

(2) For in-lieu fee project sites, real estate instruments, management plans, or other long-term protection mechanisms used for site protection must be finalized before advance credits can become released credits.

(u) *Long-term management.* (1) The legal mechanisms and the party responsible for the long-term management and the protection of the mitigation bank site must be documented in the instrument or, in the case of umbrella mitigation banking instruments and in-lieu fee programs, the approved mitigation plans. The responsible party should make adequate provisions for the operation, maintenance, and long-term management of the compensatory mitigation project site. The long-term management plan should include a description of long-term management needs and identify the funding mechanism that will be used to meet those needs.

(2) The instrument may contain provisions for the sponsor to transfer long-term management responsibilities to a land stewardship entity, such as a public agency, non-governmental organization, or private land manager.

(3) The instrument or approved mitigation plan must address the financial arrangements and timing of any necessary transfer of long-term management funds to the steward.

(4) Where needed, the acquisition and protection of water rights should be secured and documented in the instrument or, in the case of umbrella mitigation banking instruments and in-lieu fee programs, the approved mitigation site plan.

(v) *Grandfathering of existing instruments*—(1) *Mitigation banking instruments.* All mitigation banking instruments approved on or after July 9, 2008 must meet the requirements of this part. Mitigation banks approved prior to July 9, 2008 may continue to operate under the terms of their existing instruments. However, any modification to such a mitigation banking instrument on or after July 9, 2008, including authorization of additional sites under an umbrella mitigation banking instrument, expansion of an existing site, or addition of a different type of resource credits (e.g., stream credits to a wet-

land bank) must be consistent with the terms of this part.

(2) *In-lieu fee program instruments.* All in-lieu fee program instruments approved on or after July 9, 2008 must meet the requirements of this part. In-lieu fee programs operating under instruments approved prior to July 9, 2008 may continue to operate under those instruments for two years after the effective date of this rule, after which time they must meet the requirements of this part, unless the district engineer determines that circumstances warrant an extension of up to three additional years. The district engineer must consult with the IRT before approving such extensions. Any revisions made to the in-lieu fee program instrument on or after July 9, 2008 must be consistent with the terms of this part. Any approved project for which construction was completed under the terms of a previously approved instrument may continue to operate indefinitely under those terms if the district engineer determines that the project is providing appropriate mitigation substantially consistent with the terms of this part.

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

Sec.

- 334.1 Purpose.
- 334.2 Definitions.
- 334.3 Special policies.
- 334.4 Establishment and amendment procedures.
- 334.5 Disestablishment of a danger zone.
- 334.6 Datum.
- 334.10 Gulf of Maine off Seal Island, Maine; naval aircraft bombing target area.
- 334.20 Gulf of Maine off Cape Small, Maine; naval aircraft practice mining range area.
- 334.30 Gulf of Maine off Pemaquid Point, Maine; naval sonobuoy test area.
- 334.40 Atlantic Ocean in vicinity of Duck Island, Maine, Isles of Shoals; naval aircraft bombing target area.
- 334.45 Kennebec River, Bath Iron Works Shipyard, naval restricted area, Bath, Maine.
- 334.50 Piscataqua River at Portsmouth Naval Shipyard, Kittery, Maine; restricted areas.
- 334.60 Cape Cod Bay south of Wellfleet Harbor, Mass.; naval aircraft bombing target area.

- 334.70 Buzzards Bay, and adjacent waters, Mass.; danger zones for naval operations.
- 334.75 Thames River, Naval Submarine Base New London, restricted area.
- 334.78 Rhode Island Sound, Atlantic Ocean, approximately 4.0 nautical miles due south of Lands End in Newport, RI; restricted area for naval practice mine-field.
- 334.80 Narragansett Bay, RI; restricted area.
- 334.81 Narragansett Bay, East Passage, Coddington Cove, Naval Station Newport, naval restricted area, Newport, Rhode Island.
- 334.82 Narragansett Bay, East Passage, Coasters Harbor Island, Naval Station Newport, Newport, Rhode Island, restricted area.
- 334.85 New York Harbor, adjacent to the Stapleton Naval Station, Staten Island, New York; restricted area.
- 334.100 Atlantic Ocean off Cape May, N.J.; Coast Guard Rifle Range.
- 334.102 Sandy Hook Bay, Naval Weapons Station EARLE, Piers and Terminal Channel, restricted area, Middletown, New Jersey.
- 334.110 Delaware Bay off Cape Henlopen, Del.; naval restricted area.
- 334.120 Delaware Bay off Milford Neck; naval aircraft bombing target area.
- 334.130 Atlantic Ocean off Wallops Island and Chincoteague Inlet, Va.; danger zone.
- 334.140 Chesapeake Bay; U.S. Army Proving Ground Reservation, Aberdeen, Md.
- 334.150 Severn River at Annapolis, Md.; experimental test area, U.S. Navy Marine Engineering Laboratory.
- 334.155 Severn River, Naval Station Annapolis, Small Boat Basin, Annapolis, MD; naval restricted area.
- 334.160 Severn River, at U.S. Naval Academy Santee Basin, Annapolis, Md.; naval restricted area.
- 334.170 Chesapeake Bay, in the vicinity of Chesapeake Beach, Md.; firing range, Naval Research Laboratory.
- 334.180 Patuxent River, Md.; restricted areas, U.S. Naval Air Test Center, Patuxent River, Md.
- 334.190 Chesapeake Bay, in vicinity of Bloodsworth Island, MD, U.S. Navy.
- 334.200 Chesapeake Bay, Point Lookout to Cedar Point; aerial and surface firing range and target area, U.S. Naval Air Station, Patuxent River, Maryland, danger zones.
- 334.210 Chesapeake Bay, in vicinity of Tangier Island; naval guided missiles test operations area.
- 334.220 Chesapeake Bay, south of Tangier Island, Va.; naval firing range.
- 334.230 Potomac River.
- 334.235 Potomac River, Marine Corps Base Quantico (MCB Quantico) in vicinity of Marine Corps Air Facility (MCAF), restricted area.
- 334.240 Potomac River, Mattawoman Creek and Chicamuxen Creek; U.S. Naval Propellant Plant, Indian Head, Md.
- 334.250 Gunston Cove, at Whitestone Point, Va.; U.S. Army restricted area.
- 334.260 York River, Va.; naval restricted areas.
- 334.270 York River adjacent to Cheatham Annex Depot, Naval Supply Center, Williamsburg, Va.; restricted area.
- 334.275 North and Southwest Branch, Back River, Hampton, U.S. Air Force Base, Langley, Va.; restricted area.
- 334.280 James River between the entrance to Skiffes Creek and Mulberry Point, Va.; army training and small craft testing area.
- 334.290 Elizabeth River, Southern Branch, Va.; naval restricted areas.
- 334.293 Elizabeth River, Craney Island Refueling Pier Restricted Area, Portsmouth VA; naval restricted area.
- 334.300 Hampton Roads and Willoughby Bay, Norfolk Naval Base, naval restricted area, Norfolk, Virginia.
- 334.310 Chesapeake Bay, Lynnhaven Roads; navy amphibious training area.
- 334.320 Chesapeake Bay entrance; naval restricted area.
- 334.330 Atlantic Ocean and connecting waters in vicinity of Myrtle Island, Va.; Air Force practice bombing, rocket firing, and gunnery range.
- 334.340 Chesapeake Bay off Plumtree Island, Hampton, Va.; Air Force precision test area.
- 334.350 Chesapeake Bay off Fort Monroe, Va.; firing range danger zone.
- 334.360 Chesapeake Bay off Fort Monroe, Virginia; restricted area, U.S. Naval Base and Naval Surface Weapon Center.
- 334.370 Chesapeake Bay, Lynnhaven Roads; danger zones, U.S. Naval Amphibious Base.
- 334.380 Atlantic Ocean south of entrance to Chesapeake Bay off Dam Neck, Virginia; naval firing range.
- 334.390 Atlantic Ocean south of entrance to Chesapeake Bay; firing range.
- 334.400 Atlantic Ocean south of entrance to Chesapeake Bay off Camp Pendleton, Virginia; naval restricted area.
- 334.410 Albermarle Sound, Pamlico Sound, and adjacent waters, N.C.; danger zones for naval aircraft operations.
- 334.412 Albemarle Sound, Pamlico Sound, Harvey Point and adjacent waters, NC; restricted area.
- 334.420 Pamlico Sound and adjacent waters, N.C.; danger zones for Marine Corps operations.
- 334.430 Neuse River and tributaries at Marine Corps Air Station Cherry Point, North Carolina; restricted area and danger zone.
- 334.440 New River, N.C., and vicinity; Marine Corps firing ranges.

Pt. 334

33 CFR Ch. II (7-1-11 Edition)

- 334.450 Cape Fear River and tributaries at Sunny Point Army Terminal, Brunswick County, NC; restricted area.
- 334.460 Cooper River and tributaries at Charleston, SC.
- 334.470 Cooper River and Charleston Harbor, S.C.; restricted areas.
- 334.475 Brickyard Creek and tributaries and the Broad River at Beaufort, SC.
- 334.480 Archers Creek, Ribbon Creek and Broad River, S.C.; U.S. Marine Corps Recruit Depot rifle and pistol ranges, Parris Island.
- 334.490 Atlantic Ocean off Georgia Coast; air-to-air and air-to-water gunnery and bombing ranges for fighter and bombardment aircraft, U.S. Air Force.
- 334.500 St. Johns River, Atlantic Ocean, Sherman Creek; restricted areas and danger zone, Naval Station Mayport, Florida.
- 334.510 U.S. Navy Fuel Depot Pier, St. Johns River, Jacksonville, Fla.; restricted area.
- 334.515 Blount Island Command and Marine Corps Support Facility—Blount Island; Jacksonville, Florida restricted areas.
- 334.520 Lake George, Fla.; naval bombing area.
- 334.525 Atlantic Ocean off John F. Kennedy Space Center, FL; restricted area.
- 334.530 Canaveral Harbor adjacent to the Navy pier at Port Canaveral, Fla.; restricted area.
- 334.540 Banana River at the Eastern Range, 45th Space Wing, Cape Canaveral Air Force Station, FL; restricted area.
- 334.560 Banana River at Patrick Air Force Base, Fla.; restricted area.
- 334.570 Banana River near Orsino, Fla.; restricted area.
- 334.580 Atlantic Ocean near Port Everglades, Fla.
- 334.590 Atlantic Ocean off Cape Canaveral, Fla.; Air Force missile testing area, Patrick Air Force Base, Fla.
- 334.595 Atlantic Ocean off Cape Canaveral; 45th Space Wing, Cape Canaveral Air Force Station, FL; restricted area.
- 334.600 TRIDENT Basin adjacent to Canaveral Harbor at Cape Canaveral Air Force Station, Brevard County, Fla.; danger zone.
- 334.610 Key West Harbor, at U.S. Naval Base, Key West, Fla.; naval restricted areas and danger zone.
- 334.620 Straits of Florida and Florida Bay in vicinity of Key West, Fla.; operational training area, aerial gunnery range, and bombing and strafing target areas, Naval Air Station, Key West, Fla.
- 334.630 Tampa Bay south of MacDill Air Force Base, Fla.; small-arms firing range and aircraft jettison, U.S. Air Force, MacDill Air Force Base.
- 334.635 Hillsborough Bay and waters contiguous to MacDill Air Force Base, Fla.; restricted area.
- 334.640 Gulf of Mexico south of Apalachee Bay, Fla.; Air Force rocket firing range.
- 334.650 Gulf of Mexico, south of St. George Island, Fla.; test firing range.
- 334.660 Gulf of Mexico and Apalachicola Bay south of Apalachicola, Fla., Drone Recovery Area, Tyndall Air Force Base, Fla.
- 334.670 Gulf of Mexico south and west of Apalachicola, San Blas, and St. Joseph bays; air-to-air firing practice range, Tyndall Air Force Base, Fla.
- 334.680 Gulf of Mexico, southeast of St. Andrew Bay East Entrance, small-arms firing range, Tyndall Air Force Base, Fla.
- 334.690 [Reserved]
- 334.700 Choctawhatchee Bay, aerial gunnery ranges, Air Proving Ground Center, Air Research and Development Command, Eglin Air Force Base, Fla.
- 334.710 The Narrows and Gulf of Mexico adjacent to Santa Rosa Island, Air Force Proving Ground Command, Eglin Air Force Base, Fla.
- 334.720 Gulf of Mexico, south from Choctawhatchee Bay; guided missiles test operations area, Headquarters Air Proving Ground Command, U.S. Air Force, Eglin Air Force Base, Fla.
- 334.730 Waters of Santa Rosa Sound and Gulf of Mexico adjacent to Santa Rosa Island, Air Force Proving Ground Command, Eglin Air Force Base, Fla.
- 334.740 Weekley Bayou, an arm of Boggy Bayou, Fla., at Eglin Air Force Base; restricted area.
- 334.750 Ben's Lake, a tributary of Choctawhatchee Bay, Fla., at Eglin Air Force Base; restricted area.
- 334.760 Naval Support Activity Panama City and Alligator Bayou, a tributary of St. Andrew Bay, Fla.; naval restricted area.
- 334.761 Naval Support Activity Panama City; St. Andrews Bay; restricted areas.
- 334.762 Naval Support Activity Panama City; North Bay and West Bay; restricted areas.
- 334.763 Naval Support Activity Panama City; Gulf of Mexico; restricted area.
- 334.770 Gulf of Mexico and St. Andrew Sound, south of East Bay, Fla., Tyndall Drone Launch Corridor, Tyndall Air Force Base, Fla.; restricted area.
- 334.775 Naval Air Station Pensacola, Pensacola Bay, Pensacola and Gulf Breeze, Fla.; naval restricted area.
- 334.778 Pensacola Bay and waters contiguous to the Naval Air Station, Pensacola, FL; restricted area.
- 334.780 Pensacola Bay, Fla.; seaplane restricted area.

- 334.782 SUPSHIP Bath Maine Detachment Mobile at AUSTAL, USA, Mobile, AL; restricted area.
- 334.783 Arlington Channel, U.S. Coast Guard Base Mobile, Mobile, Alabama, Coast Guard restricted area.
- 334.790 Sabine River at Orange, Tex.; restricted area in vicinity of the Naval and Marine Corps Reserve Center.
- 334.800 Corpus Christi Bay, Tex.; seaplane restricted area, U.S. Naval Air Station, Corpus Christi.
- 334.802 Ingleside Naval Station, Ingleside, Texas; restricted area.
- 334.810 Holston River at Holston Ordnance Works, Kingsport, Tenn.; restricted area.
- 334.815 Menominee River, at the Marinette Marine Corporation Shipyard, Marinette, Wisconsin; naval restricted area.
- 334.820 Lake Michigan; naval restricted area, U.S. Naval Training Center, Great Lakes, Ill.
- 334.830 Lake Michigan; small-arms range adjacent to U.S. Naval Training Center, Great Lakes, Ill.
- 334.840 Waters of Lake Michigan south of Northerly Island at entrance to Burnham Park Yacht Harbor, Chicago, Ill.; danger zone adjacent to airport on Northerly Island.
- 334.845 Wisconsin Air National Guard, Volk Field military exercise area located in Lake Michigan offshore from Manitowoc and Sheboygan Counties; danger zone.
- 334.850 Lake Erie, west end, north of Erie Ordnance Depot, Lacarne, Ohio.
- 334.855 Salt River, Rolling Fork River, Otter Creek; U.S. Army Garrison, Fort Knox Military Reservation; Fort Knox, Kentucky; danger zone.
- 334.860 San Diego Bay, Calif., Naval Amphibious Base; restricted area.
- 334.865 Naval Air Station North Island, San Diego, California, restricted area.
- 334.866 Pacific Ocean at Naval Base Coronado, in the City of Coronado, San Diego County, California; naval danger zone.
- 334.870 San Diego Harbor, Calif.; restricted area.
- 334.880 San Diego Harbor, Calif.; naval restricted area adjacent to Point Loma.
- 334.890 Pacific Ocean off Point Loma, Calif.; naval restricted area.
- 334.900 Pacific Ocean, U.S. Marine Corps Base, Camp Pendleton, Calif.; restricted area.
- 334.905 Pacific Ocean, offshore of Camp Pendleton, California; Fallbrook restricted area.
- 334.910 Pacific Ocean, Camp Pendleton Boat Basin, U.S. Marine Corps Base, Camp Pendleton, Calif.; restricted area.
- 334.920 Pacific Ocean off the east coast of San Clemente Island, Calif.; naval restricted area.
- 334.921 Pacific Ocean at San Clemente Island, Calif.; naval restricted area.
- 334.930 Anaheim Bay Harbor, Calif.; Naval Weapons Station, Seal Beach.
- 334.938 Federal Correctional Institution, Terminal Island, San Pedro Bay, California; restricted area.
- 334.940 Pacific Ocean in vicinity of San Pedro, Calif.; practice firing range for U.S. Army Reserve, National Guard, and Coast Guard units.
- 334.950 Pacific Ocean at San Clemente Island, California; Navy shore bombardment areas.
- 334.960 Pacific Ocean, San Clemente Island, Calif.; naval danger zone off West Cove.
- 334.961 Pacific Ocean, San Clemente Island, California; naval danger zone off northwest shore.
- 334.980 Pacific Ocean, around San Nicolas Island, Calif.; naval restricted area.
- 334.990 Long Beach Harbor, Calif.; naval restricted area.
- 334.1010 San Francisco Bay in vicinity of Hunters Point; naval restricted area.
- 334.1020 San Francisco Bay and Oakland Inner Harbor; restricted areas in vicinity of Naval Air Station, Alameda.
- 334.1030 Oakland Inner Harbor adjacent to Alameda Facility, Naval Supply Center, Oakland; restricted area.
- 334.1040 Oakland Harbor in vicinity of Naval Supply Center, Oakland; restricted area and navigation.
- 334.1050 Oakland Outer Harbor adjacent to the Military Ocean Terminal, Bay Area, Pier No. 8 (Port of Oakland Berth No. 10); restricted area.
- 334.1060 Oakland Outer Harbor adjacent to the Oakland Army base; restricted area.
- 334.1065 U.S. Coast Guard Station, San Francisco Bay, Yerba Buena Island, San Francisco Bay, California; restricted area.
- 334.1070 San Francisco Bay between Treasure Island and Yerba Buena Island; naval restricted area.
- 334.1080 San Francisco Bay adjacent to northeast corner of Treasure Island; naval restricted area.
- 334.1090 San Francisco Bay in vicinity of the NSC Fuel Department, Point Molate restricted area.
- 334.1100 San Pablo Bay, Carquinez Strait, and Mare Island Strait in vicinity of U.S. Naval Shipyard, Mare Island; restricted area.
- 334.1110 Suisun Bay at Naval Weapons Station, Concord; restricted area.
- 334.1120 Pacific Ocean in the vicinity of Point Mugu, Calif.; naval small arms firing range.
- 334.1125 Pacific Ocean Naval Air Weapons Station, Point Mugu, Small Arms Range, Ventura County, California; danger zone.
- 334.1126 Naval Base Ventura County, Point Mugu, California; restricted area.
- 334.1127 Naval Base Ventura County, Port Hueneme, California; restricted area.

