

SECTION II  
NAVIGATION PUBLICATIONS

NM 42/09

**COAST PILOT CORRECTIONS**

**COAST PILOT 2      38 Ed 2009      Change No. 28  
LAST NM 38/09**

Page 191—Paragraph 33, lines 2 to 4; read:

**Tern Island** and Chatham. In June 2009, the controlling depth of the channel was 6.3 feet, thence 4.7 to 8 feet in the basin, except shoaling to 2.5 feet within 20 feet of the northern limit, with lesser depths along the east side. Conditions ...

(CL 1184/09) 42/09

Page 195—Paragraph 92, lines 4 to 5; read:

subject to shoaling. In July 2009, the controlling depth in the entrance channel was 5.4 feet (7.8 feet at midchannel) except shoaling to 1.5 feet in the right outside quarter near Harding Beach Point.

(CL 1186/09) 42/09

Page 227—Paragraph 195, line 5 to Paragraph 197, line 2; read:

barrels or more of petroleum and hazardous cargoes. Federal and State pilots are available from Northeast Marine Pilots, Inc. and from Boston Coastwise Pilots. Northeast Marine Pilots, Inc., Newport, RI 02840; <http://www.nemarinepilots.com>; telephone 401-847-9050 (24 hours), 800-274-1216; FAX 401-841-9052; email: [dispatch@nemarinepilots.com](mailto:dispatch@nemarinepilots.com). Boston Coastwise Pilots is in Winthrop, MA 02152; telephone 617-510-0082, 508-801-4904; email: [boscopilots@aol.com](mailto:boscopilots@aol.com). Twenty-four hour advance notice and 3 hour updates are requested.

The Northeast Marine pilot boats which serve the canal and Buzzards Bay are the NORTHEAST I and NORTHEAST V. The NORTHEAST I is a 37-foot boat with a black hull and white superstructure. The NORTHEAST V is a 38-foot boat with a black hull and gray superstructure. Both boats have the word PILOT on both sides.

The pilot boats NORTHEAST II and NORTHEAST IV serve for boarding eastbound vessels.

(CL 1330/09) 42/09

Page 241—Paragraph 33 to Page 242—Paragraph 36; read:

Federal and State pilots for Narragansett Bay are available from Northeast Marine Pilots, Inc., Newport, RI 02840; <http://www.nemarinepilots.com>; telephone 401-847-9050 (24 hours), 800-274-1216; FAX 401-847-9052; email: [dispatch@nemarinepilots.com](mailto:dispatch@nemarinepilots.com).

(CL 1330/09) 42/09

Page 242—Paragraph 44, line 2; read:

vessels in coastwise trade are available from the Northeast Marine Pilots (see above for contact information) and the Connecticut ...

(CL 1330/09) 42/09

Page 263—Paragraph 27; read:

Pilotage is compulsory for foreign flag vessels and U.S. vessels which are under register (i.e. engaged in foreign trade) in Block Island Sound and Long Island Sound. Vessels should not enter Block Island Sound or Long Island Sound without a state licensed pilot. See Pilotage, Long Island Sound (indexed as such), chapter 8. The Point Judith Pilot Station is the primary pilot boarding location for entry into Block Island Sound and Long Island Sound. Vessels bound for Long Island Sound ports may board pilots at the Point Judith Pilot Station, centered on 41°17.0'N., 71°30.5'W. There is a secondary pilot station which may be used with special arrangement at any point south of the Montauk Point Pilot Station, centered on 41°02.0'N., 71°42.0'W.

(CL 1329/09) 42/09

Page 270—Paragraph 105, lines 1 to 4; read:

Pilots, by special arrangement during favorable weather conditions, may meet a ship with less than 38-foot draft off Montauk Point bound for Long Island Sound. Foreign flag vessels and U.S. vessels which are under register can arrange for a state licensed pilot by contacting the joint rotation administrator, Block Island Pilots at 243 Spring Street, Newport, RI 02840; telephone 401-847-9050 (24 hours), 800-274-1216; FAX 401-847-9052. U.S. vessels engaged in coastwise trade (enrolled work) in need of pilotage services can contact the various pilot organizations directly. For telephone number, FAX number, cable address, ...

(CL 1329/09) 42/09

Page 270—Paragraph 106; strike out.

(CL 1329/09) 42/09

Page 270—Paragraph 107, line 2; read:

in excess of 38 feet are advised to not transit the ...

(CL 1222/09) 42/09

Page 288—Paragraph 23; read:

Pilotage by a state licensed pilot is compulsory in Long Island Sound for foreign flag vessels and U.S. vessels which are under register (i.e. engaged in foreign trade). Such vessels can arrange for a state licensed pilot by contacting the joint rotation administrator, Block Island Pilots at 243 Spring Street, Newport, RI 02840; telephone 401-847-9050

**COAST PILOT 2 (Continued)**

(24 hours), 800-274-1216; FAX 401-847-9052. Enrolled vessels (i.e. U.S. vessels engaged in coastwise trade) may be required to have a U.S. Coast Guard Federally licensed pilot unless the master has recency for the intended area.

(CL 1329/09; CL 1343/09) 42/09

Page 288—Paragraph 26, line 1; read:

Pilot services must be arranged at least 24 ...  
(CL 1329/09) 42/09

Page 288—Paragraph 27, line 1; read:

Pilotage, in the waters of Long Island Sound for enrolled vessels (i.e. U.S. vessels engaged in coastwise trade), is ...  
(CL 1329/09) 42/09

Page 288—Paragraph 28 to Page 289—Paragraph 30; read:

Northeast Marine Pilots, Inc., 243 Spring Street, Newport, RI 02840; <http://www.nemarinepilots.com>; telephone 401-847-9050 (24 hours), 800-274-1216; FAX 401-847-9052. Pilot boats are NORTHEAST IV, 52-foot, gray hull and superstructure, word PILOT on both sides and NORTHEAST II, 47-foot, gray hull and superstructure, word PILOT on both sides. The boats monitor VHF-FM channels 16, 10, 13, 14; work on 10.

Interport Pilots Agency, Inc./Connecticut State Pilots, P.O. Box 236, Port Monmouth, NJ 07758; <http://www.interportpilots.com>; telephone 732-787-5554 (24 hours); email: [interport@verizon.net](mailto:interport@verizon.net). Pilot boats are CONNECTICUT PILOT, 65-foot with blue hull and white superstructure and KEN JOHNSON, 48-foot with blue hull and white superstructure. These boats monitor VHF-FM channels 16 and 13, work on 11, and are equipped with AIS.

Constitution State Pilots Association, 9 Nottingham Drive, Old Lyme, CT 06371, telephone 203-627-5057. Pilot boat is CONSTITUTION, 65-foot with black hull and white superstructure displaying the word PILOT on both sides. The boat monitors VHF-FM channels 16, 13, and 9A; works on 13 or 9A.

(CL 1329/09; CL 1222/09) 42/09

Page 289—Paragraph 31; read:

Connecticut River Pilots Association (CRPA), P.O. Box 107, Old Saybrook, CT 06475; telephone 860-388-4167. Pilot boat TRUDEE II is 36-foot, with black hull, white superstructure, and with the word PILOT on the house, forward. The boat monitors VHF-FM channels 16 and 13; works on 13.

(CL 1329/09; CL 1222/09) 42/09

Page 291—Paragraph 59; read:

Pilotage by a state licensed pilot is compulsory in Long Island Sound for foreign flag vessels and U.S. vessels which

are under register (i.e. engaged in foreign trade). Such vessels can arrange for a state licensed pilot by contacting the joint rotation administrator, Block Island Pilots at 243 Spring Street, Newport, RI 02840; telephone 401-847-9050 (24 hours), 800-274-1216; FAX 401-847-9052. Enrolled vessels (i.e. U.S. vessels engaged in coastwise trade) may be required to have a U.S. Coast Guard Federally licensed pilot unless the master has recency for the intended area. See Pilotage, Long Island Sound (indexed as such), chapter 8.

(CL 1329/09) 42/09

Page 291—Paragraph 60 to Page 292—Paragraph 62; strike out.

(CL 1329/09) 42/09

**COAST PILOT 2 38 Ed 2009 Change No. 29**

Page 298—Paragraph 142; read:

Pilotage by a state licensed pilot is compulsory in Long Island Sound for foreign flag vessels and U.S. vessels which are under register (i.e. engaged in foreign trade). Such vessels can arrange for a state licensed pilot by contacting the joint rotation administrator, Block Island Pilots at 243 Spring Street, Newport, RI 02840; telephone 401-847-9050 (24 hours), 800-274-1216; Fax 401-847-9052. Enrolled vessels (i.e. U.S. vessels engaged in coastwise trade) see Pilotage, Long Island Sound (indexed as such), chapter 8.

(CL 1329/09) 42/09

Page 309—Paragraph 303; read:

Pilotage by state licensed pilot is compulsory in Long Island Sound for foreign flag vessels and U.S. vessels which are under register (i.e. engaged in foreign trade). Such vessels can arrange for a state licensed pilot by contacting the joint rotation administrator, Block Island Pilots at 243 Spring Street, Newport, RI 02840; telephone 401-487-9050 (24 hours), 800-274-1216; FAX 401-847-9052. Enrolled vessels (i.e. U.S. vessels engaged in coastwise trade) may be required to have a U.S. Coast Guard Federally licensed pilot unless the master has recency for the intended area. See Pilotage, Long Island Sound (indexed as such), chapter 8.

(CL 1329/09) 42/09

Page 309—Paragraph 304 to Page 310—Paragraph 307; strike out.

(CL 1329/09) 42/09

Page 315—Paragraphs 387 to 395; read:

Pilotage by a state licensed pilot is compulsory in Long Island Sound for foreign flag vessels and U.S. vessels which are under register (i.e.) engaged in foreign trade). Such vessels can arrange for a state licensed pilot by contacting the

**COAST PILOT 2 (Continued)**

joint rotation administrator, Block Island Pilots at 243 Spring Street, Newport, RI 02840; telephone 401-847-9050 (24 hours), 800-274-1216; FAX 401-847-9052. Enrolled vessels (i.e. U.S. vessels engaged in coastwise trade) may be required to have a U.S. Coast Guard Federally licensed pilot unless the master has recency for the intended area. See Pilotage, Long Island Sound (indexed as such), chapter 8 and Pilotage, New York Harbor and Approaches, (indexed as such), chapter 11.

(CL 1329/09) 42/09

Page 316—Paragraph 417 to Page 317—Paragraph 424; read:

Pilotage by a state licensed pilot is compulsory in Long Island Sound for foreign flag vessels and U.S. vessels which are under register (i.e. engaged in foreign trade). Such vessels can arrange for a state licensed pilot by contacting the joint rotation administrator, Block Island Pilots at 243 Spring Street, Newport, RI 02840; telephone 401-847-9050 (24 hours), 800-274-1216; Fax 401-847-9052. Enrolled vessels (i.e. U.S. vessels engaged in coastwise trade) may be required to have a U.S. Coast Guard Federally licensed pilot unless the master has recency for the intended area. See Pilotage, Long Island Sound (indexed as such), chapter 8 and Pilotage, New York Harbor and Approaches (indexed as such), chapter 11.

(CL 1329/09; CL 1343/09) 42/09

Page 320—Paragraph 22, lines 1 to 2; read:

Pilotage by a state licensed pilot is compulsory in Long Island Sound for foreign flag vessels and U.S. vessels which are under register (i.e. engaged in foreign trade), Enrolled vessels (i.e. U.S. vessels engaged in coastwise trade) may be required to have a U.S. Coast Guard Federally licensed pilot unless the master has recency for the intended area. For vessels ...

(CL 1222/09; CL 1343/09) 42/09

Page 322—Paragraph 44; read:

Pilotage by a state licensed pilot is compulsory in Long Island Sound for foreign flag vessels and U.S. vessels which are under register (i.e. engaged in foreign trade). Such vessels can arrange for a state licensed pilot by contacting the joint rotation administrator, Block Island Pilots at 243 Spring Street, Newport, RI 02840; telephone 401-847-9050 (24 hours), 800-274-1216; FAX 401-847-9052. Enrolled vessels (i.e. U.S. vessels engaged in coastwise trade) may be required to have a U.S. Coast Guard Federally licensed pilot unless the master has recency for the intended area. See Pilotage, Long Island Sound (indexed as such), chapter 8. See also Pilotage, Narragansett Bay and Other Rhode Island

Waters (indexed as such), chapter 6, and Pilotage Pickup Locations Off Montauk Point (indexed as such), chapter 7.  
(CL 1329/09; CL 1343/09) 42/09

Page 322—Paragraph 45 to Page 323—Paragraph 48; strike out.

