
(DD 3122; NOS 11545) 20/03

Page 219—Paragraph 34, line 3; read:
City, NC 28557, telephone 252-726-4068, fax 252-726-9044, radiotelephone ...
(DD 3124) 20/03

Page 229—Paragraph 172, lines 8 to 9; read:
harbor, 0.45 mile westward of the lookout tower, has lifts to 75 tons and facilities for hull, engine, and electrical repairs.
(DB 570) 20/03

Page 325—Paragraph 47, line 8; read:
channel 13 or 757- 487-0831. Vessels may tie up in the canal overnight, ...
(DD 3134) 20/03

COAST PILOT 4 34 Ed 2002 Change No. 18

Page 291—Paragraph 52, lines 5 to 9; read:
the center of the city. Berths with electricity, gasoline, diesel fuel, water, ice, pump-out station and marine supplies are available. Hull and engine repairs can be made. In 2002, an alongside depth of 18 feet was reported.
(CL 11/03) 20/03

Page 291—Paragraph 53, lines 2 to 4; read:
depth of 5.5 feet in 2002 leads to a marina on the west side of Salt Run. Berths with electricity, gasoline, diesel fuel, water, ice, marine supplies and wet storage are available. Engine and electronic repairs can be made.
(CL 11/03) 20/03

Page 300—Paragraph 253, line 1; read:
Hillsboro Inlet Light (26°15'33"N., 80°04'51"W.), 136 ...
(06/03 CG7; LL/03) 20/03

Page 335—Paragraph 251, lines 3 to 4; read:
Berths, electricity, gasoline, diesel fuel, water, ice, pump-out station, marine supplies and wet storage are available. A 50-ton lift is available for hull, engine, ...
(CL 2340/02) 20/03

Page 335—Paragraph 253, line 6; read:
knots may be expected during normal weather. A marina on the north side of the fixed highway bridge and on the east side of Tolomato River has berths, electricity, gasoline, diesel fuel, water, ice and wet storage available. An overhead ...
(CL 2340/02) 20/03

Page 337—Paragraph 280, lines 5 to 8; read:
marina adjacent to the bridge have berths with electricity, gasoline, diesel fuel, water, ice and marine supplies. Mobile hoists to 30 tons that can handle craft to 50 feet are available at the boatyard; hull repairs can be made. Machine and carpenter ...
(CL 2367/02) 20/03

Page 337—Paragraph 282, lines 2 to 9; read:
839.6, is a small fishing port. In 2002, the reported controlling depth from the waterway to the harbor was 6 feet; thence in 1983, 5 feet or more to the community of Ponce Inlet. The channel is along the north shore and is not marked. The wharf at Inlet Harbor has depths of about 8 feet alongside. Berthage with electricity, gasoline, diesel fuel, water, ice, marine supplies and wet and dry storage are available.

Engine repairs can be made.
(CL 70/03) 20/03

Page 337—Paragraph 283, lines 4 to 6; read:
gasoline, diesel fuel, water, ice, launching ramps, and a 70-
ton lift are available. Hull, engine and electronic repairs can
be made.
(CL 70/03) 20/03

Page 338—Paragraph 300, line 3; read:
east of **Mile 880.5. (See Manatees, chapter 3.)**
At **Mile 882.9** on the west side of Indian River, a privately
marked channel leads to a marina which has berths, electric-
ity, gasoline, diesel fuel, water, ice, pump-out station, and
wet and dry storage available.
(CL 2142/02) 20/03

Page 338—Paragraph 310, lines 2 to 6; read:
causeway, a privately marked channel leads to marina which
had a reported approach depth of 7 feet in December 2002.
Berths with electricity, water, ice, and pump-out station are
available.
(CL 2367/02) 20/03

Page 338—Paragraph 311, line 5; read:
available with electricity and water. At **Mile 908.4** are two
marinas with gasoline, diesel fuel, water, ice, wet and dry
storage, a launching ramp and a 20-ton mobile lift available.
Hull, engine and electronic repairs can be made.
(CL 1636/02) 20/03

Page 339—Paragraph 322, lines 1 to 7; read:
Two boatyards are on the west side of Banana River about
12 miles above the southern entrance, and 2.1 miles north of
Buck Point, the eastern entrance point of Newfound Harbor.
Berthage with electricity, water, marine supplies, a 30-ton
mobile hoist, and wet and dry storage are available. Hull and
engine repairs can be made. In 2002, a depth of 4 feet was
reported in the approach, and 6 feet alongside the berths.
(CL 913/02; NOS 11485) 20/03