§ 334.1

33 CFR Ch. II (7-1-11 Edition)

334.1130 Pacific Ocean, Western Space and Missile Center (WSMC), Vandenberg AFB, Calif.; danger zones.

334.1140 Pacific Ocean at San Miguel Island, Calif.; naval danger zone.

334.1150 Monterey Bay, Calif.

334.1160 San Pablo Bay, Calif.; target practice area, Mare Island Naval Shipyard, Vallejo.

334.1170 San Pablo Bay, Calif.; gunnery range, Naval Inshore Operations Training Center, Mare Island, Vallejo.

334.1180 Strait of Juan de Fuca, Wash.; air-to-surface weapon range, restricted area.

334.1190 Hood Canal and Dabob Bay, Wash.; naval non-explosive torpedo testing area.

334.1200 Strait of Juan de Fuca, eastern end; off the westerly shore of Whidbey Island; naval restricted areas.

334.1210 Admiralty Inlet, entrance; naval restricted area.

334.1215 Port Gardner, Everett Naval Base, naval restricted area, Everett, Washington.

334.1220 Hood Canal, Bangor; naval restricted areas.

334.1230 Port Orchard; naval restricted area.

334.1240 Sinclair Inlet; naval restricted areas.

334.1244 Puget Sound, Manchester Fuel Depot, Manchester, Washington; naval restricted area.

334.1250 Carr Inlet; naval restricted areas.

334.1260 Dabob Bay, Whitney Point; naval restricted area.

334.1270 Port Townsend, Indian Island, Walan Point; naval restricted area.

334.1275 West Arm Behm Canal, Ketchikan, Alaska, restricted areas.

334.1280 Bristol Bay, Alaska; air-to-air weapon range, Alaskan Air Command, U.S. Air Force.

334.1290 In Bering Sea, Shemya Island Area, Alaska; meteorological rocket launching facility, Alaskan Air Command, U.S. Air Force.

334.1300 Blying Sound area, Gulf of Alaska, Alaska; air-to-air gunnery practice area, Alaskan Air Command, U.S. Air Force.

334.1310 Lutak Inlet, Alaska; restricted areas.

334.1320 Kuluk Bay, Adak, Alaska; naval restricted area.

334.1325 United States Army Restricted Area, Kuluk Bay, Adak, Alaska.

334.1330 Bering Strait, Alaska; naval restricted area off Cape Prince of Wales.

334.1340 Pacific Ocean, Hawaii; danger zones.

334.1350 Pacific Ocean, Island of Oahu, Hawaii; danger zone.

334.1360 Pacific Ocean at Barber's Point, Island of Oahu, Hawaii; danger zone.

334.1370 Pacific Ocean at Keahi Point, Island of Oahu, Hawaii; danger zone.

334.1380 Marine Corps Base Hawaii (MCBH), Kaneohe Bay, Island of Oahu, Hawaii—

Ulupau Crater Weapons Training Range; danger zone.

334.1390 Pacific Ocean at Barking Sands, Island of Kauai, Hawaii; missile range facility.

334.1400 Pacific Ocean, at Barbers Point, Island of Oahu, Hawaii; restricted area.

334.1410 Pacific Ocean, at Makapuu Point, Waimanalo, Island of Oahu, Hawaii, Makai Undersea Test Range.

334.1420 Pacific Ocean off Orote Point, Apra Harbor, Island of Guam, Marianas Islands; small-arms firing range.

334.1430 Apra Inner Harbor, Island of Guam; restricted area.

334.1440 Pacific Ocean at Kwajalein Atoll, Marshall Islands; missile testing area.

334.1450 Atlantic Ocean off north coast of Puerto Rico; practice firing areas, U.S. Army Forces Antilles.

334.1460 Atlantic Ocean and Vieques Sound, in vicinity of Culebra Island; bombing and gunnery target area.

334.1470 Caribbean Sea and Vieques Sound, in vicinity of Eastern Vieques; bombing and gunnery target area.

334.1480 Vieques Passage and Atlantic Ocean, off east coast of Puerto Rico and coast of Vieques Island; naval restricted areas.

334.1490 Caribbean Sea, at St. Croix, V.I.; restricted areas.

AUTHORITY: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

SOURCE: 50 FR 42696, Oct. 22, 1985, unless otherwise noted.

§ 334.1 Purpose.

The purpose of this part is to:

(a) Prescribe procedures for establishing, amending and disestablishing danger zones and restricted areas;

(b) List the specific danger zones and restricted areas and their boundaries; and

(c) Prescribe specific requirements, access limitations and controlled activities within the danger zones and restricted areas.

[58 FR 37607, July 12, 1993]

§ 334.2 Definitions.

(a) *Danger zone.* A defined water area (or areas) used for target practice, bombing, rocket firing or other especially hazardous operations, normally for the armed forces. The danger zones may be closed to the public on a full-time or intermittent basis, as stated in the regulations.

(b) *Restricted area.* A defined water area for the purpose of prohibiting or

limiting public access to the area. Restricted areas generally provide security for Government property and/or protection to the public from the risks of damage or injury arising from the Government's use of that area.

[58 FR 37607, July 12, 1993]

§ 334.3 Special policies.

(a) *General.* The general regulatory policies stated in 33 CFR part 320 will be followed as appropriate. In addition, danger zone and restricted area regulations shall provide for public access to the area to the maximum extent practicable.

(b) *Food fishing industry.* The authority to prescribe danger zone and restricted area regulations must be exercised so as not to unreasonably interfere with or restrict the food fishing industry. Whenever the proposed establishment of a danger zone or restricted area may affect fishing operations, the District Engineer will consult with the Regional Director, U.S. Fish and Wildlife Service, Department of the Interior and the Regional Director, National Marine Fisheries Service, National Oceanic & Atmospheric Administration (NOAA).

(c) *Temporary, occasional or intermittent use.* If the use of the water area is desired for a short period of time, not to exceed thirty days in duration, and that planned operations can be conducted safely without imposing unreasonable restrictions on navigation, and without promulgating restricted area regulations in accordance with the regulations in this section, applicants may be informed that formal regulations are not required. Activities of this type shall not reoccur more often than biennially (every other year), unless danger zone/restricted area rules are promulgated under this part. Proper notices for mariners requesting that vessels avoid the area will be issued by the Agency requesting such use of the water area, or if appropriate, by the District Engineer, to all known interested persons. Copies will also be sent to appropriate State agencies, the Commandant, U.S. Coast Guard, Washington, DC 20590, and Director, Defense Mapping Agency, Hydrographic Center, Washington, DC 20390, ATTN: Code NS 12. Notification to all parties and Agen-

cies shall be made at least two weeks prior to the planned event, or earlier, if required for distribution of Local Notice to Mariners by the Coast Guard.

[58 FR 37607, July 12, 1993]

§ 334.4 Establishment and amendment procedures.

(a) *Application.* Any request for the establishment, amendment or revocation of a danger zone or restricted area must contain sufficient information for the District Engineer to issue a public notice, and as a minimum must contain the following:

(1) Name, address and telephone number of requestor including the identity of the command and DoD facility and the identity of a point of contact with phone number.

(2) Name of waterway and if a small tributary, the name of a larger connecting waterbody.

(3) Name of closest city or town, county/parish and state.

(4) Location of proposed or existing danger zone or restricted area with a map showing the location, if possible.

(5) A brief statement of the need for the area, its intended use and detailed description of the times, dates and extent of restriction.

(b) *Public notice.* (1) The Corps will normally publish public notices and FEDERAL REGISTER documents concurrently. Upon receipt of a request for the establishment, amendment or revocation of a danger zone or restricted area, the District Engineer should forward a copy of the request with his/her recommendation, a copy of the draft public notice and a draft FEDERAL REGISTER document to the Office of the Chief of Engineers, ATTN: CECW-OR. The Chief of Engineers will publish the proposal in the FEDERAL REGISTER concurrent with the public notice issued by the District Engineer.

(2) *Content.* The public notice and FEDERAL REGISTER documents must include sufficient information to give a clear understanding of the proposed action and should include the following items of information:

(i) Applicable statutory authority or authorities; (40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3)

(ii) A reasonable comment period. The public notice should fix a limiting

§ 334.5

date within which comments will be received, normally a period not less than 30 days after publication of the notice.

(iii) The address of the District Engineer as the recipient of any comments received.

(iv) The identity of the applicant/proponent;

(v) The name or title, address and telephone number of the Corps employee from whom additional information concerning the proposal may be obtained;

(vi) The location of the proposed activity accompanied by a map of sufficient detail to show the boundaries of the area(s) and its relationship to the surrounding area.

(3) *Distribution.* Public notice will be distributed in accordance with 33 CFR 325.3(d)(1). In addition to this general distribution, public notices will be sent to the following Agencies:

(i) The Federal Aviation Administration (FAA) where the use of airspace is involved.

(ii) The Commander, Service Force, U.S. Atlantic Fleet, if a proposed action involves a danger zone off the U.S. Atlantic coast.

(iii) Proposed danger zones on the U.S. Pacific coast must be coordinated with the applicable commands as follows:

Alaska, Oregon and Washington:
Commander, Naval Base, Seattle

California:
Commander, Naval Base, San Diego

Hawaii and Trust Territories:
Commander, Naval Base, Pearl Harbor

(c) *Public hearing.* The District Engineer may conduct a public hearing in accordance with 33 CFR part 327.

(d) *Environmental documentation.* The District Engineer shall prepare environmental documentation in accordance with appendix B to 33 CFR part 325.

(e) *District Engineer's recommendation.* After closure of the comment period, and upon completion of the District Engineer's review he/she shall forward the case through channels to the Office of the Chief of Engineers, ATTN: CECW-OR with a recommendation of whether or not the danger zone or restricted area regulation should be promulgated. The District Engineer shall include a copy of environmental docu-

33 CFR Ch. II (7-1-11 Edition)

mentation prepared in accordance with appendix B to 33 CFR part 325, the record of any public hearings, if held, a summary of any comments received and a response thereto, and a draft of the regulation as it is to appear in the FEDERAL REGISTER.

(f) *Final decision.* The Chief of Engineers will notify the District Engineer of the final decision to either approve or disapprove the regulations. The District Engineer will notify the applicant/proponent and publish a public notice of the final decision. Concurrent with issuance of the public notice the Office of the Chief of Engineers will publish the final decision in the FEDERAL REGISTER and either withdraw the proposed regulation or issue the final regulation, as appropriate. The final rule shall become effective no sooner than 30 days after publication in the FEDERAL REGISTER unless the Chief of Engineers finds that sufficient cause exists and publishes that rationale with the regulations.

[58 FR 37608, July 12, 1993]

§ 334.5 Disestablishment of a danger zone.

(a) Upon receipt of a request from any agency for the disestablishment of a danger zone, the District Engineer shall notify that agency of its responsibility for returning the area to a condition suitable for use by the public. The agency must either certify that it has not used the area for a purpose that requires cleanup or that it has removed all hazardous materials and munitions, before the Corps will disestablish the area. The agency will remain responsible for the enforcement of the danger zone regulations to prevent unauthorized entry into the area until the area is deemed safe for use by the public and the area is disestablished by the Corps.

(b) Upon receipt of the certification required in paragraph (a) of this section, the District shall forward the request for disestablishment of the danger zone through channels to CECW-OR, with its recommendations. Notice of proposed rulemaking and public procedures as outlined in § 334.4 are not normally required before publication of the final rule revoking a restricted area or danger zone regulation. The

disestablishment/revocation of the danger zone or restricted area regulation removes a restriction on a waterway.

[58 FR 37608, July 12, 1993]

§ 334.6 Datum.

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

(b) For further information on NAD 83 and National Service nautical charts please contact: Director, Coast Survey (N/CG2), National Ocean Service, NOAA, 1315 East-West Highway, Station 6147, Silver Spring, MD 20910-3282.

[60 FR 15233, Mar. 23, 1995]

§ 334.10 Gulf of Maine off Seal Island, Maine; naval aircraft bombing target area.

(a) *The danger zone.* A circular area with a radius of 1.5 nautical miles, having its center just easterly of Seal Island at latitude 43°53'00" and longitude 68°44'00".

(b) *The regulations.* (1) No aerial bombing practice will take place in the danger zone after 5:00 p.m. Mondays through Saturdays, at any time on Sundays, or during foggy or inclement weather.

(2) Vessels or other watercraft will be allowed to enter the danger zone any time there are no aerial bombing exercises being conducted.

(3) No live ammunition or explosives will be dropped in the area.

(4) Suitable Notice to Mariners, by appropriate methods, will be issued by the Commander, First Coast Guard District, Boston, Massachusetts; upon request of the Commandant, First Naval District, Boston, Massachusetts, or his designated agent.

(5) Prior to the conducting of each bombing practice, the area will be patrolled by a naval aircraft or surface

vessel to ensure that no persons or watercraft are within the danger zone. Vessels may be requested to veer off when drops are to be made, however, drops will be made only when the area is clear. The patrol aircraft will employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(6) Any such watercraft shall, upon being so warned, immediately leave the designated area and, until the conclusion of the practice, shall remain at such distance that it will be safe from falling projectiles.

(7) The regulations of this section shall be enforced by the Commandant, First Naval District, Boston, Massachusetts, or such agencies as he may designate.

[24 FR 7379, Sept. 12, 1959. Redesignated at 50 FR 42696, Oct. 22, 1985; as amended at 62 FR 17551, Apr. 10, 1997]

§ 334.20 Gulf of Maine off Cape Small, Maine; naval aircraft practice mining range area.

(a) *The danger zone.* Within an area bounded as follows: Beginning at latitude 43°43'00", longitude 69°46'00"; thence to latitude 43°38'30", longitude 69°46'00"; thence to latitude 43°38'30", longitude 69°49'30"; thence to latitude 43°42'10", longitude 69°49'30"; thence to the point of beginning.

(b) *The regulations.* (1) Test drops from aircraft will be made within the area at intermittent periods from noon until sunset local time and only during periods of good visibility.

(2) Testing will not restrict any fishing, recreational, or commercial activities in the testing area.