(CL 1329/09; CL 1343/09) 42/09

Page 327—Paragraph 122; read:

Pilotage by a state licensed pilot is compulsory in Long Island Sound for foreign flag vessels and U.S. vessels which are under register (i.e. engaged in foreign trade). Such vessels can arrange for a state licensed pilot by contacting the joint rotation administrator, Block Island Pilots at 243 Spring Street, Newport, RI 02840; telephone 401-847-9050 (24 hours), 800-274-1216; FAX 401-847-9052. Enrolled vessels (i.e. U.S. vessels engaged in coastwise trade) see Pilotage, Long Island Sound (indexed as such), chapter 8.

(CL 1329/09) 42/09

Page 332—Paragraph 184, lines 6 to 9; read:

June-July 2008, the controlling depths were 9.5 feet at mid-channel to the first fixed bridge about 0.8 mile above the entrance (though numerous boats and barges in the channel obstructed a full survey of the area), thence 6.0 feet at mid-channel to the basin, thence 6.4 in the basin, thence in ...

(CL 829/08; BPs 192556-61) 42/09

Page 339—Paragraphs 284 to 293; read:

Pilotage by a state licensed pilot is compulsory in Long Island Sound for foreign flag vessels and U.S. vessels which are under register (i.e. engaged in foreign trade). Such vessels can arrange for a state licensed pilot by contacting the joint rotation administrator, Block Island Pilots at 243 Spring Street, Newport, RI 02840; telephone 401-487-9050 (24 hours), 800-274-1216; FAX 401-847-9052. Enrolled vessels (i.e. U.S. vessels engaged in coastwise trade) may be required to have a U.S. Coast Guard Federally Licensed pilot unless the master has recency for the intended area. See Pilotage, Long Island Sound (indexed as such), chapter 8 and Pilotage, New York Harbor and Approaches (indexed as such), chapter 11.

(CL 1329/09; CL 1343/09) 42/09

Page 355—Paragraph 3; insert after:

South shore inlets and bays are prone to extreme shoaling and depths as low as 1 to 2 feet at low tide. The location of marked channels is subject to change in order to mark best water.

(CL 1329/09) 42/09

**COAST PILOT 2 (Continued)**

Page 357—Paragraph 35, line 4; read:  
range from 5 to 7 feet and as low as 1 to 2 feet at low tide,  
but the southern part is shoal. The marked channel may be  
shifted significantly to the north in order to mark best water.  
(CL 1329/09) 42/09

Page 357—Paragraph 36, lines 3 to 4; read:  
Inlet, extreme care must be taken as this area is prone to ex-  
treme shoaling.  
(CL 1329/09) 42/09

Page 358—Paragraph 44, lines 3 to 8; read:  
water in Moriches Bay. Weather continuously changes the  
jettied entrance which is subject to extreme shoaling. Both  
east and west jetties are marked by a light and the approach  
to the inlet is marked by a lighted whistle buoy. Due to  
rapidly changing shoaling conditions and existing dangers in  
Moriches Inlet, it is considered unsafe for mariners to navi-  
gate this inlet at any time. Buoys are not maintained in this  
inlet.  
(CL 1329/09) 42/09

Page 361—Paragraph 102, line 4; read:  
South Bay. The inlet is subject to extreme shoaling and ...  
(CL 1329/09) 42/09

Page 365—Paragraph 154, lines 9 to 12; read:  
regulations.)  
(CL 275/00) 42/09

Page 413—Paragraph 229, lines 3 to 15; read:  
span with a clearance of 55 feet. The vertical lift highway  
bridge 0.5 mile upstream has a clearance of 29 feet down and  
60 feet up. (See **117.1 through 117.59 and 117.791**, chapter  
2, for drawbridge regulations.) A rock ledge is on the east  
side of the river at the bridge in about 42°44'07"N.,  
73°41'22"W. In 1978, the **Green Island Bridge (State  
Route 7)**, a fixed highway bridge with a design clearance of  
60 feet, was under construction at Mile 132.9.  
(CL 101/85) 42/09

**COAST PILOT 4**      **41 Ed 2009**      **NEW EDITION**  
(NOS) 42/09

**COAST PILOT 5**      **37 Ed 2009**      **Change No. 15**  
**LAST NM 37/09**

Page 98—Paragraph 1158, lines 2 to 4; read:  
mile 19.3 near Echo shall open on signal if at least 14 days  
notice to given.  
(FR 8/28/09) 42/09

Page 198—Paragraphs 3639 to 3647; read:  
**§334.786 [Removed]**  
(FR 8/27/09) 42/09

Page 285—Paragraph 35, lines 4 to 5; read:  
Panacea. In June 2009, the controlling depth was 3.6 feet  
(4.3 feet at midchannel) to the public wharf.  
(DDs 15286-88) 42/09

Page 288—Paragraph 75, lines 6 to 7; read:  
protected by twin jetties. In November 2008-May 2009, the  
controlling depth was 8.4 feet (10 feet at midchannel). The  
...  
(DDs 15298-99) 42/09

Page 288—Paragraph 79, lines 7 to 9; read:  
Light TM. In April 2009, the controlling depth in was 2.7  
feet (3.5 feet at midchannel), thence 2.5 feet (3.1 feet at mid-  
channel) in the W channel and 3.4 feet (4.3 feet at mid-  
channel) in the E channel. An entrance ...  
(DDs 15250-53) 42/09

Page 288—Paragraph 80, lines 3 to 5; read:  
basin in **Scipio Creek**. In May 2009, the controlling depth in  
the channel was 5.4 feet (6.9 feet at midchannel), thence 6.5  
to 8.5 feet was ...  
(DD 15275) 42/09

Page 297—Paragraph 212, lines 3 to 5; read:  
fixed highway bridge at Freeport. In May 2009, the control-  
ling depth was 3.9 feet (7.2 feet at midchannel) in the chan-  
nel with 4.1 to 12.0 feet in the basin.  
(DDs 15276-80) 42/09

Page 300—Paragraph 248, line 1; read:  
The channels are marked by a lighted range, lights, ...  
(LL/09; NOS 11383) 42/09

Page 303—Paragraph 291, lines 2 to 3; read:  
N arm of East Bay. In June 2009, the controlling depth was  
5.9 feet to Light 33, thence 8.9 ...  
(DDs 15363-74) 42/09

Page 308—Paragraph 18, line 3; read:  
river. The federal project depth is 45 feet to and in a turning  
...  
(CL 1075/09; Internet/09) 42/09

Page 313—Paragraph 69, lines 3 to 6; read:  
McDuffie Island and the mainland. In July 2009, the con-  
trolling depth was 6.3 feet (8.4 feet at midchannel) to about  
0.3 mile above the turning basin, thence 2.1 feet to the cause-

**COAST PILOT 5 (Continued)**

way.

(CL 1116/09)

42/09

Page 334—Paragraph 347; strike out.

(CL 1054/09; 26/09 CG8)

42/09

Page 318—Paragraph 156, lines 4 to 7; read:

to an anchorage basin at Dauphin Island Village. In July 2009, the controlling depth in the entrance channel was 4.4 feet (5.3 feet at midchannel), thence 3.3 to 6.9 feet in the basin. The channel is marked with lights ...

(CL 1169/09)

42/09

Page 337—Paragraph 378, line 13; read:

mile W of the Mississippi River-Gulf Outlet Canal. In July 2009, Bayou Bienvenue was reported to be completely closed to mariners due to construction of a vertical lift gate approximately 0.25 mile E of the Mississippi River-Gulf Outlet. The lift gate has a design clearance of 35 feet and is scheduled to be completed in June 2011.

(CL 1054/09; 26/09 CG8)

42/09

Page 318—Paragraph 158, lines 11 to 14; read:

the anchorage basin to Dauphin Island Bay. In June 2009, the controlling depth was 2.9 feet (5.0 feet at midchannel) in the entrance channel to the basin, thence 2.2 to 7.0 feet in the basin, thence 3.2 (4.6 ...

(CL 1074/09)

42/09

Page 349—Paragraph 58, lines 11 to 12; read:

entrance to the safety fairways off the passes. This keeps them out of the strongest part ...

(CL 1054/09; 26/09 CG8)

42/09

**COAST PILOT 5      37 Ed 2009      Change No. 16**

Page 325—Paragraph 239, lines 12 to 13; read:

U.S. Route 90 highway bridge. In May 2009, the controlling depth was 6.0 feet (6.5 feet at midchannel) to Light 18; thence in October 2008, 8.4 ...

(CL 1096/09)

42/09

Page 360—Paragraph 190, lines 1 to 4; read:

The navigation of vessels in the Mississippi River and the Inner Harbor Navigation Canal to its junction with the Mississippi River-Gulf Outlet Canal are under the jurisdiction ...

(CL 1054/09; 26/09 CG8)

42/09

Page 327—Paragraph 261, lines 4 to 9; read:

the entrance to Industrial Seaway. In July 2009, the controlling depth was 9.9 feet (10.9 feet at midchannel) from State Route 90 highway bridge to State Route 110 highway bridge; thence 11.7 feet to Popp's Ferry Road highway bridge; thence in February 2008, 3.5 feet (8.8 feet at midchannel) to the ...

(CL 1171/09)

42/09

**COAST PILOT 7      41 Ed 2009      Change No. 25  
LAST NM 41/09**

Page 188—Paragraph 3424, line 6; read:

port security, safety or environmental safety.

Page 327—Paragraph 266, lines 4 to 5; read:

turning basin. In July 2009, the controlling depth in the channel was 6.0 feet, thence 3.4 to 8.8 feet in the basin.

(CL 1171/09)

42/09

**§165.1322 Regulated Navigation Area: Willamette River  
Portland, Oregon Captain of the Port Zone.**

(a) *Location.* The following is a regulated navigation area (RNA): All waters of the Willamette River encompassed by a line commencing at

45°34'47"N., 122°45'28"W. along the shoreline to

45°34'47"N., 122°45'30"W., thence to

45°34'47"N., 122°45'30"W., thence to

45°34'48"N., 122°45'30"W., thence to

45°34'48"N., 122°45'30"W., thence to

45°34'48"N., 122°45'28"W., thence to

45°34'47"N., 122°45'28"W. and back to the point of origin. All coordinates reference 1983 North American Datum (NAD 83).

(b) *Regulations.* (1) Motoring, anchoring, dragging, dredging, or trawling are prohibited in the regulated area.

(2) All vessels transiting or accessing the regulated area shall do so at a no wake speed or at the minimum speed to maintain steerage.

Page 332—Paragraph 315, lines 2 to 4; read:

available at several commercial wharves by truck. Fresh water is piped to all berths. Marine ...

(CL 1106/09)

42/09

Page 332—Paragraph 317, lines 3 to 4; read:

yachts and party fishing vessels. Berths, electricity, gasoline, ice, water, launching ramps, and marine ...

(CL 1106/09)

42/09

**§165.1323 Regulated Navigation Area: Willamette River  
Portland, Oregon Captain of the Port Zone.**

Page 333—Paragraph 325, lines 6 to 7; read:

moles. In July 2009, the controlling depth was 7 feet in the entrance channel and 4.6 to 6.4 feet in the ...