Page 341—Paragraph 358, line 3; read:
center. A marina south of the bridge on the west side of the
waterway has berths with electricity, gasoline, diesel fuel,
water, ice, pump-out station, wet and dry storage and a 70-
ton mobile lift available. Engine and electronic repairs can
be made.
(CL 913/03) 20/03

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Page 208—Paragraph 202, lines 2 to 4; read:
eastward about 4 miles above the mouth, in 2002, had
reported depths of 4 feet or more. A pile was reported in the
creek entrance about ...
(DD 666) 20/03

Page 297—Paragraph 175, lines 6 to 8; read:
electricity, gasoline, diesel fuel, water, ice, pump-out station,

wet and dry storage, and hull, engine and electronic repairs
are available at any of several marinas. A 150-ton mobile
hoist is available at a repair yard at ...
(CL 910/02; CL 2243/02) 20/03

Page 338—Paragraph 313, lines 4 to 6; read:
depths of 5.5 feet are reported alongside in 2002. Berths with
electricity, gasoline, diesel fuel, water, ice, pump-out station,
and wet and dry storage are available. Engine repairs can be
made.
(CL 2174/02) 20/03

Page 340—Paragraph 335, lines 2 to 6; read:
waterway to a marina on the west side of Indian River. Elec-
tricity, gasoline, diesel fuel, water, pump-out station, launch-
ing ramp, wet and dry storage and marine supplies are
available. Hull and engine repairs can be made. In 2002, the
channel to the marina had a reported controlling depth of 8
feet.
(CL 2336/02) 20/03

Page 340—Paragraph 341, lines 1 to 3; read:
Two marinas are on the west side of the Indian River at
Mile 934.0. Berths, electricity, gasoline, diesel fuel, water,
ice, marine supplies, pump-out station and wet storage are
available. Hull, engine and electronic repairs can be made
and a 40-ton lift is available. In 2002, a depth of 6 feet was
reported ...
(CL 132/03) 20/03

Page 341—Paragraph 357, line 3; read:
Mile 953.2. (See Manatees, chapter 3.)
At **Mile 964.2**, a privately marked channel, with a reported
controlling depth of 6 feet in 2002, leads to a marina in a
basin on the west shore of Indian River. Berths, electricity,
pump-out station and wet and dry storage are available. A
70-ton lift is available for hull, engine and electronic repairs.
(CL 303/03) 20/03

Page 341—Paragraph 366, lines 3 to 6; read:
in a small protected basin. In 2002, the reported approach
and alongside depth was 6 feet. Wet and dry storage are
available. A 5-ton lift can haul out craft for hull and engine
repairs.
(CL 2242/02) 20/03

Page 341—Paragraph 367, lines 3 to 5; read:
small protected basin. In 2002, the reported approach and
alongside depth was 8 feet. Gasoline, diesel fuel and water
are available.
(CL 501/03) 20/03

Page 346—Paragraph 462, lines 4 to 6; read:
be 10 feet in 2002. Gasoline, diesel fuel, ice, and pump-out
station are available.
(CL 2243/02) 20/03

Page 346—Paragraph 471, lines 4 to 5; read:
water, marine supplies, pump-out station and wet and dry storage are available. Hull, engine and electronic repairs can be made; lift to 150 tons and marine railway to 100 feet. Stores, motels and the ...
(CL 1813/02) 20/03

Page 346—Paragraph 473, lines 3 to 6; read:
Yacht Club is at the marina. There are berths, electricity, gasoline, diesel fuel, water, ice and wet storage available. In 2002, an approach and an alongside depth of 12 feet was reported.
(CL 1813/02) 20/03

COAST PILOT 4 34 Ed 2002 Change No. 20

Page 79—Paragraph 1343, line 3; read:
to the Jordan Bridge Office at (757) 545-4695.
(DD 3462; 33 CFR 117.997) 20/03

Page 80—Paragraph 1350, line 3; read:
been given to the Gilmerton Bridge at (757) 545-1512.
(DD 3462; 33 CFR 117.997) 20/03

Page 212—Paragraph 272, line 9; read:
been recorded in January and February. (See page T-3 for the **New Bern climatological table.**)
(DD 3462) 20/03

Page 219—Paragraph 32, line 16; read:
Chapter 3. (See page T-6 for the **Beaufort climatological table.**)
(DD 3462) 20/03