(3) Aircraft will patrol the area prior to and during test periods to insure that no surface vessels are within the area. No test drops will be made while surface vessels are transiting the area.

(4) No live ammunition or explosives will be dropped in the area.

(5) The regulations of this section shall be enforced by the Commandant, First Naval District, Boston, Mass., or such agencies as he may designate.

[36 FR 5218, Mar. 18, 1971. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.30

§ 334.30 Gulf of Maine off Pemaquid Point, Maine; naval sonobuoy test area.

(a) *The area.* The test area or “Foul Area” encompasses a circular area one nautical mile in radius, the center of which is located 7.9 nautical miles, bearing 187° magnetic from Pemaquid Light.

(b) *The regulations.* (1) Sonobuoy drops will be made only in the designated area and when visibility is at least three miles.

(2) Sonobuoy drop tests will normally be conducted at intermittent periods on a 5-day week basis, Monday through Friday. However, on occasion tests may be conducted intermittently on a seven-day week basis.

(3) Prior to and during the period when sonobuoys are being dropped, an escort vessel or naval aircraft will be in the vicinity to ensure that no persons or vessels are in the testing area. Vessels may be requested to veer off when sonobuoys are about to be dropped, however, drops will be made only when the area is clear.

(4) The sonobuoy drops will be made in connection with the production and experimentation of sonobuoys.

(5) No live ammunition or explosives will be involved.

(6) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Air Station, Brunswick, Maine, or such agencies as he may designate.

[27 FR 4280, May 4, 1962. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17551, Apr. 10, 1997]

§ 334.40 Atlantic Ocean in vicinity of Duck Island, Maine, Isles of Shoals; naval aircraft bombing target area.

(a) *The danger zone.* A circular area with a radius of 500 yards having its center on Shag Rock in the vicinity of Duck Island at latitude 43°00'12", longitude 70°36'12".

(b) *The regulations.* (1) No person or vessel shall enter or remain in the danger zone from 8:00 a.m. to 5:00 p.m. (local time) daily, except as authorized by the enforcing agency.

33 CFR Ch. II (7-1-11 Edition)

(2) This section shall be enforced by the Commandant, First Naval District, and such agencies as he may designate.

[14 FR 5592, Sept. 13, 1949. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17551, Apr. 10, 1997]

§ 334.45 Kennebec River, Bath Iron Works Shipyard, naval restricted area, Bath, Maine.

(a) *The area.* The waters within a coffin shaped area on the west side of the river south of the Carlton (Route 1) highway bridge beginning on the western shore at latitude 43°54'40.7" N, longitude 069°48'44.8" W; thence easterly to latitude 43°54' 40.7" N, longitude 069°48'36.8" W; thence southeasterly to latitude 43°54'10.4" N, longitude 069°48'34.7" W; thence southwesterly to latitude 43°53'55.1" N, longitude 069°48'39.1" W; thence westerly to latitude 43°53'55.1" N, longitude 69°48'51.8" W; thence northerly along the westerly shoreline to the point of origin.

(b) *The regulation.* All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and local or state law enforcement vessels, are prohibited from entering the restricted areas without permission from the Supervisor of Shipbuilding, USN Bath Maine or his authorized representative

(c) *Enforcement.* The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the, Supervisor of Shipbuilding, Conversion and Repair Bath, United States Navy and/or such agencies or persons as he/she may designate.

[67 FR 20446, Apr. 25, 2002]

§ 334.50 Piscataqua River at Portsmouth Naval Shipyard, Kittery, Maine; restricted areas.

(a) *The areas.*

Area No. 1: The area bounded by a line at a point on the easterly side of Seavey Island at latitude 43°04'37" N, longitude 70°43'44" W, thence to latitude 43°04'36" N; longitude 70°43'40" N, thence to the pier on the westerly side of Clark Island at latitude 43°04'36.5" N, longitude 70°43'34" W; thence along the northerly side of Clark Island to a point on the easterly side at latitude

43°04'37" N, longitude 70°43'25" W, thence northeasterly to the easterly side of Jamaica Island at latitude 43°04'49" N, longitude 70°43'24" W, thence along the southerly and westerly sides of Jamaica Island and thence generally along the easterly side of Seavey Island to the point of beginning.

Area No. 2: The area bounded by a line beginning at a point on the southerly side of Seavey Island at Henderson Point at latitude 43°04'29" N, longitude 70°44'14" W; thence to latitude 43°04'29.5" N, longitude 70°44'17.4" W; thence to latitude 43°04'36.6" N, longitude 70°44'22.6" W; thence to latitude 43°04'44.8" N, longitude 70°44'33.2" W; thence to latitude 43°04'47.4" N, longitude 70°44'42.1" W; thence to latitude 43°04'48" N, longitude 70°44'52" W; thence to latitude 43°04'49" N, longitude 70°44'54" W; thence to latitude 43°04'51" N, longitude 70°44'55" W; thence to latitude 43°04'53" N, longitude 70°44'53" W; thence to latitude 43°04'57" N, longitude 70°44'47" W; thence to latitude 43°04'58" N, longitude 70°44'46" W; thence to latitude 43°05'02" N, longitude 70°44'36" W; thence to latitude 43°05'04" N, longitude 70°44'31" W; thence along the westerly side of Seavey Island to the beginning point.

(b) *The regulations.* All persons, vessels and other craft, except those vessels under the supervision of or contract to local military or naval authority, are prohibited from entering the restricted areas without permission from the Commander, Portsmouth Naval Shipyard or his/her authorized representative.

[46 FR 43045, Aug. 26, 1981, 46 FR 61116, Dec. 15, 1981. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17551, Apr. 10, 1997]

§ 334.60 Cape Cod Bay south of Wellfleet Harbor, Mass.; naval aircraft bombing target area.

(a) *The danger zone.* A circular area with a radius of 1,000 yards having its center on the aircraft bombing target hulk James Longstreet in Cape Cod Bay at latitude 41°49'46", longitude 70°02'54".

(b) *The regulations.* (1) No person or vessel shall enter or remain in the danger zone at any time, except as authorized by the enforcing agency.

(2) This section shall be enforced by the Commandant, First Naval District, and such agencies as he may designate.

[14 FR 5592, Sept. 13, 1949. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17551, Apr. 10, 1997]

§ 334.70 Buzzards Bay, and adjacent waters, Mass.; danger zones for naval operations.

(a) *Atlantic Ocean in vicinity of No Mans Land—(1) The area.* The waters surrounding No Mans Land within an area bounded as follows: Beginning at latitude 41°12'30", longitude 70°50'30"; thence northwesterly to latitude 41°15'30", longitude 70°51'30"; thence northeasterly to latitude 41°17'30", longitude 70°50'30"; thence southeasterly to latitude 41°16'00", longitude 70°47'30"; thence south to latitude 41°12'30", longitude 70°47'30"; thence westerly to the point of beginning.

(2) *The regulations.* The vessel or person shall at any time enter or remain within a rectangular portion of the area bounded on the north by latitude 41°16'00", on the east by longitude 70°47'30", on the south by latitude 41°12'30", and on the west by longitude 70°50'30", or within the remainder of the area between November 1, and April 30, inclusive, except by permission of the enforcing agency.

(3) The regulations in this paragraph shall be enforced by the Commandant, First Naval District, and such agencies as he may designate.

[26 FR 11195, Nov. 28, 1961, as amended at 27 FR 10296, Oct. 20, 1962; 33 FR 10930, Aug. 1, 1968. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17552, Apr. 10, 1997]

§ 334.75 Thames River, Naval Submarine Base New London, restricted area.

(a) *The area:* The open waters of the Thames River approximately 5 nautical miles upriver from its mouth along the boundary between Groton and Waterford, Connecticut, within an area bounded as follows: From a point on the eastern shore at latitude 41°24'14.4" N, longitude 72°05'38.0" W then northerly along the coast to latitude 41°24'20.0" N, longitude 72°05'37.9" W then westerly across the river to a point on the western shore at latitude 41°24'20.0" N, longitude 72°05'55.5" W then southerly along the coast to a point on the western shore at latitude 41°24'5.0" N, longitude 72°05'55.7" W then easterly to the western edge of the dredged channel to a point located at latitude 41°24'04.1" N, longitude 72°05'51.2" W then southerly along the

§ 334.78

33 CFR Ch. II (7-1-11 Edition)

western edge of the dredged channel to a point at latitude 41°24'00" N, longitude 72°05'52.6" W then southerly along the western edge of the dredged channel to a point located at latitude 41°23'57.1" N, longitude 72°05'52.5" W then southerly to buoy "11" located at a point at latitude 41°23'45.6" N, longitude 72°05'53.7" W then southerly to buoy "B" on the northeastern shore of Mamacoke Hill to a point at latitude 41°23'33.8" N, longitude 72°05'53.7" W then southerly along the shore to buoy "A" at latitude 41°23'25.0" N, longitude 72°05'45.4" W then southeasterly to buoy "9" at a point located at latitude 41°23'15.0" N, longitude 72°05'35.0" W then easterly to a point on the eastern shore at latitude 41°23'15.0" N, longitude 72°05'17.9" W then northerly along the shore to a point on the eastern shore at latitude 41°23'15.8" N, longitude 72°05'17.9" W then along the following points:

| Latitude | Longitude |
|---------------|---------------|
| 41°23'15.8" N | 72°05'22.0" W |
| 41°23'25.9" N | 72°05'29.9" W |
| 41°23'33.8" N | 72°05'34.7" W |
| 41°23'37.0" N | 72°05'38.0" W |
| 41°23'41.0" N | 72°05'40.3" W |
| 41°23'47.2" N | 72°05'42.3" W |
| 41°23'53.8" N | 72°05'43.7" W |
| 41°23'59.8" N | 72°05'43.0" W |
| 41°24'12.4" N | 72°05'43.2" W |

Then to the point of beginning on the eastern shore.

(b) *The regulations.* (1) Vessels and other watercraft within the designated navigation channel may proceed through the restricted area at normal operating speeds without stopping. Vessels and watercraft may also utilize the water area within the restricted area located between the western edge of the designated channel and the western shore for fishing, anchoring and other recreational uses. However, all persons, vessels and watercraft, except U.S. military personnel and vessels must leave the restricted area when notified by personnel of the New London Submarine Base that such use will interfere with submarine maneuvering, operations or security.

(2) Commercial fishermen and shell fishermen may fish within the restricted area provided their vessels display registration numbers issued by

the Naval Submarine Base, New London, Connecticut. The registration numbers may be obtained by contacting the Commanding Officer, Naval Submarine Base New London. All commercial fishermen and shell fishermen must also leave the restricted area when notified by personnel of the New London Submarine Base that such use will interfere with submarine maneuvering, operations or security.

(3) Vessels which are owned, operated or sponsored by local, state municipalities or academic institutions preparing for or participating in a water sport or water related recreational event sponsored by those local or state municipalities or academic institutions, or private or commercial vessels engaged in observing the conduct of the above event shall be exempt from the restrictions above, providing:

(i) The Commanding Officer, Naval Submarine Base New London, and the Coast Guard Captain of the Port are advised in writing at least 48 hours in advance of the event, or

(ii) The event was publicized in such a manner that the local public in general had a reasonable opportunity to learn of the event 48 hours in advance.

(4) The regulations in this section shall be enforced by the Commander, U.S. Naval Submarine Base New London, Connecticut, and such agencies as he/she may designate.

[53 FR 47802, Nov. 28, 1988, as amended at 54 FR 7033, Feb. 16, 1989; 62 FR 17552, Apr. 10, 1997]

§ 334.78 Rhode Island Sound, Atlantic Ocean, approximately 4.0 nautical miles due south of Lands End in Newport, R. I.; restricted area for naval practice minefield.

(a) *The area.* The open waters of Rhode Island Sound approximately 4.0 nautical miles due south of Lands End, Newport, Rhode Island, within an area bounded as follows: Beginning at latitude 41°20'29" N., longitude 71°19'54" W.; thence 2000 yards easterly to latitude 41°20'29" N., longitude 71°18'34" W.; thence 3000 yards southerly to latitude 41°18'57" N., longitude 71°18'34" W.; thence 2000 yards westerly to latitude 41°18'57" N., longitude 71°19'54" W.; thence 3000 yards northerly to the point of beginning.

(b) *The regulations.* (1) No persons, vessels or other watercraft will be allowed to enter the designated area during minefield training.

(2) The practice minefield will consist of six inert drill mines each 16 inches in diameter and 5 feet long and one concrete sonar target 48 inches in diameter and 48 inches high located within the designated area. The sonar target will be permanently located in the extreme northeast corner within the designated drill minefield area. The six drill mines will be steel with all internal mechanisms and explosives removed and concrete filled. Drill mines will be removed from the designated area within 72 hours after each minehunting training exercise.

(3) Training activities will be limited to minehunting operations using only onboard sonar. Neither variable depth sonar devices or mechanical mine-sweeping operations will be utilized in the area.

(4) Training periods will be 2-3 days in length and 10-15 times a year, however during the time period July 1-mid-October, minehunting exercises will be held to minimum.

(5) Notice to mariners will be issued 6-8 weeks in advance of a scheduled practice exercise by the Commander, U.S. Naval Base, Newport, Rhode Island.

(6) The regulations of this section shall be enforced by the Commander, U.S. Naval Base, Newport, Rhode Island, and such agencies as he/she may designate.

[52 FR 28556, July 31, 1987, as amended at 62 FR 17552, Apr. 10, 1997]

§ 334.80 Narragansett Bay, RI; restricted area.

(a) Beginning at a point on the east shore of Conanicut Island at latitude 41°33'15"; thence southeasterly to latitude 41°32'44", longitude 71°21'17"; thence southerly to latitude 41°32'09", longitude 71°21'17"; thence southeasterly to latitude 41°31'50", longitude 71°21'10"; thence southeasterly to latitude 41°31'26", longitude 71°20'33" thence easterly to latitude 41°31'27", longitude 71°20'06" thence northerly to a point on the southwesterly shore of Prudence Island at latitude 41°35'00", thence northerly along the southwesterly shore of

Prudence Island to a point at latitude 41°35'43" longitude 71°20'15 5"; thence northwesterly to latitude 41°37'21", longitude 71°20'48"; thence west to latitude 41°37'21" longitude 71°21'48"; and thence south to latitude 41°33'54", longitude 71°21'48".

(b) *The Regulations.* (1) No person or vessel shall at any time, under any circumstances, anchor or fish or tow a drag of any kind in the prohibited area because of the extensive cable system located therein.

(2) Orders and instructions issued by patrol craft or other authorized representatives of the enforcing agency shall be carried out promptly by persons or vessels in or in the vicinity of the prohibited area.

(3) The regulations in this section shall be enforced by the Commander U.S. Naval Base, Newport, RI, and such agencies as he may designate.

[33 FR 4464, Mar. 13, 1968. Redesignated at 50 FR 42696, Oct. 22, 1985; 58 FR 37608, July 12, 1993; 62 FR 17552, Apr. 10, 1997]

§ 334.81 Narragansett Bay, East Passage, Coddington Cove, Naval Station Newport, naval restricted area, Newport, Rhode Island.

(a) *The area.* All of the navigable waters of Coddington Cove east of a line that connects Coddington Point at latitude 41°31'24.0" N, longitude 071°19'24.0" W; with the outer end of the Coddington Cove Breakwater on the north side of the cove at latitude 41°31'55.7" N, longitude 071°19'28.2" W.

(b) *The regulation.* All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and local or state law enforcement vessels, are prohibited from entering the restricted area without specific permission from the Commanding Officer, Naval Station Newport, USN, Newport, Rhode Island or his/her authorized representative.

(c) *Enforcement.* The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the United States Navy, Commanding Officer Naval Station Newport, and/or such

§ 334.82

agencies or persons as he/she may designate.

[67 FR 65313, Oct. 24, 2002]

§ 334.82 Narragansett Bay, East Passage, Coasters Harbor Island, Naval Station Newport, Newport, Rhode Island, restricted area.

(a) *The area.* The waters within a “C-shaped” area adjacent to and surrounding Coasters Harbor

Island beginning at Coddington Point at latitude 41°31'24.0" N, longitude 71°19'24.0" W; thence west southwest to latitude 41°31'21.5" N, longitude 71°19'45.0" W; thence south southwest to latitude 41°31'04.2" N, longitude 71°19'52.8" W; thence due south to latitude 41°30'27.3" N, longitude 71°19'52.8" W; thence south southeast to 41°30'13.8" N, longitude 71°19'42.0" W; thence southeast to latitude 41°30'10.2" N, longitude 71°19'32.6" W; thence due east to latitude 41°30'10.2" N, longitude 71°19'20.0" W; thence northerly along the mainland shoreline to the point of origin.