(CL 1076/09)

42/09

**COAST PILOT 7 (Continued)**

(a) *Location.* The following is a regulated navigation area (RNA): All waters of the Willamette River encompassed by a line commencing at

45°34'33"N, 122°44'17"W to  
 45°34'32"N, 122°44'18"W thence to  
 45°34'35"N, 122°44'24"W thence to  
 45°34'35"N, 122°44'27"W thence to  
 45°34'35"N, 122°44'36"W thence to  
 45°34'35"N, 122°44'37"W thence to  
 45°34'38"N, 122°44'42"W to  
 45°34'39"N, 122°44'43"W thence to  
 45°34'44"N, 122°44'51"W thence to  
 45°34'45"N, 122°44'53"W thence to  
 45°34'47"N, 122°44'51"W thence to  
 45°34'45"N, 122°44'46"W to  
 45°34'45"N, 122°44'45"W thence to  
 45°34'47"N, 122°44'43"W thence to  
 45°34'46"N, 122°44'42"W thence to  
 45°34'48"N, 122°44'40"W thence to  
 45°34'48"N, 122°44'38"W and along the shoreline to  
 45°34'46"N, 122°44'39" W and back to the point of origin. All coordinates reference 1983 North American Datum (NAD 83).

(b) *Regulations.* (1) Anchoring, spudding, dredging, laying cable, dragging, trawling, conducting salvage operations, operating commercial vessels of any size, and operating recreational vessels greater than 30 feet in length are prohibited in the regulated area.

(2) All vessels transiting or accessing the regulated area shall do so at no wake speed or at the minimum speed necessary to maintain steerage.

**§165.1324 Safety and Security Zone; Cruise Ship Protection, Elliot Bay and Pier 91, Seattle, Washington.**

(a) *Safety and Security Zones.* (1) The following area is a safety and security zone: All waters within the following points: a rectangle, starting at

47°37'53"N., 122°23'07"W., thence south to position  
 47°37'06"N., 122°23'07"W., thence east to position  
 47°37'06"N., 122°22'43"W., thence north to position  
 47°37'58"N., 122°22'43"W. This zone will be enforced only during the arrival and departure of Large Passenger Cruise Vessels at Pier 91, Seattle, Washington.

(2) The following area is a safety and security zone: All waters within 100 yards of Pier 91, Seattle, Washington, at approximate position 47°37'35"N., 122°23'00"W. This zone will be enforced only when a Large Passenger Cruise Vessel is moored at Pier 91.

(b) *Regulations.* In accordance with the general regulations in 33 CFR Part 165, Subpart D, no person or vessel may enter or remain in either Safety and Security Zone ex-

cept for vessels authorized by the Captain of the Port or Designated Representatives.

(c) *Definitions.* The following definitions apply to this section:

*Facility Security Officer* means the person designated as responsible for the development, implementation, revision and maintenance of the facility security plan and for liaison with the COTP and Company and Vessel Security Officers.

*Large Passenger Cruise Vessel* means any cruise ship over 100 feet in length carrying passengers for hire. Large Passenger Cruise Vessel does not include vessels inspected and certificated under 46 CFR, Chapter I, Subchapter T such as excursion vessels, sight seeing vessels, dinner cruise vessels, and whale watching vessels.

*Official Patrol* means those persons designated by the Captain of the Port to monitor a Large Passenger Cruise Vessel security and safety zone, permit entry into the zone, give legally enforceable orders to persons or vessels within the zone and take other actions authorized by the Captain of the Port. Persons authorized in paragraph (e) to enforce this section are designated as the Official Patrol.

(d) *Authorization.* To request authorization to operate within 100 yards of a Large Passenger Cruise Vessel that is moored at Pier 91, contact the onscene Official Patrol on VHF-FM channel 16 or 13 or the Facility Security Officer at (206) 728-3688.

(e) *Enforcement.* Any Coast Guard commissioned warrant or petty officer may enforce the rules in this section. In the navigable waters of the United States to which this section applies, when immediate action is required and representatives of the Coast Guard are not present or not present in sufficient force to provide effective enforcement of this section in the vicinity of a Large Passenger Cruise Vessel, any Federal or Washington Law Enforcement Officer may enforce the rules contained in this section pursuant to 33 CFR 6.04-11. In addition, the Captain of the Port may be assisted by other Federal, state or local agencies in enforcing this section.

(f) *Waiver.* The Captain of the Port Puget Sound may waive any of the requirements of this section for any vessel or class of vessels upon finding that a vessel or class of vessels, operational conditions or other circumstances are such that application of this section is unnecessary or impractical for the purpose of port security, safety or environmental safety.

(FR 8/20/09; FR 2/4/09)

42/09

## COAST PILOT 7      41 Ed 2009      Change No. 26

Page 52—Paragraph 184 to Page 54—Paragraph 223; read:  
**Subpart H—Gulf of the Farallones National Marine Sanctuary**

**§ 922.80 Boundary.**

The Gulf of the Farallones National Marine Sanctuary (Sanctuary) boundary encompasses a total area of approximately 966 square nautical miles (nmi) of coastal and ocean waters, and submerged lands thereunder, surrounding the Farallon Islands (and Noonday Rock) off the northern coast of California. The northernmost extent of the Sanctuary boundary is a geodetic line extending westward from Bodega Head approximately 6 nmi to the northern boundary of the Cordell Bank National Marine Sanctuary (CBNMS). The Sanctuary boundary then turns southward to a point approximately 6 nmi off Point Reyes, California, where it then turns westward again out towards the 1,000-fathom isobath. The Sanctuary boundary then extends in a southerly direction adjacent to the 1,000-fathom isobath until it intersects the northern extent of the Monterey Bay National Marine Sanctuary (MBNMS). The Sanctuary boundary then follows the MBNMS boundary eastward and northward until it intersects the Mean High Water Line at Rocky Point, California. The Sanctuary boundary then follows the MHWL north until it intersects the Point Reyes National Seashore (PRNS) boundary. The Sanctuary boundary then approximates the PRNS boundary, as established at the time of designation of the Sanctuary, to the intersection of the PRNS boundary and the MHWL in Tomales Bay. The Sanctuary boundary then follows the MHWL up Tomales Bay and Lagunitas Creek to the Route 1 Bridge where the Sanctuary boundary crosses the Lagunitas Creek and follows the MHWL until it intersects its northernmost extent near Bodega Head. The Sanctuary boundary includes Bolinas Lagoon, Estero de San Antonio (to the tide gate at Valley Ford Franklin School Road) and Estero Americano (to the bridge at Valley Ford Estero Road), as well as Bodega Bay, but not Bodega Harbor. Where the Sanctuary boundary crosses a waterway, the Sanctuary boundary excludes these waterways shoreward of the Sanctuary boundary line delineated by the coordinates provided. The precise seaward boundary coordinates are listed in Appendix A to this subpart.

**§ 922.81 Definitions.**

In addition to those definitions found at § 922.3, the following definitions apply to this subpart:

*Areas of Special Biological Significance (ASBS)* are those areas designated by California's State Water Resources Control Board as requiring protection of species or

biological communities to the extent that alteration of natural water quality is undesirable. ASBS are a subset of State Water Quality Protection Areas established pursuant to California Public Resources Code section 36700 et seq.

*Attract or attracting* means the conduct of any activity that lures or may lure any animal in the Sanctuary by using food, bait, chum, dyes, decoys (e.g., surfboards or body boards used as decoys), acoustics or any other means, except the mere presence of human beings (e.g., swimmers, divers, boaters, kayakers, surfers).

*Clean* means not containing detectable levels of harmful matter.

*Cruise ship* means a vessel with 250 or more passenger berths for hire.

*Deserting* means leaving a vessel aground or adrift without notification to the Director of the vessel going aground or becoming adrift within 12 hours of its discovery and developing and presenting to the Director a preliminary salvage plan within 24 hours of such notification, after expressing or otherwise manifesting intention not to undertake or to cease salvage efforts, or when the owner/operator cannot after reasonable efforts by the Director be reached within 12 hours of the vessel's condition being reported to authorities; or leaving a vessel at anchor when its condition creates potential for a grounding, discharge, or deposit and the owner/operator fails to secure the vessel in a timely manner.

*Harmful matter* means any substance, or combination of substances, that because of its quantity, concentration, or physical, chemical, or infectious characteristics may pose a present or potential threat to Sanctuary resources or qualities, including but not limited to: fishing nets, fishing line, hooks, fuel, oil, and those contaminants (regardless of quantity) listed pursuant to 42 U.S.C. 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act at 40 CFR 302.4.

*Introduced species* means any species (including, but not limited to, any of its biological matter capable of propagation) that is non-native to the ecosystems of the Sanctuary; or any organism into which altered genetic matter, or genetic matter from another species, has been transferred in order that the host organism acquires the genetic traits of the transferred genes.

*Motorized personal watercraft* means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel.

*Routine maintenance* means customary and standard procedures for maintaining docks or piers.

**COAST PILOT 7 (Continued)**

*Seagrass* means any species of marine angiosperms (flowering plants) that inhabit portions of the submerged lands in the Sanctuary. Those species include, but are not limited to: *Zostera asiatica* and *Zostera marina*.

**§ 922.82 Prohibited or otherwise regulated activities.**

(a) The following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted within the Sanctuary:

(1) Exploring for, developing, or producing oil or gas except that pipelines related to hydrocarbon operations adjacent to the Sanctuary may be placed at a distance greater than 2 nmi from the Farallon Islands, Bolinas Lagoon and Areas of Special Biological Significance (ASBS) where certified to have no significant effect on Sanctuary resources in accordance with § 922.84.

(2) Discharging or depositing from within or into the Sanctuary, other than from a cruise ship, any material or other matter except:

(i) Fish, fish parts, or chumming materials (bait) used in or resulting from lawful fishing activity within the Sanctuary, provided that such discharge or deposit is during the conduct of lawful fishing activity within the Sanctuary;

(ii) For a vessel less than 300 gross registered tons (GRT), or a vessel 300 GRT or greater without sufficient holding tank capacity to hold sewage while within the Sanctuary, clean effluent generated incidental to vessel use by an operable Type I or II marine sanitation device (U.S. Coast Guard classification) that is approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended (FWPCA), 33 U.S.C. 1322.

Vessel operators must lock all marine sanitation devices in a manner that prevents discharge or deposit of untreated sewage;

(iii) Clean vessel deck wash down, clean vessel engine cooling water, clean vessel generator cooling water, clean bilge water, or anchor wash; or

(iv) Vessel engine or generator exhaust.

(3) Discharging or depositing, from within or into the Sanctuary, any material or other matter from a cruise ship except clean vessel engine cooling water, clean vessel generator cooling water, clean bilge water, or anchor wash.

(4) Discharging or depositing, from beyond the boundary of the Sanctuary, any material or other matter that subsequently enters the Sanctuary and injures a Sanctuary resource or quality, except for the exclusions listed in paragraphs (a)(2)(i) through (iv) and (a)(3) of this section.

(5) Constructing any structure other than a navigation aid on or in the submerged lands of the Sanctuary; placing or abandoning any structure on or in the submerged lands of the Sanctuary; or drilling into, dredging, or otherwise altering the submerged lands of the Sanctuary in any way, except:

(i) By anchoring vessels (in a manner not otherwise prohibited by this part (see § 922.82(a)(16)));

(ii) While conducting lawful fishing activities;

(iii) The laying of pipelines related to hydrocarbon operations in leases adjacent to the Sanctuary in accordance with paragraph (a)(1) of this section;

(iv) Routine maintenance and construction of docks and piers on Tomales Bay; or

(v) Mariculture activities conducted pursuant to a valid lease, permit, license or other authorization issued by the State of California.

(6) Operating any vessel engaged in the trade of carrying cargo within an area extending 2 nmi from the Farallon Islands, Bolinas Lagoon or any ASBS. This includes but is not limited to tankers and other bulk carriers and barges, or any vessel engaged in the trade of servicing offshore installations, except to transport persons or supplies to or from the Islands or mainland areas adjacent to Sanctuary waters or any ASBS. In no event shall this section be construed to limit access for fishing, recreational or research vessels.

(7) Operation of motorized personal watercraft, except for the operation of motorized personal watercraft for emergency search and rescue missions or law enforcement operations (other than routine training activities) carried out by the National Park Service, U.S. Coast Guard, Fire or Police Departments or other Federal, State or local jurisdictions.

(8) Disturbing birds or marine mammals by flying motorized aircraft at less than 1000 feet over the waters within one nmi of the Farallon Islands, Bolinas Lagoon, or any ASBS except to transport persons or supplies to or from the Islands or for enforcement purposes.

(9) Possessing, moving, removing, or injuring, or attempting to possess, move, remove or injure, a Sanctuary historical resource.