Page 228—Paragraph 134, lines 18 to 19; read:
2nd packing 100-knot winds. (See page T-4 for the **Wilmington climatological table.**)
(DD 3462) 20/03

Page 243—Paragraph 154, line 3; read:
compared there. (See page T-5 for the **Charleston climatological ...**)
(DD 3462) 20/03

Page 256—Paragraph 112; read:
(See page T-7 for **Savannah climatological table.**)
(DD 3462) 20/03

Page 258—Paragraph 158, lines 9 to 10; read:
Dam Office, 706-798-4644, or the James B. Messerly Wastewater Treatment Plant, 706-793-1691. Calls to either location should ...
(DD 3462) 20/03

Page 280—Paragraph 86, line 4; read:
there or checked by telephone. (See page T-8 for the **Jacksonville ...**)
(DD 3462) 20/03

Page 299—Paragraph 208; read:
(See page T-10 for the **West Palm Beach climatological table.**)
(DD 3462) 20/03

Page 308—Paragraph 349; read:
(See page T-11 for the **Miami climatological table.**)
(DD 3462) 20/03

Page 321—Paragraph 156, line 4; read:
for address, and page T-12 for the **Key West climatological table.**)
(DD 3462) 20/03

Page 323—Paragraph 5, line 4; read:
are on page T-29.
(DD 3462) 20/03

COAST PILOT 4 34 Ed 2002 Change No. 21

Page 199—Paragraph 20, line 2; read:
to **Lake Wesley**. Two fixed highway bridges with a least clearance of 28 ...
(CL 145/03) 20/03

Page 210—Paragraph 227; strike out.
(DD 3461) 20/03

Page 210—Paragraph 230; read:
The Washington City Waterfront lies on the eastern side of the Pamlico River, after passing the Norfolk Southern Railway bridge and 0.3 mile before the U.S. Route 17 highway bridge. The bulkhead extends approximately 1,700 feet and has both small craft slips and tie-up dockage. Electricity, water and pump-out station are available. Depths range from 18 feet at the outermost slips to 9 feet at the inner slips and 7 feet along the bulkhead. Boats up to 60 feet in length can be accommodated in the outermost slips. The North Carolina Estuarium is located at the waterfront.
(DD 3461) 20/03

Page 210—Paragraph 238, line 2; read:
southward of Pamlico Point Light PP (35°18'49"N., 76°27'00"W.), ...
(LL/03) 20/03

Page 219—Paragraph 35, line 6; read:
Beaufort Inlet Channel Lighted Whistle Buoy BM (34°34'49"N., 76°41'33"W.) ...
(01/03 CG5; LL/03) 20/03

Page 221—Paragraph 92, lines 2 to 3; read:
Inlet. The inlet was restored in March 2002 with 12 feet reported at the entrance, thence 10 feet to the Intracoastal Waterway. The inlet is subject to continual change and local knowledge is advised.
(DDs 3217-3130) 20/03

Page 224—Paragraph 101, lines 6 to 7; read:
knowledge.
(NOS 11534) 20/03

Page 224—Paragraph 102, line 5; read:
February 2003, the controlling depth was 4.2 feet. Daybeacons ...
(BP 180155) 20/03

Page 292—Paragraph 70, line 1; read:
Ponce de Leon Inlet Light (29°04'50"N., 80°55'41"W.),
...
(06/03 CG7) 20/03

Page 343—Paragraph 412, lines 6 to 9; read:
Engineers are on the east side of the canal at the east side of town. Berths, electricity, gasoline, diesel fuel, water, ice, a launching ramp, wet and dry storage, pump-out station, marine supplies and provisions can be obtained along the west side of the canal. A marine railway can handle crafts to 22 feet. Hull and engine repairs can be ...
(CL 626/03; CL 628/03) 20/03

COAST PILOT 4 34 Ed 2002 Change No. 22

Page 74—Paragraph 1120; read:
(h) *Coronado Beach bridge (SR 44), mile 845 at New Smyrna Beach.* The Coronado Beach bridge (SR 44), mile 845, shall open on signal, except that from 7 a.m. until 7 p.m., each day of the week, the draw need only open on the hour, twenty minutes past the hour and forty minutes past the hour.
(FR 4/2/03) 20/03