(b) *The regulation.* All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and Federal, local or State law enforcement vessels, are prohibited from entering the restricted areas without permission from the Commanding Officer Naval Station Newport, USN, Newport, Rhode Island or his/her authorized representative.

(c) *Enforcement.* (1) The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the United States Navy, Commanding Officer Naval Station Newport, Newport, Rhode Island and/or other persons or agencies as he/she may designate.

[69 FR 35519, June 25, 2004]

§ 334.85 New York Harbor, adjacent to the Stapleton Naval Station, Staten Island, New York; restricted area.

(a) *The area.* The waters of New York Harbor beginning at a point on shore at latitude 40°38'02" N, longitude 074°04'24" W; thence easterly to latitude 40°38'02.5" N, longitude 074°04'09" W; thence southerly to latitude 40°37'53" N, longitude 074°04'07" W; thence east-southeasterly to latitude 40°37'50" N,

33 CFR Ch. II (7-1-11 Edition)

longitude 074°03'50.2" W; thence south-southeasterly to latitude 40°37'37.5" N, longitude 074°03'46" W; thence southwesterly to the shore line at latitude 40°37'24.5" N, longitude 074°04'18" W; thence northerly along the shore line to the point of origin.

(b) *The regulations.* (1) The portion of the restricted area extending from the shore out to a line 600 feet east of the U.S. Pierhead Line is closed to all persons and vessels except those vessels owned by, under hire to or performing work for Naval Station New York, Staten Island, New York.

(2) The portion of the restricted area beginning 600 feet seaward of the U.S. Pierhead Line is open to transiting vessels only. Vessels shall proceed across the area by the most direct route and without unnecessary delay. For vessels under sail, necessary tacking shall constitute a direct route.

(3) Commercial vessels at anchor will be permitted to swing into the seaward portion of the restricted area while at anchor and during the tide changes.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commanding Officer, Naval Station New York, and such agencies as he/she shall designate.

[56 FR 5300, Feb. 8, 1991]

§ 334.100 Atlantic Ocean off Cape May, N.J.; Coast Guard Rifle Range.

(a) *The danger zone.* The waters of the Atlantic Ocean within an area described as follows: Beginning at Cape May West Jetty Light; thence 180° true, 800 yards; thence 250° true, 1,325 yards; and thence 335° true to the shore line.

(b) *The regulations.* (1) No person or vessel shall enter or remain in the danger area between sunrise and sunset daily, except as authorized by the enforcing agency.

(2) The regulations in this section shall be enforced by the Commander, Third Coast Guard District, or his authorized representative.

[25 FR 12244, Nov. 30, 1960. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17552, Apr. 10, 1997]

§ 334.102 Sandy Hook Bay, Naval Weapons Station EARLE, Piers and Terminal Channel, restricted area, Middletown, New Jersey.

(a) *The area.* All of the navigable waters within the area bounded by these coordinates:

Latitude 40°25'55.6" N, longitude 074°04'31.4" W; thence to
 Latitude 40°26'54.0" N, longitude 074°03'53.0" W; thence to
 Latitude 40°26'58.0" N, longitude 074°04'03.0" W; thence to
 Latitude 40°27'56.0" N, longitude 074°03'24.0" W; thence to
 Latitude 40°27'41.7" N, longitude 074°02'45.0" W; thence to
 Latitude 40°28'23.5" N, longitude 074°02'16.6" W; thence to
 Latitude 40°28'21.2" N, longitude 074°01'56.0" W; thence to
 Latitude 40°28'07.9" N, longitude 074°02'18.6" W; thence to
 Latitude 40°27'39.3" N, longitude 074°02'38.3" W; thence to
 Latitude 40°27'28.5" N, longitude 074°02'10.4" W; thence to
 Latitude 40°26'29.5" N, longitude 074°02'51.2" W; thence to
 Latitude 40°26'31.4" N, longitude 074°02'55.4" W; thence to
 Latitude 40°25'27.1" N, longitude 074°03'39.7" W longitude;
 and thence along the shoreline to the point of origin (NAD 83).

The Department of the Navy plans to install buoys along these coordinates to outline the Restricted Area.

(b) *The regulation.* (1) Except as set forth in subparagraph (b)(2), no persons, unauthorized vessels or other unauthorized craft may enter the restricted area at any time;

(2) Vessels are authorized to cross the Terminal Channel provided that there are no naval vessels then transiting the channel bounded by:

Latitude 40°27'41.7" N, longitude 074°02'45.0" W; thence to
 Latitude 40°28'23.5" N, longitude 074°02'16.6" W; thence to
 Latitude 40°28'21.2" N, longitude 074°01'56.0" W; thence to
 Latitude 40°28'07.9" N, longitude 074°02'18.6" W; thence to
 Latitude 40°27'39.3" N, longitude 074°02'38.3" W); and (3) No person may swim in the Restricted Area.

(c) *Enforcement.* The regulation in this section, promulgated by the U.S. Army Corps of Engineers, shall be en-

forced by the Commanding Officer, Naval Weapons Station Earle, and/or other persons or agencies as he/she may designate.

[68 FR 37971, June 26, 2003]

§ 334.110 Delaware Bay off Cape Henlopen, Del.; naval restricted area.

(a) *The area.* Beginning at a point on the south shore of Delaware Bay at longitude 75°06'12"; thence to latitude 38°47'25", longitude 75°06'20"; thence to latitude 38°47'48", longitude 75°06'00"; thence to latitude 38°50'43", longitude 75°02'11"; thence to latitude 38°49'16", longitude 74°59'35"; thence to a point on the shore at latitude 38°46'09"; thence northwesterly and southwesterly along the shore at Cape Henlopen to the point of beginning.

(b) *The regulations.* (1) Anchoring, trawl fishing, crabbing, dragging, grappling, and towing with hawser on bottom are prohibited in the area and no object attached to a vessel shall be placed on or near the bottom.

(2) This section does not apply to anchored floating navigational aids or to placement or removal of such aids by the Coast Guard.

(3) This section does not apply to vessels engaged in commercial or pleasure boat fishing provided anchors, trawls, and ground tackle are not used.

(4) The regulations in this section shall be enforced by the Commandant, Fourth Naval District, and such agencies as he may designate.

[18 FR 4047, July 10, 1953. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.120 Delaware Bay off Milford Neck; naval aircraft bombing target area.

(a) *The danger zone.* A circular area of one nautical mile radius having its center in Delaware Bay at latitude 38°58'12", longitude 75°17'30".

(b) *The regulations.* (1) Anchoring, trawling, crabbing, fishing and dragging in the danger zone are prohibited during daylight hours.

(2) The regulations in this section shall be enforced by the Commandant, Fourth Naval District, and such agencies as he may designate.

[20 FR 563, Jan. 26, 1955. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.130

§ 334.130 Atlantic Ocean off Wallops Island and Chincoteague Inlet, Va.; danger zone.

(a) *The area.* An area immediately offshore from Wallops Island defined by lines drawn as follows: Beginning at latitude 37°51'30" N., longitude 75°27'30" W.; thence to latitude 37°51'30" N., longitude 75°17'12" W.; thence to latitude 37°43'18" N., longitude 75°29'42" W.; and thence to latitude 37°49'18" N., longitude 75°29'42" W.

(b) *The regulations.* (1) Persons and vessels may enter and operate in the danger zone at all times when warning signals are not displayed.

(2) When warning signals are displayed, all persons and vessels in the danger zone, except vessels entering or departing Chincoteague Inlet, shall leave the zone promptly by the shortest possible route and shall remain outside the zone until allowed by a patrol boat to enter or the danger signal has been discontinued. Vessels entering or departing Chincoteague Inlet shall take the shortest passage possible through the danger zone upon display of the danger signal.

(3) The intent to conduct rocket-launching operations involving the area shall be indicated by a signal consisting of a large orange-colored, "blimp-shaped" balloon by day and a signal rotating alternately red and white beacon by night. The balloon shall be flown at latitude 37°50'38", longitude 75°28'47" and the beacon shall be displayed about 200 feet above mean high water at latitude 37°50'16", longitude 75°29'07". The appropriate one of these signals shall be displayed 30 minutes prior to rocket-launching time and shall remain displayed until danger no longer exists.

(4) The regulations in this section shall be enforced by the Director, Wallops Station, National Aeronautics and Space Administration, Wallops Island, Va., or such agencies as he may designate.

[31 FR 13445, Oct. 18, 1966. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17552, Apr. 10, 1997]

33 CFR Ch. II (7-1-11 Edition)

§ 334.140 Chesapeake Bay; U.S. Army Proving Ground Reservation, Aberdeen, Md.

(a) *Restricted area defined.* The following indicates the limits of the waters of or adjacent to the Aberdeen Proving Ground, Maryland, and inside of which boundaries will lie the restricted area known as the Aberdeen Proving Ground, Maryland.

(1) Beginning at a point on the westerly side of Chesapeake Bay, at the south side of the mouth of Swan Creek, Harford County, Maryland, the most northerly point of the reservation known as Plum Point; thence southeasterly along the low water mark on the shore of Chesapeake Bay to and across the north entrance of Spesutie Narrows to and thence along the low water mark on the north shore of Spesutie Island to Locust Point; thence along straight line from Locust Point to Turkey Point for a distance of approximately 1,400 yards; thence following a line parallel with and 1,000 yards from the low water mark on the easterly shore of Spesutie Island to a point 1,000 yards due southeast of Sandy Point; thence approximately southwest in a straight line to a point approximately 1,250 yards S. 10°30' W. from Bear Point; thence approximately 9,275 yards S. 51°04' W. to a point in Chesapeake Bay about 1,700 yards due east from Taylor Island Point; thence southwesterly in a straight course, except such variations as may be necessary to include all of Pooles Island to the southwesterly point of Pooles Island, thence in a northwesterly direction to the most southwesterly point of Spry Island, including all of Spry Island; thence northwesterly in a straight line to extreme southerly island off Lower Island Point; thence northwesterly in a straight line through Brier Point to a point in Seneca Creek where this line intersects a straight line which passes through monuments No. 124 and No. 125 on westerly part of Carroll Island; thence northeasterly in a straight line passing through Marshy Point, at the junction of Dundee Creek and Saltpeter Creek, to the intersection of the center line of Reardon Inlet with Gunpowder River, except such variations as may be necessary to exclude any and all parts of

the point of land on the westerly side of Gunpowder River about one mile south of Oliver Point; thence northerly along the center line of Reardon Inlet to its intersection with the southeasterly line of the right of way of the Pennsylvania Railroad; thence northeast along the Pennsylvania Railroad following the reservation boundary line to shore of Bush River, and along its western shore to Fairview Point; thence northeast in a straight line across Bush River to concrete monument No. 64, located on the eastern shore of Bush River, south of Chelsea; thence along the eastern shore of Bush River northerly to the mouth of Sod Run; thence by a broken line along the boundary of the reservation to Swan Creek; and thence in a straight line to Plum Point. (The above description may be traced on Coast and Geodetic Chart No. 1226).

(b) *Authority delegated Commanding Officer.* The Commanding Officer, Aberdeen Proving Ground, has been delegated the authority by the Secretary of the Army to designate from time to time by suitably posted bulletins or announcements, the conditions under which the public, including food fishermen and crabbers, may enter restricted waters of the Aberdeen Proving Ground.

(c) *Penalty.* All persons who enter the restricted waters, except as authorized in this section, without the authority of the Commanding Officer, Aberdeen Proving Ground, Md., are under the terms of the information given above, guilty of a misdemeanor and upon conviction thereon are punishable by a fine not exceeding \$500 or by imprisonment not exceeding 6 months.

(d) *Entrance into restricted waters by the public.* (1) The following water areas are closed to the public at all times:

(i) Supesutie Narrows—all waters north and east of a line between Bear Point and Black Point;

(ii) All creeks except Landerick Creek;

(iii) The water adjacent to Carroll Island which lies between Brier Point and Lower Island Point also known as Hawthorne Cove;

(iv) The waters immediately off the mouth of Romney Creek;

(v) The waters adjacent to Abbey Point Recovery Field more accurately described as area number 16; depicted in Aberdeen Proving Ground Regulation 210-10, Appendix A.

(vi) The waters on the north side of the Bush River from Pond Point to Chelsea Chimney are closed for fishing purposes.

(2) The remainder of the restricted areas will normally be open for authorized use (including navigation and fishing) during the following hours:

(i) Monday through Thursday, 5 p.m. to 7:30 a.m.;

(ii) Weekends, 5 p.m. Friday to 7:30 a.m. Monday;

(iii) National (not state) holidays, 5 p.m. the day preceding the holiday to 7:30 a.m. the day following the holiday.

(3) When requirements of tests, as determined by the Commanding Officer, Aberdeen Proving Ground, or his designee, necessitate closing the restricted areas during the aforementioned times and days, the Commanding Officer, Aberdeen Proving Ground, will publish appropriate circulars or cause to be broadcast over local radio stations notices informing the public of the time and days which entrance to the restricted waters of Aberdeen Proving Ground by the general public will be prohibited.

(4) A fleet of patrol boats will be positioned at the perimeter of the restricted water zone boundaries (except in extreme weather conditions such as gales or ice) during periods of testing to prevent unauthorized entry. If necessary to attract attention of another vessel about to penetrate the restricted area, the patrol boat may operate a distinctive rotating blue and red light, public address system, sound a siren, or by radio contact on shipshore FM channel 16 and citizen band channel 12. Buoys will mark the restricted waters along the Chesapeake Bay perimeter during the period, normally 4 June through 1 October annually.

(5) *Authorized use.* Authorized use as used in this section is defined as fishing from a vessel, navigation using a vessel to traverse a water area or anchoring a vessel in a water area. Any person who touches any land, or docks or grounds a vessel, within the boundaries of Aberdeen Proving Ground,

Maryland, is not using the area for an authorized use and is in violation of this regulation. Further, water skiing in the water area of Aberdeen Proving Ground is permitted as an authorized use when the water area is open for use by the general public providing that no water skier touches any land, either dry land (fast land) or subaqueous land and comes no closer than 200 meters from any shoreline. Further, if any person is in the water area of Aberdeen Proving Ground, Maryland, outside of any vessel (except for the purposes of water skiing as outlined above) including, but not limited to, swimming, scuba diving, or other purpose, that person is not using the water in an authorized manner and is in violation of this regulation.

(e) *Entry onto land and limitation of firing over land.* (1) Entry onto any land, either dry land (fast land) or subaqueous land, within the boundaries of the Aberdeen Proving Ground Reservation as defined in paragraph (a)(1) of this section is prohibited at all times. Provided, the Commander, Aberdeen Proving Ground, is authorized to grant exceptions to this regulation either by written permission or by local regulation. Entry onto the land is punishable as in paragraph (c) of this section.

(2) There are no limitations on test firing by Federal testing facilities at Aberdeen Proving Ground over land belonging to Aberdeen Proving Ground.

(f) *Permits required from the Commanding Officer to set fixed nets in restricted waters.* (1) Fishermen and crabbers desiring to set fixed nets within the restricted waters of Aberdeen Proving Ground Reservation are required in every instance to have a written permit. A fixed net for the purpose of this paragraph is defined as a pound net, staked gill net, hedge fike net, hoop net, eel pot, crab pot, and all other types of nets fastened by means of poles, stakes, weights, or anchors. Permits to fish and crab within the restricted waters of Aberdeen Proving Ground may be obtained by written application to the Commanding Officer, Department of the Army, Aberdeen Proving Ground, Attention: Provost Marshall Division, Aberdeen Proving Ground, Md. Applicants for permits must state the location at which they

desire to set fixed nets and state the period of time for which they desire the permit to cover. Nets placed in the restricted waters are subject to damage by gunfire and bombing, and the risk of such damage will be assumed by the holder of the permit.

(2) Holders of permits for setting fixed nets must comply with the provisions of this part and also with § 206.50(d) of this chapter.

(g) *Identification signs required at each location of fixed nets.* Fishermen and crabbers who have been granted permits to fish or crab within the restricted waters of Aberdeen Proving Ground Reservation with fixed nets must at each location have a stake securely driven at the outer end of the line of nets on which is mounted a sign board which contains their name and permit number. All stakes set within the restricted area established by this regulation will project at least three (3) feet above the surface of the water at all ordinary high stages of the tide. Nets and other fishing and crabbing structures erected will be marked by stakes set at intervals not greater than fifty (50) feet. Fishing and crabbing structures erected in Aberdeen Proving Ground waters will be plainly marked on both ends, and will be lighted with a white light between sunset and sunrise, by and at the expense of the owner.