(10) Introducing or otherwise releasing from within or into the Sanctuary an introduced species, except:

(i) Striped bass (*Morone saxatilis*) released during catch and release fishing activity; or

(ii) Species cultivated by mariculture activities in Tomales Bay pursuant to a valid lease, permit, license or other authorization issued by the State of California and in effect on the effective date of the final regulation.

**COAST PILOT 7 (Continued)**

(11) Taking any marine mammal, sea turtle, or bird within or above the Sanctuary, except as authorized by the Marine Mammal Protection Act, as amended, (MMPA), 16 U.S.C. 1361 *et seq.*, Endangered Species Act (ESA), as amended, 16 U.S.C. 1531 *et seq.*, Migratory Bird Treaty Act, as amended, (MBTA), 16 U.S.C. 703 *et seq.*, or any regulation, as amended, promulgated under the MMPA, ESA, or MBTA.

(12) Possessing within the Sanctuary (regardless of where taken, moved or removed from), any marine mammal, sea turtle, or bird taken, except as authorized by the MMPA, ESA, MBTA, by any regulation, as amended, promulgated under the MMPA, ESA, or MBTA, or as necessary for valid law enforcement purposes.

(13) Attracting a white shark in the Sanctuary; or approaching within 50 meters of any white shark within the line approximating 2 nmi around the Farallon Islands. The coordinates for the line approximating 2 nmi around the Farallon Islands are listed in Appendix B to this subpart.

(14) Deserting a vessel aground, at anchor, or adrift in the Sanctuary.

(15) Leaving harmful matter aboard a grounded or deserted vessel in the Sanctuary.

(16) Anchoring a vessel in a designated seagrass protection zone in Tomales Bay, except as necessary for mariculture operations conducted pursuant to a valid lease, permit or license. The coordinates for the noanchoring seagrass protection zones are listed in Appendix C to this subpart.

(b) All activities currently carried out by the Department of Defense within the Sanctuary are essential for the national defense and, therefore, not subject to the prohibitions in this section. The exemption of additional activities shall be determined in consultation between the Director and the Department of Defense.

(c) The prohibitions in paragraph (a) of this section do not apply to activities necessary to respond to an emergency threatening life, property, or the environment, or except as may be permitted by the Director in accordance with §922.48 and §922.83.

**§ 922.83 Permit procedures and issuance criteria.**

(a) A person may conduct an activity prohibited by §922.82 if such activity is specifically authorized by, and conducted in accordance with the scope, purpose, terms and conditions of, a permit issued under §922.48 and this section.

(b) The Director, at his or her discretion, may issue a National Marine Sanctuary permit under this section, subject

to terms and conditions as he or she deems appropriate, if the Director finds that the activity will:

- (1) Further research or monitoring related to Sanctuary resources and qualities;
- (2) Further the educational value of the Sanctuary;
- (3) Further salvage or recovery operations; or
- (4) Assist in managing the Sanctuary.

(c) In deciding whether to issue a permit, the Director shall consider factors such as:

- (1) The applicant is qualified to conduct and complete the proposed activity;
- (2) The applicant has adequate financial resources available to conduct and complete the proposed activity;
- (3) The methods and procedures proposed by the applicant are appropriate to achieve the goals of the proposed activity, especially in relation to the potential effects of the proposed activity on Sanctuary resources and qualities;
- (4) The proposed activity will be conducted in a manner compatible with the primary objective of protection of Sanctuary resources and qualities, considering the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities, any potential indirect, secondary or cumulative effects of the activity, and the duration of such effects;
- (5) The proposed activity will be conducted in a manner compatible with the value of the Sanctuary, considering the extent to which the conduct of the activity may result in conflicts between different users of the Sanctuary, and the duration of such effects;
- (6) It is necessary to conduct the proposed activity within the Sanctuary;
- (7) The reasonably expected end value of the proposed activity to the furtherance of Sanctuary goals and purposes outweighs any potential adverse effects on Sanctuary resources and qualities from the conduct of the activity; and
- (8) Any other factors as the Director deems appropriate.

(d) Applications.

(1) Applications for permits should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Superintendent, Gulf of the Farallones National Marine Sanctuary, 991 Marine Dr., The Presidio, San Francisco, CA 94129.

(2) In addition to the information listed in § 922.48(b), all applications must include information to be considered by the Director in paragraph (b) and (c) of this section.

(e) The permittee must agree to hold the United States harmless against any claims arising out of the conduct of the permitted activities.

## COAST PILOT 7 (Continued)

**§ 922.84 Certification of other permits.**

A permit, license, or other authorization allowing: the laying of any pipeline related to hydrocarbon operations in leases adjacent to the Sanctuary and placed at a distance greater than 2 nmi from the Farallon Islands, Bolinas Lagoon, and any ASBS must be certified by the Director as consistent with the purpose of the Sanctuary and having no significant effect on Sanctuary resources. Such certification may impose terms and conditions as deemed appropriate to ensure consistency. In considering whether to make the certifications called for in this section, the Director may seek and consider the views of any other person or entity, within or outside the Federal government, and may hold a public hearing as deemed appropriate. Any certification called for in this section shall be presumed unless the Director acts to deny or condition certification within 60 days from the date that the Director receives notice of the proposed permit and the necessary supporting data. The Director may amend, suspend, or revoke any certification made under this section whenever continued operation would violate any terms or conditions of the certification. Any such action shall be forwarded in writing to both the holder of the certified permit and the issuing agency and shall set forth reason(s) for the action taken.

**Appendix A to Subpart H of Part 922—Gulf of the Farallones National Marine Sanctuary Boundary Coordinates**

Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.

Point ID No.	Latitude	Longitude
Sanctuary Boundary		
1	38°17'56.2"	123°3'35.6"
2	38°15'50.0"	123°10'52.9"
3	38°12'36.0"	123°7'8.8"
4	38°9'56.7"	123°5'31.4"
5	38°8'26.5"	123°4'56.5"
6	38°7'41.8"	123°5'14.7"
7	38°6'7.7"	123°5'52.9"
8	38°5'26.4"	123°6'13.9"
9	38°4'44.3"	123°6'33.2"
10	38°3'54.1"	123°7'1.5"
11	38°3'7.2"	123°7'41.7"

12	37°59'32.1"	123°8'28.9"
13	37°59'22.0"	123°14'10.1"
14	37°57'31.6"	123°19'23.2"
15	37°54'16.7"	123°23'22.4"
16	37°50'5.2"	123°25'32.8"
17	37°46'0.7"	123°25'36.9"
18	37°45'33.5"	123°25'36.6"
19	37°41'20.1"	123°23'33.8"
20	37°38'0.8"	123°19'41.4"
21	37°36'4.4"	123°14'34.5"
22	37°35'29.9"	123°13'35.0"
23	37°33'46.9"	123°11'54.9"
24	37°31'12.0"	123°7'43.6"
25	37°30'29.4"	123°5'46.2"
26	37°29'39.0"	123°0'27.7"
27	37°30'34.1"	122°54'22.1"
28	37°31'47.5"	122°51'35.5"
29	37°34'17.2"	122°48'14.3"
30	37°36'58.3"	122°46'9.7"
31	37°39'59.0"	122°45'3.7"

**Appendix B to Subpart H of Part 922—2 nmi From the Farallon Islands Boundary Coordinates**

Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.

Point ID No. (2 nmi from the Farallon Islands Boundary)	Latitude	Longitude
0	37°46'36.1"	123°8'58.3"
1	37°47'8.2"	123°8'46.7"
2	37°47'44.3"	123°8'15.5"
3	37°48'10.6"	123°7'30.7"
4	37°48'21.9"	123°6'42.8"
5	37°48'20.5"	123°5'54.4"
6	37°48'5.6"	123°5'5.4"
7	37°47'51.9"	123°4'42.0"
8	37°47'37.2"	123°4'11.7"
9	37°47'13.2"	123°3'38.7"

## COAST PILOT 7 (Continued)

10	37°46'44.5"	123°3'17.0"
11	37°46'12.5"	123°3'6.0"
12	37°45'43.2"	123°3'5.4"
13	37°45'27.2"	123°3'8.9"
14	37°45'38.8"	123°2'28.1"
15	37°45'41.4"	123°1'40.9"
16	37°45'32.3"	123°0'54.9"
17	37°45'9.6"	123°0'10.9"
18	37°44'36.2"	122°59'39.3"
19	37°44'10.8"	122°59'24.6"
20	37°43'49.2"	122°58'33.6"
21	37°43'13.5"	122°57'55.7"
22	37°42'31.3"	122°57'32.0"
23	37°41'50.5"	122°57'25.9"
24	37°41'15.3"	122°57'31.7"
25	37°40'39.6"	122°57'52.8"
26	37°40'8.5"	122°58'27.3"
27	37°39'48.6"	122°59'5.2"
28	37°39'37.3"	122°59'50.6"
29	37°39'37.0"	123°0'35.6"
30	37°39'46.4"	123°1'16.7"
31	37°40'15.6"	123°2'17.8"
32	37°40'39.1"	123°2'46.0"
33	37°41'18.3"	123°3'12.0"
34	37°41'57.8"	123°3'20.4"
35	37°42'40.5"	123°4'6.8"
36	37°43'15.6"	123°4'23.8"
37	37°43'54.0"	123°4'26.3"
38	37°44'5.0"	123°4'24.2"
39	37°43'50.6"	123°5'10.3"
40	37°43'48.3"	123°5'52.3"
41	37°43'57.5"	123°6'46.6"
42	37°44'12.6"	123°7'23.3"
43	37°44'33.8"	123°7'52.4"
44	37°44'50.1"	123°8'15.4"
45	37°45'16.8"	123°8'40.7"
46	37°45'52.1"	123°8'57.0"
47	37°46'36.1"	123°8'58.3"

**Appendix C to Subpart H of Part 922—****No-Anchoring Seagrass Protection Zones in Tomales Bay**

Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.

Table C-1: Zone 1:

Zone 1 is an area of approximately 39.9 hectares offshore south of Millerton Point. The eastern boundary is a straight line that connects points 1 and 2 listed in the coordinate table below. The southern boundary is a straight line that connects points 2 and 3, the western boundary is a straight line that connects points 3 and 4 and the northern boundary is a straight line that connects point 4 to point 5. All coordinates are in the Geographic Coordinate System relative to the North American Datum of 1983.

Zone 1 Point ID	Latitude	Longitude
1	38°6'20.5"	122°50'44.3"
2	38°5'55.9"	122°50'9.7"
3	38°5'55.6"	122°50'39.5"
4	38°6'18.5"	122°50'56.5"
5	Same as 1	Same as 1

**ZONE 2:** Zone 2 is an area of approximately 50.3 hectares that begins just south of Marconi and extends approximately 3 kilometers south along the eastern shore of Tomales Bay. The eastern boundary is the mean high water (MHW) line from point 1 to point 2 listed in the coordinate table below. The southern boundary is a straight line that connects point 2 to point 3. The western boundary is a series of straight lines that connect points 3 through 6 in sequence and then connects point 6 to point 1. All coordinates are in the Geographic Coordinate System relative to the North American Datum of 1983.

Zone 2 Point ID	Latitude	Longitude
1	38°8'26.5"	122°52'27.8"
2	38°6'49.8"	122°51'30.6"
3	38°7'8.3"	122°52'2.3"
4	38°7'32.2"	122°51'53.2"
5	38°7'38.0"	122°51'53.5"
6	38°7'59.7"	122°52'18.4"
7	Same as 1	Same as 1

**COAST PILOT 7 (Continued)**

**ZONE 3:** Zone 3 is an area of approximately 4.6 hectares that begins just south of Marshall and extends approximately 1 kilometer south along the eastern shore of Tomales Bay. The eastern boundary is the mean high water (MHW) line from point 1 to point 2 listed in the coordinate table below. The southern boundary is a straight line that connects point 2 to point 3, the western boundary is a straight line that connects point 3 to point 4, and the northern boundary is a straight line that connects point 4 to point 5. All coordinates are in the Geographic Coordinate System relative to the North American Datum of 1983.