Page 256—Paragraph 116, line 6; read:
VHF-FM channels 16 and 18A.
U.S. and public vessels enrolled in domestic trade may also obtain a pilot licensed by the Federal government through Sea Coast Marine Pilots Association, 204 Second Avenue, Tybee Island, GA 31328; telephone (912-786-4898). This association provides vessels with licensed pilots 24 hours a day, and monitors VHF-FM channels 13 and 16. An 8-hour notice of arrival is required for all vessels arriving at the sea buoy (Tybee Lighted Whistle Buoy T, 31°57'54"N., 80°43'12"W.).
(CL 679/03; LL/03) 20/03

Page 265—Paragraph 95, lines 1 to 2; read:
Prominent features.—St. Simons Light (31°08'00"N., 81°23'36"W.), 104 feet above the water, is shown from a white ...
(LL/03) 20/03

Page 267—Paragraph 126, line 8; read:
St. Simons Lighted Whistle Buoy STS (31°03'12"N., 81°15'06"W.): ...
(LL/03) 20/03

Page 293—Paragraph 98, line 7; read:
(28°22'30"N., 80°31'48"W.) unless special arrangement for boarding ...
(LL/03; NOS 11481) 20/03

Page 308—Paragraph 352, line 8; read:
seaward of Miami Lighted Buoy M (25°46'06"N., 80°05'00"W.).
(LL/03) 20/03

Page 321—Paragraph 159, line 10; read:
Key West Northwest Channel Entrance Lighted Bell Buoy 1 (24°43'32"N., 81°53'58"W.).
(LL/03) 20/03

Page 327—Paragraph 83, lines 2 to 3; read:
is down **Bay River** to Neuse River Junction Light (35°08'47"N., 76°30'11"W.) off **Maw Point Shoal** at **Mile 167.1**, then up the ...
(LL/03) 20/03

Page 341—Paragraph 362, lines 4 to 5; read:
available. A depth of 6.5 feet was reported in the approach in 2002. The harbor master may be ...
(CL 631/03) 20/03

Page 344—Paragraph 416, line 3; read:
depth of 7 feet in December 2002. Berths, gasoline, diesel fuel, pump-out station, electricity, ...
(CL 626/03) 20/03

Page 344—Paragraph 426, line 15; read:
December 2002, a depth of 6 feet was reported alongside the ...
(CL 628/03) 20/03

COAST PILOT 4 34 Ed 2002 Change No. 23

Page 244—Paragraph 195, line 5 to Paragraph 196, line 2; read:
pump-out station, launching ramp, marine supplies, wet and dry storage and engine repairs are available. In 2002, depths of 20 feet were reported alongside the berths. A marina, about 500 yards northeast of the municipal marina, has berths, electricity, gasoline, diesel fuel, water, ice, pump-out station, marine supplies, wet storage and engine repairs available. In 1983, good anchorage for small craft was reported on the east side of the river just northward of the municipal marina.
Special anchorage areas are across the river from the marinas. (See **110.1 and 110.72d**, chapter 2, for limits and ...
(CL 15/03; NOS 11518) 20/03

Page 249—Paragraph 39, line 5; read:
diesel fuel, water and ice can be obtained in an emergency.
On the south shore of the Morgan River, west of Jenkins Creek, a marina has berths, electricity, gasoline, diesel fuel, water, ice, marine supplies, pump-out station, launching ramp and wet and dry storage. Hull, engine and electronic

repairs can be made; a 35-ton lift is available.
(CL 2282/02) 20/03

Page 329—Paragraph 118, lines 3 to 5; read:
water, ice, marine supplies, a launching ramp, wet and dry storage, pump-out station and a 75-ton lift. Engine, radio and electronic repairs are available. In 2000, a depth of 9 feet was reported in the approach and alongside the berths.

At **Mile 311.3**, a marina on the west side of the waterway provides berths with electricity, gasoline, diesel fuel, water, ice, pump-out station and a launching ramp.
(CL 1534/00; CL 394/03) 20/03

Page 334—Paragraph 219, lines 2 to 4; read:
reported depths of 10 feet alongside in 2003. Berths, electricity, gasoline, diesel fuel, water, ice, marine supplies, pump-out station and wet storage are available.
(CL 260/03) 20/03

Page 335—Paragraph 243, lines 2 to 3; read:
of the bridge. Berths, electricity, gasoline, diesel fuel, water, ice, pump-out station, a launching ramp, marine supplies and wet and dry storage are available. Engine and electronic repairs can be made; a 20-ton lift and a marine railway for craft up to 40 feet are available.