(h) *Removal of pound net poles and/or stakes.* At the end of the fishing and crabbing season, fishermen and crabbers must remove and haul away from the location all pound nets, pots, poles or stakes used in their operation. Pound net poles or stakes must not be cast adrift after removal.

(i) *Restrictions on fishermen and crabbers.* It must be distinctly understood that holders of permits to fish or crab are not authorized to enter the restricted waters of Aberdeen Proving Ground Reservation outside the hours as announced by the Commanding Officer, Aberdeen Proving Ground. In addition, the privileges granted in this paragraph include no right to land nor to cut or procure pound net poles or stakes on the Aberdeen Proving Ground Reservation.

(j) Aberdeen Proving Ground Regulations (APGR) 210-10 will govern commercial fishing and crabbing and APGR 210-26 will govern recreational (non-commercial) fishing and crabbing. This section shall be enforced by the Commander, Aberdeen Proving Ground, and such agencies as he/she may designate.

(k) *Compliance with Federal, State and county laws required.* The taking of fish and crabs in the waters of Aberdeen Proving Ground Reservation and the setting of and location of nets, in a manner not in compliance with Federal, State, and county laws is prohibited.

(40 Stat. 266; 33 U.S.C. 3)

[13 FR 6915, Nov. 24, 1948, and 32 FR 15673, Nov. 14, 1967, as amended at 42 FR 41281, Aug. 16, 1977; 48 FR 54597, Dec. 6, 1983. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.150 Severn River at Annapolis, Md.; experimental test area, U.S. Navy Marine Engineering Laboratory.

(a) *The restricted area.* The waters of Severn River shoreward of a line beginning at the southeasternmost corner of the U.S. Navy Marine Engineering Laboratory sea wall and running thence southwesterly perpendicular to the main Severn River channel, approximately 560 feet, thence northwesterly parallel to and 50 feet shoreward of the edge of the channel, 1,035 feet, and thence northeasterly perpendicular to the channel, approximately 600 feet, to the shore. Spar buoys will mark the corners of the area adjacent to the channel.

(b) *The regulations.* (1) No vessel or person other than specifically authorized military and naval vessels and persons shall enter or remain in the area during its use for experimental purposes. At all other times vessels and persons may use the area without restriction.

(2) The area will be in use intermittently, and this use will be signified by the presence of white-painted boats or floats, which will be lighted at night.

(3) Upon observing the boats or floats referred to in paragraph (b)(2) of this section, or upon being warned, vessels and persons shall immediately vacate the area and remain outside the area during the period of use.

(4) The regulations in this section shall be enforced by the Commandant, Severn River Naval Command, and such agencies as he may designate.

[17 FR 2573, Mar. 25, 1952, as amended at 30 FR 5631, Apr. 21, 1965. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.155 Severn River, Naval Station Annapolis, Small Boat Basin, Annapolis, MD; naval restricted area.

(a) *The area.* The waters within the Naval Station Annapolis small boat basin and adjacent waters of the Severn River enclosed by a line beginning at the southeast corner of the U.S. Navy Marine Engineering Laboratory; thence to latitude 38°58'56.5", longitude 76°28'11.5"; thence to latitude 38°58'50.5", longitude 76°27'52"; thence to the southeast corner of the Naval Station's seawall.

(b) *The regulations.* No person, vessel or other craft shall enter or remain in the restricted area at any time except as authorized by the enforcing agency.

(c) *Enforcement.* The regulations in this section shall be enforced by the Superintendent, U.S. Naval Academy, in Annapolis, Maryland, and such agencies as he/she may designate.

[63 FR 68140, Dec. 9, 1998]

§ 334.160 Severn River, at U.S. Naval Academy Santee Basin, Annapolis, Md.; naval restricted area.

(a) *The area.* The waters within the U.S. Naval Academy Santee Basin and adjacent waters of Severn River enclosed by a line beginning at the northeast corner of Dewey Field seawall; thence to latitude 38°59'03", longitude 76°28'47.5"; thence to latitude 38°58'58", longitude 76°28'40"; and thence to the northwest corner of Farragut Field seawall.

(b) *The regulations.* (1) No person in the water, vessel or other craft shall enter or remain in the restricted area at any time except as authorized by the enforcing agency.

(2) The regulations in this section shall be enforced by the Superintendent, U.S. Naval Academy, Annapolis, Md., and such agencies as he may designate.

[32 FR 10299, July 13, 1967. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.170

33 CFR Ch. II (7-1-11 Edition)

§ 334.170 Chesapeake Bay, in the vicinity of Chesapeake Beach, Md.; firing range, Naval Research Laboratory.

(a) *The danger zone*—(1) *Area A.* A roughly rectangular area bounded on the north by latitude 38°39'55"; on the south by latitude 38°39'09"; on the east by longitude 76°31'03"; and on the west by the shore of Chesapeake Bay.

(2) *Area B.* The sector of a circle bounded by radii of 9,600 yards bearing 31° (to Bloody Point Bar Light) and 137°30' (to Choptank River Approach Buoy 2), respectively, from the center at the southeast corner of building No. 3; excluding Area A.

(3) *Area C.* The segment of a circle inclosed by the arcs of two circles having radii of 9,600 yards and 13,200 yards, respectively, and bounded by the extended radii marking the north and south limits of Area B.

NOTE: All bearings referred to true meridian.

(4) *Area D.* A roughly rectangular area bounded on the north by an east-west line through Chesapeake Beach Light 2 at the entrance channel to Fishing Creek; on the south by an east-west line through Plum Point Shoal Buoy 1 northeast from Breezy Point; on the east by the established fishing structure limit line; and on the west by the shore of Chesapeake Bay.

(b) *The regulations.* (1) No person or vessel shall enter or remain in Area A at any time.

(2) No person or vessel shall enter or remain in Area B or Area C between the hours of 1:00 p.m. and 5:00 p.m. daily except Sundays, except that through navigation of commercial craft will be permitted in Area C at all times, but such vessels shall proceed on their normal course and shall not delay their progress.

(3) No fishing structures, other than those presently in established locations, which may be maintained, will be permitted to be established in Area D without specific permission from the Commanding Officer, Naval Research Laboratory.

(4) The areas will be in use throughout the year, and no further notice is contemplated that firing is continuing.

(5) Prior to the conduct of each firing practice a patrol vessel will patrol the range to warn navigation. "Baker" will

be flown from a conspicuous point on the patrol vessel and from a prominent position on shore.

(6) This section shall be enforced by the Commander, Naval Base, Norfolk, Virginia, and such agencies as he/she may designate.

[13 FR 6916, Nov. 24, 1948, as amended at 17 FR 4832, May 28, 1952; 48 FR 54597, Dec. 6, 1983. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17552, Apr. 10, 1997]

§ 334.180 Patuxent River, Md.; restricted areas, U.S. Naval Air Test Center, Patuxent River, Md.

(a) Except in the gut off the tip of Point Patience, no person in the water and no craft shall approach closer than 75 yards to the beaches, shoreline, or piers of the area formerly occupied by the U.S. Naval Mine Warfare Test Station, or of U.S. Naval Air Station property. A person in the water or a civilian craft shall not approach rafts, barges, or platforms closer than 100 yards.

(b) Diving tenders will exhibit a square red flag with white X when underwater diving takes place from naval small craft. At such times, persons in the water and civilian craft shall stay at least 200 yards clear of these vessels and the civilian craft shall proceed at a speed not greater than five knots when within 1,000 yards thereof.

(c) On occasions, seaplane landings and takeoffs will be practiced in the seadrome area north of the U.S. Naval Air Station, Patuxent River. This area includes those waters of the Patuxent River between Town Point and Hog Point shoreward of a line described as follows: Beginning at a point on the shore just west of Lewis Creek, bearing 161°30' true, 2,000 yards from Patuxent River Light 8; thence to a point bearing 130° true, 1,850 yards from Patuxent River Light 8; thence to a point bearing 247°30' true, 3,650 yards from Drum Point Light 2; thence to point bearing 235° true, 2,060 yards from Drum Point Light 2; thence to a point bearing 129° true, 700 yards from Drum Point Light 2; thence to a point bearing 137° true, 1,060 yards from Drum Point Light 2; and thence to a point on the shore west of Harper Creek entrance, bearing 158°30' true, 1,900 yards from Drum Point Light 2.

(d) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Air Station, Patuxent River, Md., and such agencies as he may designate.

[30 FR 4198, Mar. 31, 1965, as amended at 48 FR 54598, Dec. 6, 1983. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.190 Chesapeake Bay, in vicinity of Bloodworth Island, MD, U.S. Navy.

(a) *The areas*—(1) *Prohibited area.* All waters within a circle 0.5 miles in radius with its center at latitude 38°10'00", longitude 76°06'00"; Bloodworth Island, Pone Island, Northeast Island, and Adams Island.

(2) *The danger zone.* All waters of Chesapeake Bay and Tangier Sound within an area bounded as follows: Beginning at latitude 38°08'15", longitude 76°10'00"; thence to latitude 38°12'00", longitude 76°10'00"; thence to latitude 38°12'00", longitude 76°07'00"; thence to latitude 38°13'00", longitude 76°06'00"; thence to latitude 38°13'00", longitude 76°04'00"; thence to latitude 38°12'00", longitude 76°02'00"; thence to latitude 38°12'00", longitude 76°00'00"; thence to latitude 38°08'15", longitude 76°00'00"; thence to the point of beginning, excluding the prohibited area described in paragraph (a)(1) of this section.

(b) *The regulations.* (1) No person, vessel or other craft shall approach closer than 75 yards to the beaches, shoreline, or piers of Bloodworth Island, Pone Island, Northeast Island, Adams Island, or any Patuxent River Naval Air Station property at any time unless authorized to do so by the enforcing agency. No person, vessel or other craft shall approach rafts, barges, or platforms closer than 100 yards.

(2) No person, vessel, or other craft shall enter or remain in the danger zone when notified by the enforcing authority to keep clear. Any watercraft under way or at anchor, upon being so warned, shall immediately vacate the area and shall remain outside the area until conclusion of potentially hazardous test or training events.

(3) The area will be in use intermittently throughout the year.

(4) Prior to the commencement of any potentially hazardous test or training event that requires clearing of

non-participant boats from the danger zone, surface or air search of the entire area will be made for the purpose of locating and warning all craft and persons not connected with the test or training event, and a patrol will be maintained throughout the duration of the event.

(5) All persons, vessels, or other craft shall clear the area when warned by patrol vessels.

(6) Patrol vessels will provide warning that a potentially hazardous test or training event is in progress or is about to commence; when so warned, fishing or oystering vessels or other craft not directly connected with the event shall not navigate within the danger zone. Deep-draft vessels proceeding in established navigation channels normally will be permitted to traverse the area upon coordination with range patrol vessels. The patrol vessels will ensure safe separation between all non-participant vessels and potentially hazardous operations.

(7) When potentially hazardous testing or training is not in progress or is not about to commence, oystering and fishing boats and other craft may operate within the danger zone.

(8) All potentially hazardous test or training events will be performed in such a way as to contain the hazard footprint to the established danger zone described in paragraph (a) of this section. Naval authorities will not be responsible for damage to nets, traps, buoys, pots, fish pounds, stakes, or other equipment that may be located within the danger zone.

(9) Nothing in this regulation shall be intended to prevent the lawful use of approved waterfowl hunting blinds along the shorelines of Bloodworth Island range complex, provided that all necessary licenses and permits have been obtained from the Maryland Department of Natural Resources and the completed copy of the permit has been submitted to the Conservation Division Director at NAS Patuxent River. Waterfowl hunters must observe all warnings and range clearances, as noted herein.

(10) The regulations in this section shall be enforced by the Commander, Naval Air Station Patuxent River,

§ 334.200

Maryland, and such agencies as he/she may designate.

[72 FR 65668, Nov. 23, 2007]

§ 334.200 Chesapeake Bay, Point Lookout to Cedar Point; aerial and surface firing range and target area, U.S. Naval Air Station, Patuxent River, Maryland, danger zones.

(a) *Aerial firing range*—(1) *The danger zone.* The waters of Chesapeake Bay within an area described as follows: Beginning at the easternmost extremity of Cedar Point; thence easterly to the southern tip of Barren Island; thence southeasterly to latitude 38°01'15", longitude 76°05'33"; thence southwesterly to latitude 37°59'25", longitude 76°10'54"; thence northwesterly to latitude 38°02'20", longitude 76°17'26"; thence northerly to Point No Point Light; thence northwesterly to the shore at latitude 38°15'45"; thence northeasterly along the shore to the point of beginning. Aerial and surface firing and dropping of nonexplosive ordnance will be conducted throughout the year.

(2) *The regulations.* (i) Through navigation of surface craft outside the target areas will be permitted at all times. Vessels shall proceed on their normal course and shall not delay their progress.

(ii) Prior to firing or ordnance drops, the range will be patrolled by naval surface craft or aircraft to warn watercraft likely to be endangered. Surface craft so employed will display a square red flag. Naval aircraft will use a method of warning consisting of repeated shallow dives in the area, following each dive by a sharp pullup.

(iii) Any watercraft under way or at anchor, upon being so warned, shall immediately vacate the area and shall remain outside the area until conclusion of firing practice.

(iv) Nothing in this section shall prevent the taking of shellfish or the setting of fishing structures within the range outside target areas in accordance with Federal and State regulations: *Provided*, That no permanent or temporary fishing structures or oyster ground markers shall be placed on the western side of the Chesapeake Bay between Point No Point and Cedar Point without prior written approval of the

33 CFR Ch. II (7–1–11 Edition)

Commanding Officer, U.S. Naval Air Station, Patuxent River, Md.

(v) Naval authorities will not be responsible for damage caused by projectiles, bombs, missiles, or Naval or Coast Guard vessels to fishing structures or fishing equipment which may be located in the aerial firing range immediately adjacent to the target areas.

(b) *Target areas*—(1) *Prohibited area.* A circular area with a radius of 1,000 yards having its center at latitude 38°13'00", longitude 76°19'00" identified as Hooper Target.

(2) *The area.* A circular area with a radius of 1000 yards having its center at latitude 38 degrees 02 minutes 18 seconds longitude 76 degrees 09 minutes 26 seconds identified as Hannibal Target.

(3) *The regulations.* Nonexplosive projectiles and bombs will be dropped at frequent intervals in the target areas. Hooper and Hannibal target areas shall be closed to navigation at all times, except for vessels engaged in operational and maintenance activities as directed by the Commanding Officer of the U.S. Naval Air Station, Patuxent River, Maryland. No person in the waters, vessel, or other craft shall enter or remain in the closed area or climb on targets except on prior written approval of the Commanding Officer, U.S. Naval Air Station, Patuxent River, Maryland.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commanding Officer of the Naval Air Station, Patuxent River, Maryland and such agencies as he or she may designate.

[31 FR 13648, Oct. 22, 1966, as amended at 48 FR 54598, Dec. 6, 1983. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 64 FR 18581, Apr. 15, 1999]

§ 334.210 Chesapeake Bay, in vicinity of Tangier Island; naval guided missiles test operations area.

(a) *The danger zone*—(1) *Prohibited area.* A circle 1,000 yards in radius with its center at latitude 37°47'54", longitude 76°03'48".

(2) *Restricted area.* A circle three nautical miles in radius with its center at latitude 37°47'54", longitude 76°03'48", excluding the prohibited area.

(b) *The regulations.* (1) Persons, vessels or other craft shall not enter or remain in the prohibited area at any time unless authorized to do so by the enforcing agency.

(2) Except as otherwise provided in paragraph (b)(6) of this section, persons, vessels or other craft shall not enter or remain in the restricted area when firing is or will soon be in progress unless authorized to do so by the enforcing agency.

(3) Advance notice will be given of the date on which the first firing is to be conducted and such notice will be published in "Notice to Mariners." Thereafter, the danger zone will be in use intermittently throughout the year and no further notice is contemplated that firing is continuing.

(4) Warning that firing is or will soon be in progress will be indicated by a red flag displayed from one of six dolphin platforms on the perimeter of the prohibited area, and by patrol vessels within the danger zone or by aircraft employing the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle. Surface or air search of the entire area will be made prior to the commencement of firing on each scheduled day. During periods of firing a patrol vessel will remain in the approaches to the restricted area and maintain continuous contact with the firing planes to warn when the area is not clear.

(5) Upon observing the warning flag or upon receiving a warning by any of the patrol vessels or aircraft, persons, vessels or other craft shall immediately vacate the restricted area and remain outside the area until the conclusion of firing for the day.