Zone 3 Point ID	Latitude	Longitude
1	38°9'37.1"	122°53'39.9"
2	38°9'10.2"	122°53'23.6"
3	38°9'9"	122°53'25.5"
4	38°9'34.4"	122°53'44.6"
5	Same as 1	Same as 1

**ZONE 4:** Zone 4 is an area of approximately 61.8 hectares that begins just north of Nicks Cove and extends approximately 5 kilometers south along the eastern shore of Tomales Bay to just south of Cypress Grove. The eastern boundary is the mean high water (MHW) line from point 1 to point 2 listed in the coordinate table below. The southern boundary is a straight line that connects point 2 to point 3. The western boundary is a series of straight lines that connect points 3 through 9 in sequence. The northern boundary is a straight line that connects point 9 to point 10. All coordinates are in the Geographic Coordinate System relative to the North American Datum of 1983.

Zone 4 Point ID	Latitude	Longitude
1	38°12'2.6"	122°55'18.5"
2	38°9'45.3"	122°53'46.5"
3	38°9'44.1"	122°53'47.4"
4	38°9'55.2"	122°54'11.0"
5	38°10'7.2"	122°54'17.1"
6	38°10'28.2"	122°54'19.6"
7	38°10'45.0"	122°54'36.7"
8	38°11'11.4"	122°54'50.5"
9	38°11'19.7"	122°55'2.6"
10	Same as 1	Same as 1

**ZONE 5:** Zone 5 is an area of approximately 461.4 hectares that begins east of Lawsons Landing and extends approximately 5 kilometers east and south along the eastern shore of Tomales Bay but excludes areas adjacent (approximately 600 meters) to the mouth of Walker Creek. The boundary follows the mean high water (MHW) mark from point 1 and trends in a southeast direction to point 2 listed in the coordinate table below. From point 2 the boundary trends westward in a straight line to point 3, then trends southward in a straight line to point 4 and then trends eastward in a straight line to point 5. The boundary follows the mean high water line from point 5 southward to point 6. The southern boundary is a straight line that connects point 6 to point 7. The eastern boundary is a series of straight lines that connect points 7 to 9 in sequence and then connects point 9 to point 10. All coordinates are in the Geographic Coordinate System relative to the North American Datum of 1983.

Zone 5 Point ID	Latitude	Longitude
1	38°13'52.3"	122°57'46.8"
2	38°12'57.5"	122°56'14.9"
3	38°12'33.7"	122°56'29.5"
4	38°12'13.1"	122°55'56.8"
5	38°12'18.5"	122°55'28.3"
6	38°12'2.6"	122°55'18.5"
7	38°11'38.5"	122°56'5.1"
8	38°12'15.6"	122°56'34.9"
9	38°13'2.1"	122°57'44.1"
10	Same as 1	Same as 1

**ZONE 6:** Zone 6 is an area of approximately 3.94 hectares in the vicinity of Indian Beach along the western shore of Tomales Bay. The western boundary follows the mean high water (MHW) line from point 1 northward to point 2 listed in the coordinate table below. The northern boundary is a straight line that connects point 2 to point 3. The eastern boundary is a straight line that connects point 3 to point 4. The southern boundary is a straight line that connects point 4 to point 5. All coordinates are in the Geographic Coordinate System relative to the North American Datum of 1983.

Zone 6 Point ID	Latitude	Longitude
1	38°8'17.1"	122°53'45.7"
2	38°8'25.4"	122°53'48.3"
3	38°8'27.7"	122°53'43.3"

## COAST PILOT 7 (Continued)

4	38°8'21.0"	122°53'38.0"
5	Same as 1	Same as 1

ZONE 7: Zone 7 is an area of approximately 32.16 hectares that begins just south of Pebble Beach and extends approximately 3 kilometers south along the western shore of Tomales Bay. The western boundary is the mean high water (MHW) line from point 1 to point 2 listed in the coordinate table below. The northern boundary is a straight line that connects point 2 to point 3. The eastern boundary is a series of straight lines that connect points 3 through 7 in sequence. The southern boundary is a straight line that connects point 7 to point 8. All coordinates are in the Geographic Coordinate System relative to the North American Datum of 1983.

Zone 7 Point ID	Latitude	Longitude
1	38°6'37.2"	122°51'55.5"
2	38°7'48.2"	122°53'14.7"
3	38°7'50.4"	122°53'10.3"
4	38°7'25.0"	122°52'47.4"
5	38°7'8.9"	122°52'29.6"
6	38°6'53.4"	122°52'8.2"
7	38°6'39.4"	122°51'52.8"
8	Same as 1	Same as 1

(FR 11/20/08; CL 466/09)

42/09

## COAST PILOT 7      41 Ed 2009      Change No. 27

Page 56—Paragraph 263 to Page 62—Paragraph 359; read:  
**Subpart K—Cordell Bank National Marine Sanctuary**

**§922.110 Boundary.**

The Cordell Bank National Marine Sanctuary (Sanctuary) boundary encompasses a total area of approximately 399 square nautical miles (nmi) of ocean waters, and submerged lands thereunder, off the northern coast of California approximately 50 miles west-northwest of San Francisco, California. The Sanctuary boundary extends westward (approximately 250 degrees) from the northwestern most point of the Gulf of the Farallones National Marine Sanctuary (GFNMS) to the 1,000 fathom isobath northwest of Cordell Bank. The Sanctuary boundary then generally follows this isobath in a southerly direction to the western-most point of the GFNMS boundary. The Sanctuary boundary then follows the GFNMS boundary again to the northwestern

corner of the GFNMS. The exact boundary coordinates are listed in Appendix A to this subpart.

**§922.111 Definitions.**

In addition to the definitions found in §922.3, the following definitions apply to this subpart:

*Clean* means not containing detectable levels of harmful matter.

*Cruise ship* means a vessel with 250 or more passenger berths for hire.

*Harmful matter* means any substance, or combination of substances, that because of its quantity, concentration, or physical, chemical, or infectious characteristics may pose a present or potential threat to Sanctuary resources or qualities, including but not limited to: fishing nets, fishing line, hooks, fuel, oil, and those contaminants (regardless of quantity) listed pursuant to 42 U.S.C.

*Introduced species* means any species (including, but not limited to, any of its biological matter capable of propagation) that is non-native to the ecosystems of the Sanctuary; or any organism into which altered genetic matter, or genetic matter from another species, has been transferred in order that the host organism acquires the genetic traits of the transferred genes.

**§922.112 Prohibited or otherwise regulated activities.**

(a) The following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted within the Sanctuary:

(1)(i) Discharging or depositing from within or into the Sanctuary, other than from a cruise ship, any material or other matter except:

(A) Fish, fish parts, or chumming materials (bait), used in or resulting from lawful fishing activity within the Sanctuary, provided that such discharge or deposit is during the conduct of lawful fishing activity within the Sanctuary;

(B) For a vessel less than 300 gross registered tons (GRT), or a vessel 300 GRT or greater without sufficient holding tank capacity to hold sewage while within the Sanctuary, clean effluent generated incidental to vessel use and generated by an operable Type I or II marine sanitation device (U.S. Coast Guard classification) approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended, (FWPCA), 33 U.S.C. 1322. Vessel operators must lock all marine sanitation devices in a manner that prevents discharge or deposit of untreated sewage;

## COAST PILOT 7 (Continued)

(C) Clean vessel deck wash down, clean vessel engine cooling water, clean vessel generator cooling water, clean bilge water, or anchor wash; or

(D) Vessel engine or generator exhaust.

(ii) Discharging or depositing, from within or into the Sanctuary, any material or other matter from a cruise ship except clean vessel engine cooling water, clean vessel generator cooling water, clean bilge water, or anchor wash.

(iii) Discharging or depositing, from beyond the boundary of the Sanctuary, any material or other matter that subsequently enters the Sanctuary and injures a Sanctuary resource or quality, except as listed in paragraphs (a)(1)(i) and (a)(1)(ii) of this section.

(2) On or within the line representing the 50-fathom isobath surrounding Cordell Bank, removing, taking, or injuring or attempting to remove, take, or injure benthic invertebrates or algae located on Cordell Bank. This prohibition does not apply to use of bottom contact gear used during fishing activities, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States). The coordinates for the line representing the 50-fathom isobaths are listed in Appendix B to this subpart. There is a rebuttable presumption that any such resource found in the possession of a person within the Sanctuary was taken or removed by that person.

(3) Exploring for, or developing or producing, oil, gas, or minerals in any area of the Sanctuary.

(4)(i) On or within the line representing the 50-fathom isobaths surrounding Cordell Bank, drilling into, dredging, or otherwise altering the submerged lands; or constructing, placing, or abandoning any structure, material or other matter on or in the submerged lands. This prohibition does not apply to use of bottom contact gear used during fishing activities, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States). The coordinates for the line representing the 50-fathom isobath are listed in Appendix B to this subpart.

(ii) In the Sanctuary beyond the line representing the 50-fathom isobaths surrounding Cordell Bank, drilling into, dredging, or otherwise altering the submerged lands; or constructing, placing, or abandoning any structure, material or matter on the submerged lands except as incidental and necessary for anchoring any vessel or lawful use of any fishing gear during normal fishing activities. The coordinates for the line representing the 50-fathom isobath are listed in Appendix B to this subpart.

(5) Taking any marine mammal, sea turtle, or bird within or above the Sanctuary, except as authorized by the Marine Mammal Protection Act, as amended, (MMPA),

16 U.S.C. 1361 *et seq.*, Endangered Species Act, as amended, (ESA), 16 U.S.C. 1531 *et seq.*, Migratory Bird Treaty Act, as amended, (MBTA), 16 U.S.C. 703 *et seq.*, or any regulation, as amended, promulgated under the MMPA, ESA, or MBTA.

(6) Possessing within the Sanctuary (regardless of where taken, moved or removed from), any marine mammal, sea turtle or bird taken, except as authorized by the MMPA, ESA, MBTA, by any regulation, as amended, promulgated under the MMPA, ESA, or MBTA, or as necessary for valid law enforcement purposes.

(7) Introducing or otherwise releasing from within or into the Sanctuary an introduced species, except striped bass (*Morone saxatilis*) released during catch and release fishing activity.

(b) The prohibitions in paragraph (a) of this section do not apply to activities necessary to respond to an emergency threatening life, property or the environment, or except as may be permitted by the Director in accordance with §922.48 and §922.113.

(c) All activities being carried out by the Department of Defense (DOD) within the Sanctuary on the effective date of designation that are necessary for national defense are exempt from the prohibitions contained in the regulations in this subpart. Additional DOD activities initiated after the effective date of designation that are necessary for national defense will be exempted by the Director after consultation between the Department of Commerce and DOD. DOD activities not necessary for national defense, such as routine exercises and vessel operations, are subject to all prohibitions contained in the regulations in this subpart.

(d) Where necessary to prevent immediate, serious, and irreversible damage to a Sanctuary resource, any activity may be regulated within the limits of the Act on an emergency basis for no more than 120 days.

**§922.113 Permit procedures and issuance criteria.**

(a) A person may conduct an activity prohibited by §922.112 if such activity is specifically authorized by, and conducted in accordance with the scope, purpose, terms and conditions of, a permit issued under §922.48 and this section.

(b) The Director, at his or her discretion, may issue a national marine sanctuary permit under this section, subject to terms and conditions, as he or she deems appropriate, if the Director finds that the activity will:

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

(2) Further the educational value the Sanctuary;

**COAST PILOT 7 (Continued)**

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

(4) Assist in managing the Sanctuary.

(c) In deciding whether to issue a permit, the Director shall consider such factors as:

(1) The applicant is qualified to conduct and complete the proposed activity;

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

(3) The methods and procedures proposed by the applicant are appropriate to achieve the goals of the proposed activity, especially in relation to the potential effects of the proposed activity on Sanctuary resources and qualities;

(4) The proposed activity will be conducted in a manner compatible with the primary objective of protection of Sanctuary resources and qualities, considering the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities, any potential indirect, secondary or cumulative effects of the activity, and the duration of such effects;

(5) The proposed activity will be conducted in a manner compatible with the value of the Sanctuary, considering the extent to which the conduct of the activity may result in conflicts between different users of the Sanctuary, and the duration of such effects;

(6) It is necessary to conduct the proposed activity within the Sanctuary;

(7) The reasonably expected end value of the proposed activity to the furtherance of Sanctuary goals and purposes outweighs any potential adverse effects on Sanctuary resources and qualities from the conduct of the activity; and

(8) Any other factors as the Director deems appropriate.