At **Mile 749.2**, a fixed highway bridge with a clearance of 65 feet crosses the creek.
(CL 2319/02; NOS 11489) 20/03

COAST PILOT 4 34 Ed 2002 Change No. 24

Page 256—Paragraph 124, line 2; read:
the Eugene Talmadge Memorial Bridge:
Southern LNG, Savannah Wharf (32°05'15"N., 80°59'30"W.): service platform 66 by 70 feet, unloading platform 96 by 20 feet; 39 feet alongside; 1,255 feet of berthing space with dolphins; deck height, 21 feet; 1,255 feet of berthing space with dolphins; deck height, 21 feet; cranes to 12 tons with 80-foot boom; pipelines extend to storage tanks with 1.2-million barrel capacity; receipt of liquefied natural gas; owned and operated by Southern LNG, Inc.
(PS 14/00; CL 679/03; NOS/03) 20/03

Page 282—Paragraph 124, lines 2 to 11; read:
in Jacksonville. The municipal marina at Metro Park is on the north side of the river about 1.2 miles west of Commodore Point. Additionally, the city has floating docks at the Jacksonville Landing along the north side of the river between Main Street and Acosta bridges. A city dockmaster may be reached at 904-630-0839. Public restrooms are at Jacksonville Landing and Metro Park. A large illuminated fountain is in a city park on the south bank of the river between the Main Street and Acosta bridges. Small-craft should exercise caution, as currents become quite strong in this section of the river. There are a number of other modern well-equipped marinas and boatyards in Jacksonville; the major facilities are on the intracoastal waterway, Ortega River and Trout River. Supplies, services, and repairs are available for ...
(CL 219/03) 20/03

Page 297—Paragraph 181; read:
The municipal pier, 400 yards southeast of the Roosevelt bascule bridge, has berthage for 12 boats. In 2002, the reported channel and alongside depth was 3.5 feet. On the east bank of the North Fork of the St. Lucie River, 1,200 yards north of the Roosevelt bascule bridge, a yacht sales facility offers maintenance services and fuel deliveries. A travel lift is available.
(CL 219/03) 20/03

Page 342—Paragraph 388, line 3; read:
at **Mile 7.7** and trends southward into St. Lucie Canal.
A **special anchorage** is east of the waterway at **Mile 7.6**. (See **110.1 and 110.73(c)**, chapter 2, for limits and regulations.)
(CL 219/03) 20/03

Page 342—Paragraph 389, lines 2 to 12; read:
South Fork. The fixed highway bridge over the waterway here has a clearance of 54 feet. The overhead power cable just north of the bridge a clearance of 55 feet. During periods of high water in Lake Okeechobee, shoaling may occur in the vicinity of the bridge. Several small-craft facilities are on the east bank of the river, just south of the fixed highway bridge. Berths, electricity, gasoline, diesel fuel, water, ice, marine supplies, wet and dry storage, launching ramps and a 70-ton mobile lift are available. Hull, engine and electronic repairs can be made.
(CL 2314/02, CL 2232/02; NOS 11428) 20/03

Page 343—Paragraph 400, lines 2 to 7; read:
where berths with electricity, gasoline, diesel fuel, water, ice, pump-out station, dry storage, and marine supplies are available. There is a launching ramp and a 30-ton marine lift. In December 2002, the reported controlling depth in ...
(CL 129/03) 20/03

Page 345—Paragraph 438, lines 2 to 5; read:
where berths with electricity, gasoline, water, ice, wet and dry storage, some marine supplies, a 10-ton portable lift, and hull and engine repairs are available. A depth of 6 feet was reported alongside in December 2002.
(CL 2279/02) 20/03

Page 345—Paragraph 439, lines 6 to 8; read:
a small-craft facility where wet and dry storage and a 150-ton mobile lift are available; hull, engine and electronic repairs can be made. Small craft can be put in freshwater ...
(CL 1272/02) 20/03

COAST PILOT 4 34 Ed 2002 Change No. 25

Page 130—Paragraph 3033, line 3; read:
agencies as he may designate.

TITLE 40—PROTECTION OF ENVIRONMENT

Part 140—Marine Sanitation Device Standard

§140.1 Definitions.