(6) This section shall not deny traverse of portions of the restricted area by commercial craft proceeding in established steamer lanes, but when firing is or will soon be in progress all such craft shall proceed on their normal course through the area with all practicable speed.

(7) All projectiles, bombs and rockets will be fired to land within the prohibited area, and on or in the immediate vicinity of a target in the restricted area located adjacent to the west side of Tangier Island. The Department of

the Navy will not be responsible for damages by such projectiles, bombs, or rockets to nets, traps, buoys, pots, fishpounds, stakes, or other equipment which may be located within the restricted area.

(8) The regulations of this section shall be enforced by the Commander, Naval Air Bases, Fifth Naval District, Norfolk, Virginia, and such agencies as he may designate.

[13 FR 6918, Nov. 24, 1948, as amended at 22 FR 3706, May 25, 1957; 24 FR 3760, May 6, 1959. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17552, Apr. 10, 1997]

§ 334.220 Chesapeake Bay, south of Tangier Island, Va.; naval firing range.

(a) *The danger zone.* Beginning at latitude 37°46'39", longitude 75°57'43", thence to latitude 37°43'42", longitude 75°55'30"; thence to latitude 37°27'00", longitude 76°02'48"; thence to latitude 37°27'00"; longitude 76°08'00"; thence to latitude 37°45'00", longitude 76°09'48"; thence to latitude 37°45'00", longitude 76°08'51"; and thence along the circumference of a circle of five nautical miles radius whose center is at latitude 37°47'54", longitude 76°03'48", to the point of beginning.

(b) *The regulations.* (1) Any vessel propelled by mechanical means or by sail at a speed greater than five knots may proceed through the danger zone to and from points without, but not from one point to another point within, the area, except when especially notified to the contrary.

(2) All vessels, other than naval craft, are forbidden to anchor within the danger zone except in cases of great emergency. All vessels anchoring under circumstances of great emergency within the area shall leave the area immediately after the emergency ceases or upon notification by the enforcing agency.

(3) Fishing, oystering, clamming, crabbing, and other aquatic activities are forbidden within the limits of the danger zone, except that existing fishing structures licensed by the State of Virginia may be maintained and operated: *Provided*, The owners thereof obtain written permits from the enforcing agency designated in paragraph (b)(5) of this section.

§ 334.230

(4) Day and night firing over the range will be conducted intermittently by one or more vessels, depending on weather and operating schedules. When firing is in progress, adequate patrol by naval craft will be conducted to prevent vessels from entering or remaining within the danger zone.

(5) This section shall be enforced by the Commandant, Fifth Naval District, U. S. Naval Base, Norfolk, Virginia, and such agencies as he may designate.

[13 FR 6918, Nov. 24, 1948, as amended at 22 FR 6965, Dec. 4, 1957. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.230 Potomac River.

(a) *Naval Surface Warfare Center, Dahlgren, VA*—(1) *The areas.* Portions of the Upper Machodoc Creek and Potomac River near Dahlgren, VA as described below:

(i) *Lower zone.* The entire portion of the lower Potomac River between a line from Point Lookout, Maryland, to Smith Point, Virginia, and a line from Buoy 14 (abreast of St. Clements Island) to a point near the northeast shore of Hollis Marsh at latitude 38°10'00", longitude 76°45'22.4". Hazardous operations are conducted in this zone at infrequent intervals.

(ii) *Middle zone.* Beginning at the intersection of the Harry W. Nice Bridge with the Virginia shore; thence to Light 33; thence to latitude 38°19'06", longitude 76°57'06" which point is about 3,300 yards east-southeast of Light 30; thence to Line of Fire Buoy O, about 1,150 yards southwest of Swan Point; thence to Line of Fire Buoy M, about 1,700 yards south of Potomac View; thence to Line of Fire Buoy K, about 1,400 yards southwesterly of the lower end of Cobb Island; thence to Buoy 14, abreast of St. Clements Island, thence southwest to a point near the northeast shore of Hollis Marsh at latitude 38°10'00"; longitude 76°45'22.4"; thence northwest to Line of Fire Buoy J, about 3,000 yards off Popes Creek, Virginia; thence to Line of Fire Buoy L, about 3,600 yards off Church Point; thence to Line of Fire Buoy N, about 900 yards off Colonial Beach; thence to Line of Fire Buoy P, about 1,000 yards off Bluff Point; thence northwest to latitude 38°17'54", longitude 77°01'02", a point of the Virginia shore on property

33 CFR Ch. II (7-1-11 Edition)

of the Naval Support Facility Dahlgren, a distance of about 4,080 yards; thence north along the Potomac shore of Naval Surface Warfare Center, Dahlgren to Baber Point; and thence west along the Upper Machodoc Creek shore of Naval Surface Warfare Center, Dahlgren to Howland Point at latitude 38°19'0.5", longitude 77°03'23"; thence northeast to latitude 38°19'18", longitude 77°02'29", a point on the Naval Surface Warfare Center, Dahlgren shore about 350 yards southeast of the base of the Navy recreational pier. Hazardous operations are normally conducted in this zone daily except Saturdays, Sundays, and national holidays.

(iii) *Upper zone.* Beginning at Mathias Point, Va.; thence north to Light 5; thence north-northeast to Light 6; thence east-southeast to Lighted Buoy 2, thence east-southeast to a point on the Maryland shore at approximately latitude 38°23'35.5", longitude 76°59'15.5"; thence south along the Maryland shore to, and then along, a line passing through Light 1 to the Virginia shore, parallel to the Harry W. Nice Bridge; thence north with the Virginia shore to the point of beginning. Hazardous operations are conducted in this zone at infrequent intervals.

(2) *The regulations.* (i) Hazardous operations normally take place between the hours of 8 a.m. and 5 p.m. daily except Saturdays, Sundays and national holidays, with infrequent night firing between 5 p.m. and 10:30 p.m. During a national emergency, hazardous operations will take place between the hours of 6 a.m. and 10:30 p.m. daily except Sundays. Hazardous operations may involve firing large or small caliber guns and projectiles, aerial bombing, use of directed energy, and operating manned or unmanned watercraft.

(ii) When hazardous operations are in progress, no person, or fishing or oystering vessels shall operate within the danger zone affected unless so authorized by the Naval Surface Warfare Center, Dahlgren's patrol boats. Oystering and fishing boats or other craft may cross the river in the danger zone only after they have reported to the patrol boat and received instructions as to when and where to cross. Deep-draft vessels using dredged channels and propelled by mechanical

power at a speed greater than five miles per hour may proceed directly through the danger zones without restriction except when notified to the contrary by the patrol boat. Unless instructed to the contrary by the patrol boat, small craft navigating up or down the Potomac River during hazardous operations shall proceed outside of the northeastern boundary of the Middle Danger Zone. All craft desiring to enter the Middle Danger Zone when proceeding in or out of Upper Machodoc Creek during hazardous operations will be instructed by the patrol boat; for those craft that desire to proceed in or out of Upper Machodoc Creek on a course between the western shore of the Potomac River and a line from the Main Dock of Naval Surface Warfare Center, Dahlgren to Line of Fire Buoy P, clearance will be granted to proceed upon request directed to the patrol boat.

(iii) Due to hazards of unexploded ordnance, no person or craft in the Middle Danger Zone shall approach closer than 100 yards to the shoreline of Naval Surface Warfare Center, Dahlgren, previously known as the Naval Surface Weapons Center.

(3) *Enforcement.* The regulations shall be enforced by the Commander, Naval Surface Warfare Center, Dahlgren and such agencies as he/she may designate. Patrol boats, in the execution of their mission assigned herein, shall display a square red flag during daylight hours for purposes of identification; at night time, a 32 point red light shall be displayed at the mast head. Naval Surface Warfare Center, Dahlgren (Range Control) can be contacted by Marine VHF radio (Channel 16) or by telephone (540) 653-8791.

(4) *Exceptions.* Nothing in this regulation shall be intended to prevent commercial fishing or the lawful use of approved waterfowl hunting blinds along the shorelines of Naval Surface Warfare Center, Dahlgren, provided that all necessary licenses and permits have been obtained from the Maryland Department of Natural Resources, the Virginia Department of Game and Inland Fisheries, or the Potomac River Fisheries Commission. Waterfowl hunters shall provide a completed copy of their blind permit to the Natural Re-

sources Manager at Naval Surface Warfare Center, Dahlgren. Commercial fishermen and waterfowl hunters must observe all warnings and range clearances, as noted herein. Federal, State and local law enforcement agencies are exempt from the provisions of paragraph (a) of this section.

(b) *Accotink Bay, Accotink Creek, and Pohick Bay; U.S. Military Reservation, Fort Belvoir, Va.*—(1) *The danger zone.* The waters of Accotink Bay, Accotink Creek, and Pohick Bay, Virginia, within and adjacent to the target ranges of the U.S. Military Reservation, Fort Belvoir, as follows: All of Accotink Bay; all of Accotink Creek below the bridge which crosses Accotink Creek approximately 400 yards south of U.S. Highway No. 1; and that portion of Pohick Bay bordering its north shore. The mouth of Accotink Bay and that portion of Pohick Bay within the danger zone will be marked by the Post Commander with suitable warning buoys.

(2) *The regulations.* (i) When firing affecting the area is in progress, the Post Commander will post guards at such locations that the waters in the danger zone may be observed and arrange signals whereby these guards may stop the firing should any person be seen in the danger zone. When firing is in progress, the Post Commander will cause to be displayed both on the east shore of Accotink Bay at its mouth and near the danger zone boundary on Accotink Creek a red streamer which shall be visible to a person in a boat near those points.

(ii) Persons desiring to cross the waters in the danger zone shall first determine whether a red streamer is displayed on the east Shore of Accotink Bay at its mouth or near the danger zone boundary on Accotink Creek. If the red streamer is displayed, it will indicate that firing is in progress and that the waters in the danger zone are covered by rifle fire, and the area shall not be entered until the streamer is lowered.

(iii) The Post Commander is hereby authorized by using such agencies and equipment necessary to stop all persons and boats at the boundary of the danger zone and prohibit their crossing

§ 334.235

the area until convenient to the firing schedule to do so.

[13 FR 6916, Nov. 24, 1948, as amended at 13 FR 9557, Dec. 31, 1948; 21 FR 2817, May 1, 1956; 22 FR 2951, Apr. 26, 1957; 28 FR 349, Jan. 12, 1963; 48 FR 54597, Dec. 6, 1983. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17552, Apr. 10, 1997; 76 FR 10523, Feb. 25, 2011]

§ 334.235 Potomac River, Marine Corps Base Quantico (MCB Quantico) in vicinity of Marine Corps Air Facility (MCAF), restricted area.

(a) *The area.* All of the navigable waters of the Potomac River extending approximately 500 meters from the high-water mark on the Eastern shoreline of the MCAF, bounded by these coordinates (including the Chopawamsic Creek channel, but excluding Chopawamsic Island): Beginning at latitude 38°29'34.04" N, longitude 077°18'22.4" W (Point A); thence to latitude 38°29'43.01" N, longitude 077°18'4.1" (Point B); thence to latitude 38°29'55.1" N, longitude 077°17'51.3" W (Point C); thence to latitude 38°30'10.1" N, longitude 077°17'40.3" W (Point D); thence to latitude 38°30'23.43" N, longitude 077°17'50.30" W (Point E); then along the western shoreline of Chopawamsic Island to latitude 38°30'35.13" N, longitude 077°17'47.45" W (Point F); thence to latitude 38°30'42.1" N, longitude 077°17'37.1" W (Point G); thence to latitude 38°30'50.71" N, longitude 077°17'54.12" W (Point H); then along the shoreline to latitude 38°30'0.058" N, longitude 077°18'39.26" W (Point I); then across the Chopawamsic Channel to latitude 38°29'58.45" N, longitude 077°18'39.97" W (Point J); thence to latitude 38°29'38.2" N, longitude 077°18'38.14" W (Point K); and thence to the beginning point of origin.

(b) *The regulations.* (1) All persons, vessels, or other craft are prohibited from entering, transiting, drifting, dredging, or anchoring within the restricted area without the permission of the Commander, MCB Quantico or his/her designated representatives. The restriction will be in place 24 hours a day, seven days a week.

(2) The boundary of the restricted area will be demarcated with marker buoys and warning signs set at 500 foot intervals. In addition, floating small craft intrusion barriers marked with

33 CFR Ch. II (7-1-11 Edition)

reflective material will be placed across the Chopawamsic Creek channel at the entrance to the channel from the Potomac River and immediately west of the CSX railroad bridge.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commander, MCB Quantico or any such agencies he/she designates. The areas identified in paragraph (a) of this section will be monitored 24 hours a day, 7 days a week. Any person or vessel encroaching within the areas identified in paragraph (a) of this section will be directed to immediately leave the restricted area. Failure to do so could result in forceful removal and/or criminal charges.

(d) *Exceptions.* Commercial fisherman will be authorized controlled access to the restricted area (with the exception of Chopawamsic Creek channel) after registering with MCB Quantico officials and following specific access notification procedures.

[76 FR 6328, Feb. 4, 2011; 76 FR 10524, Feb. 25, 2011]

§ 334.240 Potomac River, Mattawoman Creek and Chicamuxen Creek; U.S. Naval Surface Weapons Center, Indian Head Division, Indian Head, Md.

(a) *The danger zone.* Beginning at a point on the easterly shore of the Potomac River at latitude 38°36'00", longitude 77°11'00"; thence to latitude 38°34'30"; longitude 77°13'00"; thence to latitude 38°33'20", longitude 77°14'20"; thence to latitude 38°32'20", longitude 77°15'10"; thence to latitude 38°32'00", longitude 77°15'00"; thence to latitude 38°32'30", longitude 77°14'00"; thence to latitude 38°32'30", longitude 77°14'00"; thence upstream along the easterly shoreline of Chicamuxen Creek to its head thence downstream along the westerly shoreline of Chicamuxen Creek to the southernmost point of Stump Neck; thence northeasterly along the shoreline of Stump Neck to the mouth of Mattawoman Creek; thence along the southeasterly shore of Mattawoman Creek to the pilings remaining from the footbridge connecting the left bank of the creek to the Naval Surface Warfare Center, Indian Head Division; thence along the northwesterly shore of Mattawoman

Creek from the pilings remaining from the footbridge to the mouth of the creek; thence in a northeasterly direction along the easterly shore of the Potomac River to the point of beginning.

(b) *The regulations.* (1) Firings consisting of controlled explosions within the danger zone, and controlled shore operations, or accidental explosions, hazardous to vessel traffic within the limits of the danger zone, may take place at any time of the day or night and on any day of the week.

(2) Flashing red lights, horns, and signs established at appropriate points will warn vessels of impending tests or operations considered to be hazardous to vessels within the danger zone.

(3) No persons or vessels except vessels of the United States or vessels authorized by the enforcing agency shall enter or remain in the danger zone while lights are flashing, when warning horns are in operation, or when warned or directed by a patrol vessel.

(4) Nothing in this section shall prohibit the use of Mattawoman Creek or Chicamuxen Creek as a harbor of refuge because of stress of weather.

(5) Except as prescribed in paragraph (b)(3) of this section, persons and vessels may enter and proceed through the danger zone without restriction. However, accidental explosions may occur at any time and persons and vessels entering the area do so at their own risk.

(6) Fishermen operating in the danger zone when warning signals are sounded shall evacuate the area immediately.

(7) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Surface Warfare Center, Indian Head Division, Indian Head, Maryland.

[26 FR 9748, Oct. 17, 1961, as amended at 48 FR 54598, Dec. 6, 1983. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17552, Apr. 10, 1997]

§ 334.250 Gunston Cove, at Whitestone Point, Va.; U.S. Army restricted area.

(a) *The area.* The waters within an area beginning at a point on the shoreline at longitude 77°08'36"; thence to latitude 38°40'22", longitude 77°08'39"; thence to latitude 38°40'14", longitude 77°08'22"; thence to a point on the shore-

line at longitude 77°08'18" and thence along the shoreline to the point of beginning.

(b) *The regulations.* No person, vessel, or other craft shall enter or remain in the area at any time except as authorized by the enforcing agency.

(c) The regulations in this section shall be enforced by the District Engineer, U.S. Army Engineer District, Philadelphia, Pa., and such agencies as he may designate.

[31 FR 16560, Dec. 28, 1966. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.260 York River, Va.; naval restricted areas.

(a) *The areas*—(1) *Naval mine service-testing area (prohibited).* A rectangular area surrounding Piers 1 and 2, Naval Weapons Station, and extending upstream therefrom, beginning at a point on the shore line at latitude 37°15'25" N., longitude 76°32'32" W.; thence to latitude 37°15'42" N., longitude 76°32'06" W.; thence to latitude 37°15'27" N., longitude 76°31'48" W.; thence to latitude 37°15'05" N., longitude 76°31'27" W.; thence to a point on the shore line at latitude 37°14'51" N., longitude 76°31'50" W.; and thence along the shore line to the point of beginning.