(d) Applications.

(1) Applications for permits should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Superintendent, Cordell Bank National Marine Sanctuary, P.O. Box 159, Olema, CA 94950.

(2) In addition to the information listed in §922.48(b), all applications must include information to be considered by the Director in paragraph (b) and (c) of this section.

(e) The permittee must agree to hold the United States harmless against any claims arising out of the conduct of the permitted activities.

**SANCTUARY BOUNDARY COORDINATES**

Point ID No.	Latitude	Longitude
1	38°15'50.0"	123°10'52.9"
2	38°7'55.8"	123°38'33.5"
3	38°6'45.2"	123°38'0.3"
4	38°4'58.4"	123°37'14.3"
5	38°4'28.2"	123°37'17.8"
6	38°3'42.7"	123°36'55.6"
7	38°3'11.0"	123°36'19.7"
8	38°2'46.1"	123°36'21.9"
9	38°2'2.7"	123°35'56.5"
10	38°1'27.0"	123°35'55.1"
11	38°1'22.2"	123°36'55.1"
12	38°1'11.5"	123°37'28.2"
13	38°0'49.1"	123°37'29.7"
14	37°59'54.4"	123°36'47.9"
15	37°59'12.4"	123°35'59.5"
16	37°58'39.3"	123°35'14.8"
17	37°58'0.5"	123°34'42.9"
18	37°57'19.0"	123°33'43.1"
19	37°56'56.4"	123°32'51.9"
20	37°56'18.8"	123°32'49.2"
21	37°55'22.3"	123°32'36.9"
22	37°54'26.1"	123°32'21.7"
23	37°53'7.4"	123°31'46.8"
24	37°52'34.9"	123°31'18.9"
25	37°51'42.8"	123°31'19.0"
26	37°50'59.5"	123°31'2.9"
27	37°49'22.6"	123°29'34.0"
28	37°48'49.1"	123°28'44.6"
29	37°48'36.9"	123°28'8.2"
30	37°48'3.3"	123°28'23.2"
31	37°47'41.5"	123°28'1.9"
32	37°47'1.7"	123°27'16.7"
33	37°46'51.9"	123°26'48.9"
34	37°46'13.1"	123°26'4.7"
35	37°46'0.7"	123°25'36.9"
36	37°50'5.2"	123°25'32.8"

**Appendix A to Subpart K of Part 922—Cordell Bank National Marine Sanctuary Boundary Coordinates**

## COAST PILOT 7 (Continued)

37	37°54'16.7"	123°23'22.4"
38	37°57'31.6"	123°19'23.2"
39	37°59'22.0"	123°14'10.1"
40	37°59'32.1"	123°8'28.9"
41	38°3'7.2"	123°7'41.7"
42	38°3'54.1"	123°7'1.5"
43	38°4'44.3"	123°6'33.2"
44	38°5'26.4"	123°6'13.9"
45	38°6'7.7"	123°5'52.9"
46	38°7'41.8"	123°5'14.7"
47	38°8'26.5"	123°4'56.5"
48	38°9'56.7"	123°5'31.4"
49	38°12'36.0"	123°7'8.8"
50	38°15'50.0"	123°10'52.9"

Coordinates listed in this Appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

**Appendix B to Subpart K of Part 922—Line Representing the 50-Fathom Isobath Sur-rounding Cordell Bank**

Coordinates listed in this Appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

**CORDELL BANK FIFTY FATHOM LINE**

Point ID No.	Latitude	Longitude
1	37°57'37.2"	123°24'13.3"
2	37°57'42.1"	123°25'14.9"
3	37°59'27.9"	123°26'37.6"
4	38°0'14.6"	123°27'51.9"
5	38°0'58.9"	123°27'38.7"
6	38°2'48.6"	123°28'45.1"
7	38°4'15.8"	123°29'15.1"
8	38°4'33.1"	123°28'19.0"
9	38°3'52.2"	123°27'41.2"
10	38°4'16.4"	123°26'40.8"
11	38°2'40.0"	123°24'10.2"
12	38°0'51.9"	123°23'9.1"
13	37°59'18.9"	123°22'31.1"
14	37°58'14.5"	123°23'9.7"

**Subpart M—Monterey Bay National Marine Sanctuary §922.130 Boundary.**

The Monterey Bay National Marine Sanctuary (Sanctuary) consists of two separate areas.

(a) The first area consists of an area of approximately 4016 square nautical miles (nmi) of coastal and ocean waters, and submerged lands thereunder, in and surrounding Monterey Bay off the central coast of California. The northern terminus of the Sanctuary boundary is located along the southern boundary of the Gulf of the Farallones National Marine Sanctuary (GFNMS) beginning at Rocky Point just south of Stinson Beach in Marin County. The Sanctuary boundary follows the GFNMS boundary westward to a point approximately 29 nmi offshore from Moss Beach in San Mateo County. The Sanctuary boundary then extends southward in a series of arcs, which generally follow the 500 fathom isobath, to a point approximately 27 nmi offshore of Cambria, in San Luis Obispo County. The Sanctuary boundary then extends eastward towards shore until it intersects the Mean High Water Line (MHWL) along the coast near Cambria. The Sanctuary boundary then follows the MHWL northward to the northern terminus at Rocky Point. The shoreward Sanctuary boundary excludes a small area between Point Bonita and Point San Pedro. Pillar Point Harbor, Santa Cruz Harbor, Monterey Harbor, and Moss Landing Harbor are all excluded from the Sanctuary shoreward from the points listed in Appendix A except for Moss Landing Harbor, where all of Elkhorn Slough east of the Highway One bridge, and west of the tide gate at Elkhorn Road and toward the center channel from the MHWL is included within the Sanctuary, excluding areas within the Elkhorn Slough National Estuarine Research Reserve. Exact coordinates for the seaward boundary and harbor exclusions are provided in Appendix A to this subpart.

(b) The Davidson Seamount Management Zone is also part of the Sanctuary. This area, bounded by geodetic lines connecting a rectangle centered on the top of the Davidson Seamount, consists of approximately 585 square nmi of ocean waters and the submerged lands thereunder. The shoreward boundary of this portion of the Sanctuary is located approximately 65 nmi off the coast of San Simeon in San Luis Obispo County. Exact coordinates for the Davidson Seamount Management Zone boundary are provided in Appendix F to this subpart.

**§922.131 Definitions.**

In addition to those definitions found at 15 CFR 922.3, the following definitions apply to this subpart:

**COAST PILOT 7 (Continued)**

*Attract or attracting* means the conduct of any activity that lures or may lure any animal by using food, bait, chum, dyes, decoys, acoustics, or any other means, except the mere presence of human beings (e.g., swimmers, divers, boaters, kayakers, surfers).

*Clean* means not containing detectable levels of harmful matter.

*Cruise ship* means a vessel with 250 or more passenger berths for hire.

*Davidson Seamount Management Zone* means the area bounded by geodetic lines connecting a rectangle centered on the top of the Davidson Seamount, and consists of approximately 585 square nmi of ocean waters and the submerged lands thereunder. The shoreward boundary of this portion of the Sanctuary is located approximately 65 nmi off the coast of San Simeon in San Luis Obispo County. Exact coordinates for the Davidson Seamount Management Zone boundary are provided in Appendix F to this subpart.

*Deserting* means leaving a vessel aground or adrift without notification to the Director of the vessel going aground or becoming adrift within 12 hours of its discovery and developing and presenting to the Director a preliminary salvage plan within 24 hours of such notification, after expressing or otherwise manifesting intention not to undertake or to cease salvage efforts, or when the owner/operator cannot after reasonable efforts by the Director be reached within 12 hours of the vessel's condition being reported to authorities; or leaving a vessel at anchor when its condition creates potential for a grounding, discharge, or deposit and the owner/operator fails to secure the vessel in a timely manner.

*Federal Project* means any water resources development project conducted by the U.S. Army Corps of Engineers or operating under a permit or other authorization issued by the Corps of Engineers and authorized by Federal law.

*Hand tool* means a hand-held implement, utilized for the collection of jade pursuant to 15 CFR 922.132(a)(1), that is no greater than 36 inches in length and has no moving parts (e.g., dive knife, pry bar, or abalone iron). Pneumatic, mechanical, electrical, hydraulic, or explosive tools are, therefore, examples of what does not meet this definition.

*Harmful matter* means any substance, or combination of substances, that because of its quantity, concentration, or physical, chemical, or infectious characteristics may pose a present or potential threat to Sanctuary resources or qualities, including but not limited to: Fishing nets, fishing line, hooks, fuel, oil, and those contaminants (regardless of quantity) listed pursuant to 42 U.S.C. 9601(14) of the

Comprehensive Environmental Response, Compensation and Liability Act at 40 CFR 302.4.

*Introduced species* means: Any species (including but not limited to any of its biological matter capable of propagation) that is non-native to the ecosystems of the Sanctuary; or any organism into which altered genetic matter, or genetic matter from another species, has been transferred in order that the host organism acquires the genetic traits of the transferred genes.

*Motorized personal watercraft (MPWC)* means any vessel, propelled by machinery, that is designed to be operated by standing, sitting, or kneeling on, astride, or behind the vessel, in contrast to the conventional manner, where the operator stands or sits inside the vessel; any vessel less than 20 feet in length overall as manufactured and propelled by machinery and that has been exempted from compliance with the U.S. Coast Guard's Maximum Capacities Marking for Load Capacity regulation found at 33 CFR Parts 181 and 183, except submarines; or any other vessel that is less than 20 feet in length overall as manufactured, and is propelled by a water jet pump or drive.

**§922.132 Prohibited or otherwise regulated activities.**

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

(1) Exploring for, developing, or producing oil, gas, or minerals within the Sanctuary, except: Jade may be collected (meaning removed) from the area bounded by the 35.92222 N latitude parallel (coastal reference point: Beach access stairway at south Sand Dollar Beach), the 35.88889 N latitude parallel (coastal reference point: Westernmost tip of Cape San Martin), and from the mean high tide line seaward to the 90-foot isobath (depth line) (the "authorized area") provided that:

(i) Only jade already loose from the submerged lands of the Sanctuary may be collected;

(ii) No tool may be used to collect jade except:

(A) A hand tool (as defined at 15 CFR 922.131) to maneuver or lift the jade or scratch the surface of a stone as necessary to determine if it is jade;

(B) A lift bag or multiple lift bags with a combined lift capacity of no more than two hundred pounds; or

(C) A vessel (except for motorized personal watercraft) (see paragraph (a)(7) of this section) to provide access to the authorized area;

(iii) Each person may collect only what that person individually carries; and

## COAST PILOT 7 (Continued)

(iv) For any loose piece of jade that cannot be collected under paragraphs (a)(1) (ii) and (iii) of this section, any person may apply for a permit to collect such a loose piece by following the procedures in 15 CFR 922.133.

(2)(i) Discharging or depositing from within or into the Sanctuary, other than from a cruise ship, any material or other matter, except:

(A) Fish, fish parts, chumming materials, or bait used in or resulting from lawful fishing activities within the Sanctuary, provided that such discharge or deposit is during the conduct of lawful fishing activities within the Sanctuary;

(B) For a vessel less than 300 gross registered tons (GRT), or a vessel 300 GRT or greater without sufficient holding tank capacity to hold sewage while within the Sanctuary, clean effluent generated incidental to vessel use by an operable Type I or II marine sanitation device (U.S. Coast Guard classification) approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended (FWPCA), 33 U.S.C. 1322. Vessel operators must lock all marine sanitation devices in a manner that prevents discharge or deposit of untreated sewage;

(C) Clean vessel deck wash down, clean vessel engine cooling water, clean vessel generator cooling water, clean bilge water, or anchor wash;

(D) For a vessel less than 300 gross registered tons (GRT), or a vessel 300 GRT or greater without sufficient holding capacity to hold graywater while within the Sanctuary, clean graywater as defined by section 312 of the FWPCA;

(E) Vessel engine or generator exhaust; or

(F) Dredged material deposited at disposal sites authorized by the U.S. Environmental Protection Agency (EPA) (in consultation with the U.S. Army Corps of Engineers (COE)) prior to the effective date of Sanctuary designation (January 1, 1993), provided that the activity is pursuant to, and complies with the terms and conditions of, a valid Federal permit or approval existing on January 1, 1993. Authorized disposal sites within the Sanctuary are described in Appendix C to this subpart.