For the purpose of these standards the following definitions shall apply:

(a) *Sewage* means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(b) *Discharge* includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(c) *Marine sanitation device* includes any equipment for installation onboard a vessel and which is designed to receive, retain, treat, or discharge sewage and any process to treat such sewage;

(d) *Vessel* includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on waters of the United States;

(e) *New vessel* refers to any vessel on which construction was initiated on or after January 30, 1975;

(f) *Existing vessel* refers to any vessel on which construction was initiated before January 30, 1975;

(g) *Fecal coliform bacteria* are those organisms associated with the intestines of warm-blooded animals that are commonly used to indicate the presence of fecal material and the potential presence of organisms capable of causing human disease.

§140.2 Scope of standard.

The standard adopted herein applies only to vessels on which a marine sanitation device has been installed. The standard does not require the installation of a marine sanitation device on any vessel that is not so equipped. The standard applies to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

§140.3 Standard.

(a)(1) In freshwater lakes, freshwater reservoirs or other freshwater impoundments whose inlets or outlets are such as to prevent the ingress or egress by vessel traffic subject to this regulation, or in rivers not capable of navigation by interstate vessel traffic subject to this regulation, marine sanitation devices certified by the U.S. Coast Guard (see 33 CFR part 159, published in 40 FR 4622, January 30, 1975), installed on all vessels shall be designed and operated to prevent the overboard discharge of sewage, treated or untreated, or of any waste derived from sewage. This shall not be construed to prohibit the carriage of Coast Guard-certified flow-through treatment devices which have been secured so as to prevent such discharges.

(2) In all other waters, Coast Guard-certified marine sanitation devices installed on all vessels shall be designed and operated to either retain, dispose of, or discharge sewage. If the device has a discharge, subject to paragraph (d) of this section, the effluent shall not have a fecal coliform bacterial count of greater than 1,000 per 100 milliliters nor visible floating solids. Waters where a Coast Guard-certified marine sanitation device permitting discharge is allowed include coastal waters and estuaries, the Great Lakes and inter-connected waterways, fresh-water lakes and impoundments accessible through locks, and other

flowing waters that are navigable interstate by vessels subject to this regulation.

(b) This standard shall become effective on January 30, 1977 for new vessels and on January 30, 1980 for existing vessels (or, in the case of vessels owned and operated by the Department of Defense, two years and five years, for new and existing vessels, respectively, after promulgation of implementing regulations by the Secretary of Defense under section 312(d) of the Act).

(c) Any vessel which is equipped as of the date of promulgation of this regulation with a Coast Guard-certified flow-through marine sanitation device meeting the requirements of paragraph (a)(2) of this section, shall not be required to comply with the provisions designed to prevent the overboard discharge of sewage, treated or untreated, in paragraph (a)(1) of this section, for the operable life of that device.

(d) After January 30, 1980, subject to paragraphs (e) and (f) of this section, marine sanitation devices on all vessels on waters that are not subject to a prohibition of the overboard discharge of sewage, treated or untreated, as specified in paragraph (a)(1) of this section, shall be designed and operated to either retain, dispose of, or discharge sewage, and shall be certified by the U.S. Coast Guard. If the device has a discharge, the effluent shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters, nor suspended solids greater than 150 mg/l.

(e) Any existing vessel on waters not subject to a prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and which is equipped with a certified device on or before January 30, 1978, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(f) Any new vessel on waters not subject to the prohibition of the overboard discharge of sewage in paragraph (a)(1) of this section, and on which construction is initiated before January 31, 1980, which is equipped with a marine sanitation device before January 31, 1980, certified under paragraph (a)(2) of this section, shall not be required to comply with paragraph (d) of this section, for the operable life of that device.

(g) The degrees of treatment described in paragraphs (a) and (d) of this section are "appropriate standards" for purposes of Coast Guard and Department of Defense certification pursuant to section 312(g)(2) of the Act.

§140.4 Complete prohibition.

(a) Prohibition pursuant to CWA section 312(f)(3): a State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into some or all of the waters within such State by making a written application to the Administrator, Environmental Protection Agency, and by receiving the Administrator's affirmative determination pursuant to section 312(f)(3) of the Act. Upon receipt of an application under section 312(f)(3) of the Act, the Administrator will determine within 90 days whether adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels using such waters are reasonably available. Applications made by States pursuant to section 312(f)(3) of the Act shall include:

(1) A certification that the protection and enhancement of the waters described in the petition require greater environmental protection than the applicable Federal standard;

(2) A map showing the location of commercial and recreational pump-out facilities;

(3) A description of the location of pump-out facilities within waters designated for no discharge;

(4) The general schedule of operating hours of the pump-out facilities;

(5) The draught requirements on vessels that may be excluded because of insufficient water depth adjacent to the facility;

(6) Information indicating that treatment of wastes from such pump-out facilities is in conformance with Federal law; and

(7) Information on vessel population and vessel usage of the subject waters.