(2) *Naval mine service-testing area (restricted).* A rectangular area adjacent to the northeast boundary of the prohibited area described in subparagraph (1) of this paragraph, beginning at latitude 37°16'00" N., longitude 76°32'29" W.; thence to latitude 37°16'23" N., longitude 76°32'00" W.; thence to latitude 37°15'27" N., longitude 76°30'54" W.; thence to latitude 37°15'05" N., longitude 76°31'27" W.; thence to latitude 37°15'27" N., longitude 76°31'48" W.; thence to latitude 37°15'42" N., longitude 76°32'06" W.; thence to latitude 37°15'40" N., longitude 76°32'09" W.; and thence to the point of beginning.

(3) *Explosives-Handling Berth (Naval).* A circular area of 600 yards radius with its center at latitude 37°13'56" N., longitude 76°28'48" W.

(b) *The regulations.* (1) All persons and all vessels other than naval craft are forbidden to enter the prohibited area described in paragraph (a)(1) of this section.

(2) Trawling, dragging, and net-fishing are prohibited, and no permanent

§ 334.270

obstructions may at any time be placed in the area described in paragraph (a)(2) of this section. Upon official notification, any vessel anchored in the area and any person in the area will be required to vacate the area during the actual mine-laying operation. Persons and vessels entering the area during mine-laying operations by aircraft must proceed directly through the area without delay, except in case of emergency. Naval authorities are required to publish advance notice of mine-laying and/or retrieving operations scheduled to be carried on in the area, and during such published periods of operation, fishing or other aquatic activities are forbidden in the area. No vessel will be denied passage through the area at any time during either mine-laying or retrieving operations.

(3) The Explosives-Handling Berth (Naval) described in paragraph (a)(3) of this section is reserved for the exclusive use of naval vessels and except in cases of emergency no other vessel shall anchor therein without the permission of local naval authorities, obtained through the Captain of the Port, U.S. Coast Guard, Norfolk, Va. There shall be no restriction on the movement of vessels through the Explosive-Handling Berth.

(4) Vessels shall not be anchored, nor shall persons in the water approach within 300 yards of the perimeter of the Explosives-Handling Berth when that berth is occupied by a vessel handling explosives.

(5) The regulations of this section shall be enforced by the Commander, Naval Base, Norfolk, Virginia, and such agencies as he may designate.

(Secs. 1-4, 40 Stat. 892, sec. 1, 38 Stat. 800; 33 U.S.C. 3, 471)

[26 FR 11198, Nov. 28, 1961, as amended at 27 FR 2465, Mar. 14, 1962; 30 FR 220, Jan. 8, 1965; 35 FR 4552, Mar. 14, 1970. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 58 FR 37608, July 12, 1993]

§ 334.270 York River adjacent to Cheatham Annex Depot, Naval Supply Center, Williamsburg, Va.; restricted area.

(a) *The area.* The waters of York River bounded as follows: Beginning at a point on shore at Cheatham Annex Depot at latitude 37°17'14" N., longitude

33 CFR Ch. II (7-1-11 Edition)

76°35'38" W.; thence to a point offshore at latitude 37°17'52" N., longitude 76°35'20" W.; thence approximately parallel to the shore to a point at latitude 37°17'23" N., longitude 76°34'39" W.; thence to the shore at latitude 37°16'58" N., longitude 76°35'03" W.; and thence along the shore at Cheatham Annex Depot to the point of beginning.

(b) *The regulations.* (1) No loitering will be permitted within the area. Oystermen may work their own leaseholds or public bottom within the area, provided they obtain special permission from the Officer in Charge, Cheatham Annex Depot, Naval Supply Center, Williamsburg, Virginia.

(2) The regulations in this section shall be enforced by the Officer in Charge, Cheatham Annex Depot, U.S. Naval Supply Center, Williamsburg, Virginia.

[22 FR 4814, July 9, 1957. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.275 North and Southwest Branch, Back River, Hampton, U.S. Air Force Base, Langley, Va.; restricted area.

(a) *The area.* Beginning at a point on the island at the entrance to Tide Mills Creek in the Southwest Branch of the Back River at latitude 37°03'50" N, longitude 076°22'00" W, thence along the shore of Langley Air Force Base, 35 yards off the ordinary mean high water (MHW) mark, to a point in the Northwest Branch of the Back River at latitude 37°06'40" N, longitude 076°22'55" W.

(b) *The regulations.* (1) No persons or vessels, recreational or commercial, may enter this restricted area without the permission of the Commanding Officer, Langley Air Force Base.

(2) The Commanding Officer shall not prevent persons from fulfilling their legal obligation to the Commonwealth of Virginia with regard to oyster planting ground leases that lie within the restricted area. The Commanding Officer may, at his/her discretion, require those persons and vessels working those leases to register with the Langley Air Force Base Security Officer on an annual basis. Failure to comply with this request may result in denial to access the oyster grounds until such time as the request has been complied with.

(3) Persons or vessels contracted with or utilized by the Commonwealth of Virginia to work the oyster grounds shall give verbal notification to the base Security Office prior to entering the restricted area.

(4) City, State and Federal law enforcement vessels may enter the restricted area at any time they deem necessary for the enforcement of their respective laws.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commanding Officer of the Langley Air Force Base and such agencies as he/she may designate.

[58 FR 47788, Sept. 10, 1993]

§ 334.280 James River between the entrance to Skiffes Creek and Mulberry Point, Va.; army training and small craft testing area.

(a) *The restricted area.* Beginning on the shore at latitude 37°09'54" N., longitude 76°36'25" W.; thence westerly to latitude 37°09'50" N., longitude 76°37'45.5" W.; thence southerly to latitude 37°09'00" N., longitude 76°38'05" W.; thence southerly to latitude 37°08'22" N., longitude 76°37'55" W.; thence due east to the shore at latitude 37°08'22" N., longitude 76°37'22" W.; thence northerly along the shore to the point of beginning.

(b) *The regulations.* (1) No vessels other than Department of the Army vessels, and no persons other than persons embarked in such vessels shall remain in or enter the restricted area except as provided in paragraph (b)(2) of this section.

(2) Nothing in the regulations of this section shall prevent the harvesting and cultivation of oyster beds or the setting of fish traps within the restricted area under regulations of the Department of the Army, nor will the passage of fishing vessels to or from authorized traps be unreasonably interfered with or restricted.

(3) Vessels anchored in the area shall be so anchored as not to obstruct the arc of visibility of Deepwater Shoals Light.

(4) The Commanding General, Fort Eustis, Va., will, to the extent possible give public notice from time to time through local news media and the Coast Guard's Local Notice to Mariners

of the schedule of intended Army use of the restricted area.

(5) The continuation of the restricted area for more than 3 years after the date of its establishment shall be dependent upon the outcome of the consideration of a request for its continuance submitted to the District Engineer, U.S. Army Engineer District, Norfolk, Virginia, by the using agency at least 3 months prior to the expiration of the 3 years.

(6) The regulations in this section shall be enforced by the Commanding General, Fort Eustis, Va., and such agencies as he may designate.

[37 FR 4337, Mar. 2, 1972. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.290 Elizabeth River, Southern Branch, Va., naval restricted areas.

(a) *The areas—*(1) *St. Helena Annex Area.* Beginning at a point at St. Helena Annex of the Norfolk Naval Shipyard, on the eastern shore of Southern Branch of Elizabeth River, at latitude 36°49'43", longitude 76°17'26.5"; thence in a southwesterly direction to a point on the eastern boundary of Norfolk Harbor 40-foot channel at latitude 36°49'42", longitude 76°17'33"; thence in a southerly direction along the eastern boundary of Norfolk Harbor 40-foot channel to latitude 36°49'28", longitude 76°17'27"; thence easterly to the shore at latitude 36°49'28", longitude 76°17'22"; and thence, northerly along the shore to the point of beginning.

(2) *Norfolk Naval Shipyard Area.* Beginning at a point on the shore at the northeast corner of the Norfolk Naval Shipyard, at latitude 36°49'43.5", longitude 76°17'41.5"; thence due east approximately 100 feet to the western boundary of Elizabeth River channel; thence in a southerly direction along the western boundary of the channel to the point where it passes through the draw of the Norfolk and Portsmouth Belt Line Railroad Bridge, thence in a southwesterly direction along the northerly side of the bridge to the western shore of Southern Branch of Elizabeth River; and thence along the shore in a northerly direction to the point of beginning.

(3) *Southgate Terminal Area.* Beginning at a point at the northeast corner

§ 334.293

of Southgate Terminal Annex of Norfolk Naval Shipyard, at latitude 36°48'23", longitude 76°17'39"; thence east to latitude 36°48'23", longitude 76°17'29"; thence southerly along the western boundary of Norfolk Harbor 35-foot channel to latitude 36°48'04", longitude 76°17'33"; thence west to latitude 36°48'04", longitude 76°17'41"; and thence along the shore in a northerly direction to the point of beginning.

(b) *The regulations.* (1) No vessels other than Naval vessels and other vessels authorized to move to and from piers at the Norfolk Naval Shipyard and its two annexes described in paragraph (a) (1) and (3) of this section, and no person other than persons embarked in such vessels, shall enter the restricted areas.

(2) This section shall be enforced by the Commander, Norfolk Naval Shipyard, Portsmouth, Va., and such agencies as he may designate.

[19 FR 2232, Apr. 17, 1954, as amended at 35 FR 2660, Feb. 6, 1970. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.293 Elizabeth River, Craney Island Refueling Pier Restricted Area, Portsmouth VA; naval restricted area.

(a) *The area.* (1) The waters within an area beginning at a point on the shore at latitude 36°53'17.4" N, longitude 76°20'21" W; thence easterly to latitude 36°53'16.8" N, longitude 76°20'14.4" W; thence southwesterly to latitude 36°53'00" N, longitude 76°20'18" W; thence southeasterly to latitude 36°52'55.2" N, longitude 76°20'16.5" W; thence southwesterly to latitude 36°52'52.2" N, longitude 76°20'18" W; thence southwest-erly to latitude 36°52'49.8" N, longitude 76°20'25.8" W; thence northwesterly to latitude 36°52'58.2" N, longitude 76°20'33.6" W; thence northeasterly to a point on the shore at latitude 36°53'00" N, longitude 76°20'30" W; thence north-erly along the shoreline to the point of beginning.

(b) *The regulation.* No vessel or persons may enter the restricted area unless specific authorization is granted by the Commander, Navy Region, Mid-Atlantic and/or other persons or agencies as he/she may designate.

(c) *Enforcement.* The regulation in this section, promulgated by the Corps

33 CFR Ch. II (7-1-11 Edition)

of Engineers, shall be enforced by the Commander, Navy Region, Mid-Atlantic, and such agencies or persons as he/she may designate.

[67 FR 6654, Feb. 13, 2002]

§ 334.300 Hampton Roads and Willoughby Bay, Norfolk Naval Base, naval restricted area, Norfolk, Virginia.

(a) *The area.* (1) The waters within an area beginning at latitude 36°55'55" N, longitude 76°20'02" W; thence north-westerly to latitude 36°56'00" N, longitude 76°20'08" W; thence northerly along the eastern limit of Norfolk Harbor Channel to latitude 36°57'52" N, longitude 76°20'00" W; thence easterly to latitude 36°57'52" N, longitude 76°19'35" W; thence to latitude 36°57'47.7" N, 76°18'57" W; thence southeasterly to latitude 36°57'26" N, longitude 76°18'42" W; thence easterly to latitude 36°57'26.2" N, longitude 76°17'55.2" W; thence southerly to latitude 36°57'05" N, longitude 76°17'52" W; thence southeast-erly to latitude 36°56'56.2" N, longitude 76°17'27" W; thence northeasterly to latitude 36°57'10" N, longitude 76°16'29" W; thence to the shoreline at latitude 36°57'18.8" N, longitude 76°16'22" W at the Naval Air Station.

(2) Beginning at a point on the Naval Station shore at latitude 36°56'37.5" N, longitude 76°19'44" W; thence westerly and northerly along the breakwater to its extremity at latitude 36°56'41.5" N, longitude 76°19'54" W; thence westerly to a point on the eastern limit of Norfolk Harbor Channel at latitude 36°56'41.5" N, longitude 76°20'05.5" W; thence northerly along the eastern limit of Norfolk Harbor Channel to latitude 36°57'52" N, longitude 76°20'00" W; thence easterly to latitude 36°57'52" N, longitude 76°19'35" W; thence to latitude 36°57'47.7" N., longitude 73°18'57" W; thence southeasterly to latitude 36°57'26" N, longitude 76°18'42" W; thence easterly to latitude 36°57'26.2" N, longitude 76°17'55.2" W; thence southerly to latitude 36°57'05" N, longitude 76°17'52" W; thence southeasterly to latitude 36°56'56.2" N, longitude 76°17'27" W; thence northeasterly to latitude 36°57'10" N, longitude 76°16'29" W; and thence to the shoreline at latitude 36°57'18.8" N, longitude 76°16'22" W, at the Naval Air Station.

(b) *The regulation.* No vessel or persons may enter the restricted area unless specific authorization is granted by the Commander, Navy Region, Mid-Atlantic and/or other persons or agencies as he/she may designate.

(c) *Enforcement.* The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the Commander, Navy Region, Mid-Atlantic, and/or such agencies or persons as he/she may designate.

[67 FR 10844, Mar. 11, 2002]

§ 334.310 Chesapeake Bay, Lynnhaven Roads; navy amphibious training area.

(a) *The restricted area.* Beginning at latitude 36°55'47", longitude 76°11'04.5"; thence to latitude 36°59'04", longitude 76°10'11"; thence to latitude 36°58'28.5", longitude 76°07'54"; thence to latitude 36°55'27.5", longitude 76°08'42"; thence westerly along the shore and across the mouth of Little Creek to the point of beginning.

(b) *The regulations.* (1) No fish-pound stakes or structures shall be allowed in the restricted area.

(2) No person or vessel shall approach within 300 yards of any naval vessel or within 600 yards of any vessel displaying the red "baker" burgee.

(3) This section shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate.

[13 FR 6920, Nov. 24, 1948, as amended at 22 FR 5956, July 27, 1957. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17553, Apr. 10, 1997; 62 FR 24034, May 2, 1997]

§ 334.320 Chesapeake Bay entrance; naval restricted area.

(a) *The area.* Beginning at a point on the south shore of Chesapeake Bay at longitude 76°03'06"; thence to latitude 37°01'18", longitude 76°02'06"; thence to latitude 37°00'18", longitude 75°55'54"; thence to latitude 36°58'00", longitude 75°48'24"; thence to latitude 36°51'48", longitude 75°51'00"; thence to the shore at longitude 75°58'48", and thence northwesterly and southwesterly along the shore at Cape Henry to the point of beginning.

(b) *The regulations.* (1) Anchoring, trawling, crabbing, fishing, and dragging in the area are prohibited, and no

object attached to a vessel or otherwise shall be placed on or near the bottom.

(2) This section shall be enforced by the Commandant, Fifth Naval District, Norfolk, Va.

[18 FR 8159, Dec. 12, 1953, as amended at 28 FR 349, Jan. 12, 1963. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.330 Atlantic Ocean and connecting waters in vicinity of Myrtle Island, Va.; Air Force practice bombing, rocket firing, and gunnery range.

(a) *The danger zone.* The waters of the Atlantic Ocean and connecting waters within an area described as follows: Beginning at latitude 37°12'18", longitude 75°46'00"; thence southwesterly to latitude 37°08'21", longitude 75°50'00"; thence northwesterly along the arc of a circle having a radius of three nautical miles and centered at latitude 37°11'16", longitude 75°49'29", to latitude 37°10'14", longitude 75°52'57"; thence northeasterly to latitude 37°14'30", longitude 75°48'32"; thence southeasterly to 37°13'38", longitude 75°46'18"; and thence southeasterly to the point of beginning.

(b) *The regulations.* (1) No person or vessel shall enter or remain in the danger zone except during intervals specified and publicized from time to time in local newspapers or by radio announcement.

(2) This section shall be enforced by the Commanding General, Tactical Air Command, Langley Air Force Base, Virginia, and such agencies as he may designate.

[18 FR 8698, Dec. 24, 1953. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17553, Apr. 10, 1997]

§ 334.340 Chesapeake Bay off Plumtree Island, Hampton, Va.; Air Force precision test area.