(ii) Discharging or depositing from within or into the Sanctuary any material or other matter from a cruise ship except clean vessel engine cooling water, clean vessel generator cooling water, clean bilge water, or anchor wash.

(iii) Discharging or depositing from beyond the boundary of the Sanctuary any material or other matter that subsequently enters the Sanctuary and injures a

Sanctuary resource or quality, except those listed in paragraphs (a)(2)(i)(A) through (E) and (a)(2)(ii) of this section and dredged material deposited at the authorized disposal sites described in Appendix D to this subpart, provided that the dredged material disposal is pursuant to, and complies with the terms and conditions of, a valid Federal permit or approval.

(3) Possessing, moving, removing, or injuring, or attempting to possess, move, remove, or injure, a Sanctuary historical resource. This prohibition does not apply to, moving, removing, or injury resulting incidentally from kelp harvesting, aquaculture, or lawful fishing activities.

(4) Drilling into, dredging, or otherwise altering the submerged lands of the Sanctuary; or constructing, placing, or abandoning any structure, material, or other matter on or in the submerged lands of the Sanctuary, except as incidental and necessary to:

(i) Conduct lawful fishing activities;

(ii) Anchor a vessel;

(iii) Conduct aquaculture or kelp harvesting;

(iv) Install an authorized navigational aid;

(v) Conduct harbor maintenance in an area necessarily associated with a Federal Project in existence on January 1, 1993, including dredging of entrance channels and repair, replacement, or rehabilitation of breakwaters and jetties;

(vi) Construct, repair, replace, or rehabilitate a dock or pier; or

(vii) Collect jade pursuant to paragraph (a)(1) of this section, provided that there is no constructing, placing, or abandoning any structure, material, or other matter on or in the submerged lands of the Sanctuary, other than temporary placement of an authorized hand tool as provided in paragraph (a)(1) of this section. The exceptions listed in paragraphs (a)(4)(ii) through (a)(4)(vii) of this section do not apply within the Davidson Seamount Management Zone.

(5) Taking any marine mammal, sea turtle, or bird within or above the Sanctuary, except as authorized by the Marine Mammal Protection Act, as amended, (MMPA), 16 U.S.C. 1361 *et seq.*, Endangered Species Act, as amended, (ESA), 16 U.S.C. 1531 *et seq.*, Migratory Bird Treaty Act, as amended, (MBTA), 16 U.S.C. 703 *et seq.*, or any regulation, as amended, promulgated under the MMPA, ESA, or MBTA.

(6) Flying motorized aircraft, except as necessary for valid law enforcement purposes, at less than 1,000 feet above any of the four zones within the Sanctuary described in Appendix B to this subpart.

**COAST PILOT 7 (Continued)**

(7) Operating motorized personal watercraft within the Sanctuary except within the five designated zones and access routes within the Sanctuary described in Appendix E to this subpart. Zone Five (at Pillar Point) exists only when a High Surf Warning has been issued by the National Weather Service and is in effect for San Mateo County, and only during December, January, and February.

(8) Possessing within the Sanctuary (regardless of where taken, moved, or removed from), any marine mammal, sea turtle, or bird, except as authorized by the MMPA, ESA, MBTA, by any regulation, as amended, promulgated under the MMPA, ESA, or MBTA, or as necessary for valid law enforcement purposes.

(9) Deserting a vessel aground, at anchor, or adrift in the Sanctuary.

(10) Leaving harmful matter aboard a grounded or deserted vessel in the Sanctuary.

(11)(i) Moving, removing, taking, collecting, catching, harvesting, disturbing, breaking, cutting, or otherwise injuring, or attempting to move, remove, take, collect, catch, harvest, disturb, break, cut, or otherwise injure, any Sanctuary resource located more than 3,000 feet below the sea surface within the Davidson Seamount Management Zone. This prohibition does not apply to fishing below 3000 feet within the Davidson Seamount Management Zone, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States).

(ii) Possessing any Sanctuary resource the source of which is more than 3,000 feet below the sea surface within the Davidson Seamount Management Zone. This prohibition does not apply to possession of fish resulting from fishing below 3000 feet within the Davidson Seamount Management Zone, which is prohibited pursuant to 50 CFR part 660 (Fisheries off West Coast States).

(12) Introducing or otherwise releasing from within or into the Sanctuary an introduced species, except striped bass (*Morone saxatilis*) released during catch and release fishing activity.

(13) Attracting any white shark within the Sanctuary.

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

(b) The prohibitions in paragraphs (a)(2) through (11) of this section do not apply to an activity necessary to respond to an emergency threatening life, property, or the environment.

(c)(1) All Department of Defense activities must be carried out in a manner that avoids to the maximum extent practicable any adverse impacts on Sanctuary resources and

qualities. The prohibitions in paragraphs (a)(2) through (12) of this section do not apply to existing military activities carried out by the Department of Defense, as specifically identified in the Final Environmental Impact Statement and Management Plan for the Proposed Monterey Bay National Marine Sanctuary (NOAA, 1992). (Copies of the FEIS/MP are available from the Monterey Bay National Marine Sanctuary, 299 Foam Street, Monterey, CA 93940.) For purposes of the Davidson Seamount Management Zone, these activities are listed in the 2008 Final Environmental Impact Statement. New activities may be exempted from the prohibitions in paragraphs (a)(2) through (12) of this section by the Director after consultation between the Director and the Department of Defense.

(2) In the event of destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an incident, including but not limited to discharges, deposits, and groundings, caused by a Department of Defense activity, the Department of Defense, in coordination with the Director, must promptly prevent and mitigate further damage and must restore or replace the Sanctuary resource or quality in a manner approved by the Director.

(d) The prohibitions in paragraph (a)(1) of this section as it pertains to jade collection in the Sanctuary, and paragraphs (a)(2) through (11) and (a)(13) of this section, do not apply to any activity conducted under and in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to 15 CFR 922.48 and 922.133 or a Special Use permit issued pursuant to section 310 of the Act.

(e) The prohibitions in paragraphs (a)(2) through (a)(8) of this section do not apply to any activity authorized by any lease, permit, license, approval, or other authorization issued after the effective date of Sanctuary designation (January 1, 1993) and issued by any Federal, State, or local authority of competent jurisdiction, provided that the applicant complies with 15 CFR 922.49, the Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization, and the applicant complies with any terms and conditions the Director deems necessary to protect Sanctuary resources and qualities. Amendments, renewals, and extensions of authorizations in existence on the effective date of designation constitute authorizations issued after the effective date of Sanctuary designation.

(f) Notwithstanding paragraphs (d) and (e) of this section, in no event may the Director issue a National Marine Sanctuary permit under 15 CFR 922.48 and 922.133 or a Special Use permit under section 310 of the Act authorizing, or otherwise approve: the exploration for, development, or production of oil, gas, or minerals within the Sanctuary, except for the collection of jade pursuant to

**COAST PILOT 7 (Continued)**

paragraph (a)(1) of this section; the discharge of primary-treated sewage within the Sanctuary (except by certification, pursuant to 15 CFR 922.47, of valid authorizations in existence on January 1, 1993 and issued by other authorities of competent jurisdiction); or the disposal of dredged material within the Sanctuary other than at sites authorized by EPA (in consultation with COE) prior to January 1, 1993. Any purported authorizations issued by other authorities within the Sanctuary shall be invalid.

**§922.133 Permit procedures and criteria.**

(a) A person may conduct an activity prohibited by §922.132(a)(1) as it pertains to jade collection in the Sanctuary, §922.132(a)(2) through (11), and §922.132(a)(13), if such activity is specifically authorized by, and conducted in accordance with the scope, purpose, terms, and conditions of, a permit issued under this section and 15 CFR 922.48.

(b) The Director, at his or her sole discretion, may issue a permit, subject to terms and conditions as he or she deems appropriate, to conduct an activity prohibited by § 922.132(a)(1) as it pertains to jade collection in the Sanctuary, §922.132 (a)(2) through (11), and § 922.132(a)(13), if the Director finds that the activity will have at most short-term and negligible adverse effects on Sanctuary resources and qualities and:

- (1) Is research designed to further understanding of Sanctuary resources and qualities;
- (2) Will further the educational, natural, or historical value of the Sanctuary;
- (3) Will further salvage or recovery operations within or near the Sanctuary in connection with a recent air or marine casualty;
- (4) Will assist in managing the Sanctuary;
- (5) Will further salvage or recovery operations in connection with an abandoned shipwreck in the Sanctuary title to which is held by the State of California; or
- (6) Will allow the removal, without the use of pneumatic, mechanical, electrical, hydraulic or explosive tools, of loose jade from the Jade Cove area under §922.132(a)(1)(iv).

(c) In deciding whether to issue a permit, the Director shall consider such factors as:

- (1) Will the activity be conducted by an applicant that is professionally qualified to conduct and complete the activity;
- (2) Will the activity be conducted by an applicant with adequate financial resources available to conduct and complete the activity;
- (3) Is the activity proposed for no longer than necessary to achieve its stated purpose;

(4) Must the activity be conducted within the Sanctuary;

(5) Will the activity be conducted using methods and procedures that are appropriate to achieve the goals of the proposed activity, especially in relation to the potential effects of the proposed activity on Sanctuary resources and qualities;

(6) Will the activity be conducted in a manner compatible with the primary objective of protection of Sanctuary resources and qualities, considering the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities, any potential indirect, secondary, or cumulative effects of the activity, and the duration of such effects;

(7) Will the activity be conducted in a manner compatible with the value of the Sanctuary as a source of recreation and as a source of educational and scientific information, considering the extent to which the conduct of the activity may result in conflicts between different users of the Sanctuary and the duration of such effects; and

(8) Does the reasonably expected end value of the activity to the furtherance of the Sanctuary goals and objectives outweigh any potential adverse effects on Sanctuary resources and qualities from the conduct of the activity.

(d) For jade collection, preference will be given for applications proposing to collect loose pieces of jade for research or educational purposes.

(e) The Director may consider such other factors as he or she deems appropriate.

(f) Applications.

(1) Applications for permits should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Superintendent, Monterey Bay National Marine Sanctuary, 299 Foam Street, Monterey, CA 93940.

(2) In addition to the information listed in 15 CFR 922.48(b), all applications must include information the Director needs to make the findings in paragraph (b) of this section and information to be considered by the Director pursuant to paragraph (c) of this section.

(g) In addition to any other terms and conditions that the Director deems appropriate, a permit issued pursuant to this section must require that the permittee agree to hold the United States harmless against any claims arising out of the conduct of the permitted activities.

**§ 922.134 Notification and review.**

(a) [Reserved]

(b)(1) NOAA has entered into a Memorandum of Agreement (MOA) with the State of California, EPA, and the Association of Monterey Bay Area Governments

**COAST PILOT 7 (Continued)**

regarding the Sanctuary regulations relating to water quality within State waters within the Sanctuary.

With regard to permits, the MOA encompasses:

- (i) National Pollutant Discharge Elimination System (NPDES) permits issued by the State of California under section 13377 of the California Water Code; and
- (ii) Waste Discharge Requirements issued by the State of California under section 13263 of the California Water Code.

(2) The MOA specifies how the process of 15 CFR 922.49 will be administered within State waters within the Sanctuary in coordination with the State permit program.