(b) Prohibition pursuant to CWA section 312(f)(4)(A): a State may make a written application to the Administrator, Environmental Protection Agency, under section 312(f)(4)(A) of the Act, for the issuance of a regulation completely prohibiting discharge from a vessel of any sewage, whether treated or not, into particular waters of the United States or specified portions thereof, which waters are located within the boundaries of such State. Such application shall specify with particularity the waters, or portions thereof, for which a complete prohibition is desired. The application shall include identification of water recreational areas, drinking water intakes, aquatic sanctuaries, identifiable fish-spawning and nursery areas, and areas of intensive boating activities. If, on the basis of the State's application and any other information available to him, the Administrator is unable to make a finding that the waters listed in the application require a complete prohibition of any discharge in the waters or portions thereof covered by the application, he shall state the reasons why he cannot make such a finding, and shall deny the application. If the Administrator makes a finding that the waters listed in the application require a complete prohibition of any discharge in all or any part of the waters or portions thereof covered by the State's application, he shall publish notice of such findings together with a notice of proposed rule making, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that applicable water quality standards require a complete prohibition covering a more restricted or more expanded area than that applied for by the State, he shall state the reasons why his finding differs in scope from that requested in the State's application.

(1) For the following waters the discharge from a vessel of any sewage (whether treated or not) is completely prohibited pursuant to CWA section 312(f)(4)(A):

(i) Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, as described in 16 U.S.C. 577-577d1.

(ii) Waters of the State of Florida within the boundaries of the Florida Keys National Marine Sanctuary as delineated on a map of the Sanctuary at <http://www.fknms.nos.noaa.gov/>.

(c)(1) Prohibition pursuant to CWA section 312(f)(4)(B):

A State may make written application to the Administrator of the Environmental Protection Agency under section 312(f)(4)(B) of the Act for the issuance of a regulation establishing a drinking water intake no discharge zone which completely prohibits discharge from a vessel of any sewage, whether treated or untreated, into that zone in particular waters, or portions thereof, within such State. Such application shall:

(i) Identify and describe exactly and in detail the location of the drinking water supply intake(s) and the community served by the intake(s), including average and maximum expected amounts of inflow;

(ii) Specify and describe exactly and in detail, the waters, or portions thereof, for which a complete prohibition is desired, and where appropriate, average, maximum and low flows in million gallons per day (MGD) or the metric equivalent;

(iii) Include a map, either a USGS topographic quadrant map or a NOAA nautical chart, as applicable, clearly marking by latitude and longitude the waters or portions thereof to be designated a drinking water intake zone; and

(iv) Include a statement of basis justifying the size of the requested drinking water intake zone, for example, identifying areas of intensive boating activities.

(2) If the Administrator finds that a complete prohibition is appropriate under this paragraph, he or she shall publish notice of such finding together with a notice of proposed rulemaking, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding is that a complete prohibition covering a more restricted or more expanded area than that applied for by the State is appropriate, he or she shall also include a statement of the reasons why the finding differs in scope from that requested in the State's application.

(3) If the Administrator finds that a complete prohibition is inappropriate under this paragraph, he or she shall deny the application and state the reasons for such denial.

(4) For the following waters the discharge from a vessel of any sewage, whether treated or not, is completely prohibited pursuant to CWA section 312(f)(4)(B):

(i) Two portions of the Hudson River in New York State, the first is bounded by an east-west line through the most northern confluence of the Mohawk River which will be designated by the Troy-Waterford Bridge (126th Street Bridge) on the south and Lock 2 on the north, and the second of which is bounded on the north by the southern end of Houghtaling Island and on the south by a line between the Village of Roseton on the western shore and Low Point on the eastern shore in the vicinity of Chelsea, as described in Items 2 and 3 of 6 NYCRR Part 858.4.

(ii) [Reserved]

§140.5 Analytical procedures.

In determining the composition and quality of effluent discharge from marine sanitation devices, the procedures contained in 40 CFR part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants," or subsequent

revisions or amendments thereto, shall be employed.
(40 CFR 140)

20/03