**Appendix A to Subpart M of Part 922— Monterey Bay National Marine Sanctuary Boundary Coordinates**

[Coordinates in this appendix are unprojected (Geographic Coordinate System) and are calculated using the North American Datum of 1983]

Point ID No.	Latitude	Longitude
<b>Seaward Boundary</b>		
1	37°52'53.8"	122°37'40.3"
2	37°39'59.0"	122°45'3.7"
3	37°36'58.3"	122°46'9.7"
4	37°34'17.2"	122°48'14.3"
5	37°31'47.5"	122°51'35.5"
6	37°30'34.1"	122°54'22.1"
7	37°29'39.0"	123°0'27.7"
8	37°30'29.4"	123°5'46.2"
9	37°31'12.0"	123°7'43.6"
10	37°27'10.9"	123°8'24.3"
11	37°20'35.3"	123°7'54.1"
12	37°13'50.2"	123°6'15.5"
13	37°7'48.7"	123°1'43.1"
14	37°3'46.6"	122°54'45.3"
15	37°2'6.3"	122°46'35.0"
16	36°55'17.5"	122°48'21.4"
17	36°48'22.7"	122°48'56.3"
18	36°41'30.9"	122°48'19.4"
19	36°34'45.7"	122°46'26.9"
20	36°28'24.1"	122°43'32.4"
21	36°22'20.7"	122°39'28.4"

22	36°16'43.9"	122°34'26.7"
23	36°11'44.5"	122°28'37.1"
24	36°7'26.9"	122°21'54.9"
25	36°4'7.1"	122°14'39.7"
26	36°1'28.2"	122°7'0.1"
27	35°59'45.4"	121°58'56.3"
28	35°58'59.1"	121°50'26.4"
29	35°58'53.6"	121°45'22.8"
30	35°55'45.5"	121°42'40.2"
31	35°50'15.8"	121°43'9.1"
32	35°43'14.2"	121°42'43.7"
33	35°35'41.8"	121°41'25.0"
34	35°33'11.7"	121°37'49.7"
35	35°33'17.4"	121°5'52.9"
36	37°35'39.7"	122°31'14.9"
37	37°36'49.2"	122°37'0.2"
38	37°46'0.9"	122°39'0.3"
39	37°49'3.3"	122°31'49.7"
<b>Harbor Exclusions</b>		
40	37°29'38.9"	122°29'5.3"
41	37°29'43.4"	122°29'8.7"
42	36°57'38.9"	122°0'6.3"
43	36°57'41.1"	122°0'4.0"
44	36°48'24.6"	121°47'29.2"
45	36°48'4.7"	121°47'25.6"
46	36°36'30.1"	121°53'22.9"
47	36°36'20.8"	121°53'22.7"

**Appendix B to Subpart M of Part 922—Zones Within the Sanctuary Where Overflights Below 1000 Feet are Prohibited**

The four zones are:

(1) From mean high water out to three nautical miles (NM) between a line extending from Point Santa Cruz on a southwesterly heading bearing of 220° true and a line extending from 2.0 nmi north of Pescadero Point on a southwesterly heading bearing of 240° true;

(2) From mean high water out to three nmi between a line extending from the Carmel River mouth on a westerly heading bearing of 270° true and a line extending due west along latitude 35°33'17.5" off of Cambria;

**COAST PILOT 7 (Continued)**

(3) From mean high water and within a five nmi arc drawn from a center point at the end of Moss Landing Pier as it appeared on the most current NOAA nautical charts as of January 1, 1993; and

(4) Over the waters of Elkhorn Slough east of the Highway One bridge to Elkhorn Road.

**Appendix C to Subpart M of Part 922—Dredged Material Disposal Sites Within the Sanctuary**

[Coordinates in this appendix are unprojected (Geographic Coordinate System) and are calculated using the North American Datum of 1983]

Point ID No.	Latitude	Longitude
<b>Santa Cruz Harbor/Twin Lakes Dredge Disposal Site</b>		
1	36°57'45.0"	122°0'2.0"
2	36°57'45.0"	121°59'54.9"
3	36°57'41.0"	121°59'53.9"
4	36°57'41.0"	122°0'2.9"
<b>SF-12 Dredge Disposal Site</b>		
1	36°48'7.4"	121°47'31.4"
2	36°48'5.6"	121°47'31.8"
3	36°48'6.1"	121°47'35.7"
4	36°48'8.7"	121°47'34.6"
<b>SF-14 Dredge Disposal Site (circle with 500 yard radius)</b>		
1	36°47'52.7"	121°49'8.6"
<b>Monterey Harbor/Wharf II Dredge Disposal Site</b>		
1	36°36'10.6"	121°53'21.9"
2	36°36'10.1"	121°53'16.3"
3	36°36'3.3"	121°53'17.7"
4	36°36'4.3"	121°53'23.2"

**Appendix D to Subpart M of Part 922—Dredged Material Disposal Sites Adjacent to the Monterey Bay National Marine Sanctuary**

[Coordinates in this appendix are unprojected (Geographic Coordinate System) and are calculated using the North American Datum of 1983]

As of January 1, 1993, the U.S. Army Corps of Engineers operates the following dredged material disposal site adjacent to the Sanctuary off of the Golden Gate:

Point ID No.	Latitude	Longitude
1	37°45'52.4"	122°34'8.4"
2	37°44'58.6"	122°37'22.1"
3	37°44'29.4"	122°37'9.5"
4	37°45'24.3"	122°33'53.3"
5	37°45'52.4"	122°34'8.4"

**Appendix E to Subpart M of Part 922—Motorized Personal Watercraft Zones and Access Routes Within the Sanctuary**

[Coordinates in this appendix are unprojected (Geographic Coordinate System) and are calculated using the North American Datum of 1983]

The five zones and access routes are:

(1) The approximately one [1.0] NM<sup>2</sup> area off Pillar Point Harbor from harbor launch ramps, through harbor entrance to the northern bound-ary of Zone One:

Point ID No.	Latitude	Longitude
1 (flashing 5-second breakwater entrance light and horn located at the seaward end of the outer west breakwater)	37°29'38.2"	122°29'5.1"
2 (bell buoy)	37°28'54.0"	122°28'59.9"
3	37°28'48"	122°28'0.0"
4	37°29'35.9"	122°28'0.0"
5	37°29'38.2"	122°29'5.1"

(2) The approximately five [5.0] NM<sup>2</sup> area off of Santa Cruz Small Craft Harbor from harbor launch ramps, through harbor entrance, and then along a 100 yard wide access route southwest along a true bearing of approximately 196° true (180° magnetic) to the whistle buoy at 36°56'17.9"N., 122°0'36"W. Zone Two is bounded by:

Point ID No.	Latitude	Longitude
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## COAST PILOT 7 (Continued)

1	36°55'0.0"	122°1'59.9"
2	36°55'0.0"	121°58'0.0"
3	36°56'30.0"	121°58'0.0"
4	36°56'30.0"	122°1'59.9"

(3) The approximately six [6.0] NM<sup>2</sup> area off of Moss Landing Harbor from harbor launch ramps, through harbor entrance, and then along a 100 yard wide access route west along a bearing of approximately 270° true (255° magnetic) due west to the eastern boundary of Zone Three bounded by:

Point ID No.	Latitude	Longitude
1	36°49'59.9"	121°49'18.0"
2	36°49'59.9"	121°50'48.0"
3	36°46'41.9"	121°50'48.0"
4	36°46'41.9"	121°49'0.0"
5 (bell buoy)	36°47'53.9"	121°48'6.0"
6	36°48'54"	121°48'11.9"

(4) The approximately five [5.0] NM<sup>2</sup> area off of Monterey Harbor from harbor launch ramps to the seaward end of the U.S. Coast Guard Pier, and then along a 100 yard wide access route due north to the southern boundary of Zone Four bounded by:

Point ID No.	Latitude	Longitude
1	36°38'42"	121°55'23.9"
2	36°36'54"	121°52'30"
3	36°38'17.9"	121°51'18"
4	36°40'0.0"	121°54'24.0"

(5) The approximately one-tenth [0.10] NM<sup>2</sup> area near Pillar Point from Pillar Point Harbor entrance along a 100 yard wide access route southeast along a true bearing of approximately 174° true (159° magnetic) to the bell buoy (identified as "Buoy 3") at 37°28'53.5"N., 122°28'53.6"W and then along a 100 yard wide access route northwest along a true bearing of approximately 284° true (269° magnetic) to the gong buoy (identified as "Buoy 1") at 37°29'10.5"N., 122°30'21.7"W, the southwest boundary of Zone Five. Zone Five exists only when a High Surf Warning has been issued by the National Weather Service and is in effect for San Mateo

County and only during December, January, and February. Zone Five is bounded by:

Point ID No.	Latitude	Longitude
1 (gong buoy identified as "Buoy 1")	37°29'10.5"	122°30'21.7"
2	37°29'34.9"	122°30'21.7"
3 (sail rock)	37°29'34.9"	122°30'3.7"
4	37°29'10.5"	122°30'3.7"

#### Appendix F to Subpart M of Part 922—Davidson Seamount Management Zone

[Coordinates in this appendix are unprojected (Geographic Coordinate System) and are calculated using the North American Datum of 1983]

Point ID No.	Latitude	Longitude
1	35°54'0"	123°0'0"
2	35°54'0"	122°30'0"
3	35°30'0"	122°30'0"
4	35°30'0"	123°0'0"

(FR 11/20/08; CL 466/09)

42/09

#### COAST PILOT 7 41 Ed 2009 Change No. 28

Page 270—Paragraph 70, lines 3 to 4; read:  
total of 764,500 square feet of dry storage space and 1,997,400 cubic feet of cold storage ...  
(PS 27/98) 42/09

Page 271—Paragraph 83, line 4; read:  
railway can handle craft up to 1,000 tons. Complete shipyard ...  
(PS 27/98) 42/09

Page 271—Paragraph 87; strike out.  
(50/88 CG11; NOS/09; NOS 18773) 42/09

Page 291—Paragraph 366, lines 6 to 7; read:  
guide for navigating the openings. In March 2006-March 2009, the controlling depths were 13 feet in the entrance channel ...  
(BP 191395; DDs 7410-11; DD 13150; DD 15476) 42/09

Page 352—Paragraph 263, lines 2 to 6; read:  
Redwood City Municipal Marina, just S of the port in about 37°30'08"N., 122°12'45"W., can accommodate about 225

**COAST PILOT 7 (Continued)**

small craft. Other small-craft facilities are further upstream in Redwood Creek. A full service marina on the S side of Westpoint Slough can accommodate vessels up to 120 feet.  
(NOS 18652; CL 645/09) 42/09

Page 409—Paragraph 33, lines 15 to 18; read:

In May-June 2009, the controlling depth was 8 feet in the entrance channel to the access channel, thence 9 feet in the access channel.  
(CL 1196/09) 42/09

Page 416—Paragraph 131, lines 6 to 8; read:

bascule bridge. In May 2009, the controlling depth was 8 feet to the mooring basin at the entrance to the boat basin, thence 10 feet to the bridge. The channel from the junction ...  
(CL 1194/09; CEM-Portland/79) 42/09

**COAST PILOT 7      41 Ed 2009      Change No. 29**

Page 356—Paragraph 307, lines 3 to 5; read:

the airport at the S end of San Leandro Bay. Mariners should exercise ...  
(NOS 18652) 42/09

Page 357—Paragraph 319, line 4; read:

Controlling depths.)

**Regulated Navigation Areas**

A **security zone** has been established around the Chevron Long Wharf. (See **165.1197**, chapter 2, for limits and regulations.) A **restricted area** extends 0.3 mile offshore at Molate Point, site of a Navy fuel depot 0.8 mile N of Richmond-San Rafael Bridge. (See **334.1090**, chapter 2, for limits and regulations.) In May 2000, shoaling to 16 feet was off the end of the Navy depot in about 37°56'47"N., 122°25'40"W. **Regulated navigation areas** are in the entrance channel and between Point Richmond and Point Potrero. (See **165.1181**, chapter 2, for limits and regulations.)  
(33 CFR 165; 33 CFR 334; NOS 18653) 42/09

Page 360—Paragraphs 337 to 338; read:

**Repairs**

Repairs to fishing boats, recreational craft and other types of small vessels can be made at three marine repair yards on the Santa Fe Channel. A marine railway at one of the yards has a 20-ton hauling capacity and boat lifts to 88 tons are also available. There are no floating drydocks for public use at the port; the nearest such facilities are located at Oakland.

**Small-craft facilities**

A marina and yacht club are in **Richmond Marina Bay** and a private yacht harbor is on the E side of Point Richmond. Available services include: transient berths, gasoline, diesel fuel, electricity, water, ice, pump-out and a launching ramp.  
(PS 31/00; NOS 18652) 42/09

Page 360—Paragraph 340; strike out.  
(NOS/09) 42/09