(a) *The danger zone.* The waters of Chesapeake Bay and connecting waters within an area bounded as follows: Beginning at latitude 37°08'12", longitude 76°19'30", which is a point on the circumference of a circle of 10,000-foot radius with its center on Plumtree Point at latitude 37°07'30", longitude 76°17'36"; thence clockwise along the circumference of the circle to latitude 37°09'06", longitude 76°18'00"; thence

§ 334.350

southeasterly to latitude 37°08'12", longitude 76°17'48"; thence clockwise along the circumference of a circle of 4,000-foot radius (with its center at latitude 37°07'30", longitude 76°17'36") to latitude 37°07'48", longitude 76°18'24"; thence northwesterly to the point of beginning.

(b) *The regulations.* (1) The danger zone will be in use not more than a total of 4 hours per month, which hours shall be during not more than any 2 days per month.

(2) No person or vessel shall enter or remain in the danger zone during periods of firing or bombing or when the zone is otherwise in use.

(3) The Commander, Tactical Air Command, Langley Air Force Base, Va., shall be responsible for publicizing in advance through the Coast Guard's "Local Notice to Mariners," in the local press, and by radio from time to time the schedule of use of the area, and shall station patrol boats to warn vessels during periods of use.

(4) This section shall be enforced by the Commander, Tactical Air Command, Langley Air Force Base, Va., or such agency as he may designate.

(c) *Disestablishment of danger zone.* The danger zone will be disestablished not later than December 31, 1967, unless written application for its continuance shall have been made to and approved by the Secretary of the Army prior to that date.

[28 FR 1106, Feb. 5, 1963. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17553, Apr. 10, 1997]

§ 334.350 Chesapeake Bay off Fort Monroe, Va.; firing range danger zone.

(a) *The danger zone.* All of the water area lying within a section extending seaward a distance of 4,600 yards between radial lines bearing 83° True and 115° True, respectively, from a point on shore at latitude 37°01'30" N., longitude 76°17'54" W.

(b) *The regulations.* (1) No weapon having a greater range than the 30-calibre carbine is to be fired into the firing range danger zone.

(2) During periods when firing is in progress, red flags will be displayed at conspicuous locations on the beach. Observers will be on duty and firing

33 CFR Ch. II (7-1-11 Edition)

will be suspended as long as any vessel is within the danger zone.

(3) Passage of vessels through the area will not be prohibited at any time, nor will commercial fishermen be prohibited from working fish nets within the area. No loitering or anchoring for other purposes will be permitted during announced firing periods.

(4) No firing will be done during hours of darkness or low visibility.

(5) The Commander, Fort Monroe, Va., is responsible for furnishing in advance the firing schedule to the Commander, 5th Coast Guard District, for publication in his "Local Notice to Mariners" and to the local press at Norfolk and Newport News, Va.

(c) The regulations in this section shall be enforced by the Commanding Officer, Fort Monroe, Va., and such agencies as he may designate.

[35 FR 6575, Apr. 24, 1970. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.360 Chesapeake Bay off Fort Monroe, Virginia; restricted area, U.S. Naval Base and Naval Surface Weapon Center.

(a) *The area.* Beginning at latitude 37°01'03", longitude 076°17'52"; thence to latitude 37°01'00", longitude 076°16'11"; thence to latitude 36°59'43", longitude 076°16'11"; thence to latitude 36°59'18", longitude 076°17'52"; thence to latitude 37°00'05", longitude 076°18'18"; thence north along the seawall to the point of beginning.

(b) *The regulations.* (1) Anchoring, trawling, fishing and dragging are prohibited in the restricted area, and no object, either attached to a vessel or otherwise, shall be placed on or near the bottom unless authorized by the Facility Manager, Naval Surface Warfare Center, Dahlgren Division Coastal Systems Station Detachment, Fort Monroe, Virginia.

(2) This section shall be enforced by the Commander, Naval Base, Norfolk, Virginia, and such agencies as he may designate.

[13 FR 6919, Nov. 24, 1948, as amended at 15 FR 2085, Apr. 13, 1950; 21 FR 421, Jan. 20, 1956; 21 FR 1593, Mar. 14, 1956. Redesignated at 50 FR 42696, Oct. 22, 1985, and further amended at 51 FR 4908, Feb. 10, 1986; 55 FR 45709, Oct. 31, 1990; 61 FR 34733, July 3, 1996]

§ 334.370 Chesapeake Bay, Lynnhaven Roads; danger zones, U.S. Naval Amphibious Base.

(a) *Underwater demolitions area (prohibited)*—(1) *The area.* A portion of the restricted area for Navy amphibious training operations described in Sec. 334.310 along the south shore of the Chesapeake Bay, bounded as follows: Beginning at a point at the mean high water line, latitude 36°55'26.5", longitude 76°08'43"; thence 700 yards to latitude 36°55'48", longitude 76°09'38"; thence 500 yards to latitude 36°55'46", longitude 76°08'57"; thence 500 yards to latitude 36°55'37", longitude 76°09'02"; thence 100 yards to latitude 36°55'36", longitude 76°08'57"; thence 200 yards to the mean high water line at latitude 36°55'39.5", longitude 76°08'59"; thence 400 yards along the mean high water line to the point of beginning. The area will be marked by range poles set on shore of the prolongation of the lines forming the eastern and western boundaries.

(2) *The regulations.* Persons or vessels, other than those vessels owned and operated by the United States, shall not enter the prohibited area at any time unless authorized to do so by the enforcing agency.

(b) *Small-arms firing range*—(1) *The Area.* Beginning at a point on the shore line at latitude 36°55'27", longitude 76°08'38"; thence to latitude 36°55'50", longitude 76°08'37"; thence to latitude 36°57'11", longitude 76°08'11"; thence to latitude 36°56'53", longitude 76°07'18"; thence to latitude 36°55'39", longitude 76°07'46"; thence to latitude 36°55'22", longitude 76°08'17"; thence along the shore line to the point of beginning.

(2) *The regulations.* (i) Passage of vessels through the area will not be prohibited at any time, nor will commercial fishermen be prohibited from working fish nets within the area. No loitering or anchoring for other purposes will be permitted.

(ii) A large red warning flag will be flown on shore during periods when firing is in progress. Observers will be on duty and firing will be suspended for the passage of vessels and for the placing and maintenance of fish nets within the area.

(c) This section shall be enforced by the Commanding Officer, U.S. Naval

Amphibious Base, Little Creek, Norfolk, Virginia.

[19 FR 1246, Mar. 5, 1954, as amended at 28 FR 225, Jan. 9, 1963. Redesignated at 50 FR 42696, Oct. 22, 1985, and amended at 57 FR 40613, Sept. 4, 1992; 62 FR 17553, Apr. 10, 1997]

§ 334.380 Atlantic Ocean south of entrance to Chesapeake Bay off Dam Neck, Virginia; naval firing range.

(a) *The danger zone.* All of the water within a sector extending seaward a distance of 7,500 yards between radial lines bearing 35° true and 92° true, respectively, from a point on the shore at latitude 36°47'33" N, longitude 75°58'23" W.

(b) *The regulations.* (1) Vessels shall proceed through the area with caution and shall remain therein no longer than necessary for purpose of transit.

(2) When firing is in progress during daylight hours, red flags will be displayed at conspicuous locations on the beach. When firing is in progress during periods of darkness, red flashing lights will be displayed from conspicuous locations which are visible from the water a minimum distance of four (4) nautical miles.

(3) Firing on the ranges will be suspended as long as any vessel is within the danger zone.

(4) Lookout posts shall be manned by the activity or agency operating the firing range at Fleet Combat Center. After darkness, night vision systems will be utilized by lookouts to aid in locating vessels transiting the area.

(5) There shall be no firing on any ranges during the periods of low visibility which would prevent the recognition of a vessel (to a distance of 7,500 yards) which is properly displaying navigational lights, or which would preclude a vessel from observing the red range flags or lights.

(6) The regulations in this section shall be enforced by the Commanding Officer, Fleet Combat Training Center, Atlantic, Dam Neck, Virginia Beach, Virginia, and other such agencies as he/she may designate.

[58 FR 53428, Oct. 15, 1993]

§ 334.390

§ 334.390 Atlantic Ocean south of entrance to Chesapeake Bay; firing range.

(a) *The danger zone.* A section extending seaward for a distance of 12,000 yards between two radial lines bearing 030° True and 083° True, respectively, from a point on shore at latitude 36°46'48" N, longitude 75°57'24" W; and an adjacent sector extending seaward for a distance of 15 nautical miles between two radial lines bearing 083° True and 150° True, respectively, from the same shore position.

(b) *The regulations.* (1) Vessels shall proceed through the area with caution and shall remain therein no longer than necessary for purposes of transit.

(2) When firing is in progress during daylight hours, red flags will be displayed at conspicuous locations on the beach. When firing is in progress during periods of darkness, red flashing lights will be displayed from conspicuous locations on the beach which are visible from the water a minimum distance of four (4) nautical miles.

(3) Firing on the ranges will be suspended as long as any vessel is within the danger zone.

(4) Lookout posts will be manned by the activity or agency operating the firing range at the Fleet Combat Center, Atlantic, Dam Neck, Virginia Beach, Virginia. After darkness, night vision systems will be utilized by lookouts to aid in locating vessels transiting the area.

(5) There shall be no firing on the range during periods of low visibility which would prevent the recognition of a vessel (to a distance of 7,500 yards) which is properly displaying navigation lights, or which would preclude a vessel from observing the red range flags or lights.

(6) The regulations in this section shall be enforced by the Commander, Naval Air Force, U.S. Atlantic Fleet/Commander, Fleet Air Norfolk, Norfolk, Va., and such agencies as he may designate.

(Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

[13 FR 6919, Nov. 24, 1948, as amended at 29 FR 5679, Apr. 29, 1964; 38 FR 16223, June 21, 1973. Redesignated at 50 FR 42696, Oct. 22, 1985, and amended at 58 FR 53428, Oct. 15, 1993; 60 FR 18543, Apr. 12, 1995]

33 CFR Ch. II (7-1-11 Edition)

§ 334.400 Atlantic Ocean south of entrance to Chesapeake Bay off Camp Pendleton, Virginia; naval restricted area.

(a) *The area.* Beginning at a point on the shore at Camp Pendleton at latitude 36°48'19" N, longitude 75°57'49" W; thence easterly 200 yards to latitude 36°48'20" N, longitude 75°57'42" W; thence northerly 400 yards to latitude 36°48'32" N, longitude 75°57'45" W; thence westerly 200 yards to latitude 36°48'31" N, longitude 75°57'53" W; and thence southerly 400 yards along the shore to the point of beginning.

(b) *The regulations.* (1) Persons or vessels, other than those vessels owned and operated by the United States shall not enter the area except by permission of the Commanding Officer, U.S. Naval Amphibious Base, Little Creek, Norfolk, Virginia.

(2) This section shall be enforced by the Commanding Officer, U.S. Naval Amphibious Base, Little Creek, Norfolk, Virginia, and such agencies as he may designate.

[22 FR 8957, Nov. 6, 1957. Redesignated at 50 FR 42696, Oct. 22, 1985, amended at 58 FR 37608, July 12, 1993; 62 FR 17553, Apr. 10, 1997]

§ 334.410 Albemarle Sound, Pamlico Sound, and adjacent waters, NC; danger zones for naval aircraft operations.

(a) *Target areas—*(1) *North Landing River (Currituck Sound).* The waters of North Landing River within a radius of 1,000 yards from a target located at latitude 36°31'00", longitude 76°01'40".

(2) *Northern part of Currituck Sound.* Beginning at a point bearing 65°30', 1,025 yards, from Currituck Sound Light 69; thence 86°, 6,000 yards; thence 193°, 4,425 yards; thence 267°30', 2,775 yards; and thence to the point of beginning. The target is located at latitude 36°27'16", longitude 75°56'30".

NOTE: All bearings in this section are referred to true meridian.

(b) *Target and bombing area along south shore of Albemarle Sound.* Beginning at latitude 36°00'43", longitude 76°19'20"; thence to latitude 36°02'40", longitude 76°04'26", thence to latitude 36°00'12", longitude 76°04'26"; thence to latitude 35°59'35", longitude 76°19'20", and thence to the point of beginning. This area is divided into three subareas

A, B, and C as follows: Area A, beginning at latitude 36°00'43", longitude 76°19'20"; thence to latitude 36°01'20", longitude 76°14'30"; thence to latitude 35°59'45", longitude 76°14'30"; thence to latitude 35°59'35", longitude 76°19'20", and thence to the point of beginning. Area B, beginning at latitude 36°01'20", longitude 76°14'30"; thence to latitude 36°02'18", longitude 76°07'15"; thence to latitude 36°00'05", longitude 76°07'15"; thence to latitude 35°59'45", longitude 76°14'30"; and thence to the point of beginning. Area C, beginning at latitude 36°02'18", longitude 76°07'15"; thence to latitude 36°02'40", longitude 76°04'26"; thence to latitude 36°00'12", longitude 76°04'26"; thence to latitude 36°00'05", longitude 76°07'15"; and thence to the point of beginning.

(c) *Naval Aviation Ordnance test area in Pamlico Sound in vicinity of Long Shoal.* A circular area with a radius of one and one-half miles having its center at latitude 35°32'18", longitude 75°40'39".

(d) *The regulations—(1) Target areas.* The area described in paragraph (a)(1) of this section will be used as a dive bombing target by naval aircraft. In peacetime, munitions will be limited to miniature bombs which contain only small explosive charges for producing smoke puffs to mark points of impact. All operations will be conducted during daylight hours, and the area will be open to navigation at night. No persons or vessels shall enter this area during the hours of daylight without special permission from the enforcing agency. The area will be patrolled and vessels will be warned not to enter. "Buzzing" by plane will warn vessels that they are in a danger zone, and upon being so warned vessels which have inadvertently entered the area shall immediately leave the area.

(2) *Target and bombing area.* The area described in paragraph (b) of this section will be used as a target and bombing area for both day and night operations. Dummy ammunition, waterfilled or smoke bombs and inert rockets will be used, except during wartime when live ammunition, bombs and rockets may be used. The area will be open to navigation except for periods when ordnance exercises are being conducted by naval aircraft. In area B

described in paragraph (b) of the section the placing of nets, traps, buoys, pots, fishponds, stakes, or other equipment which may interfere with target vessels operating in the area shall not be permitted. The area will be patrolled and persons and vessels shall clear the area under patrol upon being warned by the surface patrol craft or when "buzzed" by patrolling aircraft. As a further means of warning vessels of naval aircraft operations in the area described in paragraph (b) of this section, a cluster of flashing red lights at night and a large red flag by day will be displayed from the range observation tower located in the approximate center of the shore side of this area.

(3) *Naval Aviation Ordnance test area.* The area described in paragraph (c) of this section shall be closed to persons and navigation except for such military personnel and vessels as may be directed by the enforcing agency to enter on assigned duties.

(4) *Enforcing agency.* The regulations in this section shall be enforced by the Commander, Naval Air Force, U.S. Atlantic Fleet, and such agencies as he/she shall designate.

(Sec. 7, 40 Stat. 266; 33 U.S.C. 1: Chap. XIX, 40 Stat. 892; 33 U.S.C. 3)

[16 FR 3131, Apr. 10, 1951, as amended at 16 FR 7460, July 31, 1951; 19 FR 479, Jan. 28, 1954; 31 FR 12436, Sept. 20, 1966; 33 FR 3218, Feb. 21, 1968; 40 FR 3993, Jan. 27, 1975. Redesignated at 50 FR 42696, Oct. 22, 1985, and amended at 53 FR 47953, Nov. 29, 1988; 61 FR 7215, Feb. 27, 1996; 62 FR 17553, Apr. 10, 1997]

§ 334.412 Albemarle Sound, Pamlico Sound, Harvey Point and adjacent waters, NC; restricted area.

(a) *The area.* Beginning on the north shore of Albemarle Sound and the easternmost tip of Harvey Point; thence southeasterly to Day Beacon number 3; thence southeasterly to latitude 36°03'06", longitude 76°16'43"; thence southwesterly to latitude 36°02'18", longitude 76°19'30"; thence northwesterly to latitude 36°04'18", longitude 76°20'20"; thence 23°15' True to the shore; and thence northeasterly along the shore to the point of beginning.

(b) *The regulations.* The restricted area described in this section is the inactive Harvey Point target range which was disestablished as a danger

§ 334.420

zone. The area will be open to public access for recreational and commercial uses, except that dredging, clamming, crabbing, seining, and anchoring of all vessels and any other activity which could result in disturbing or penetrating the bottom is prohibited.

(c) *Enforcing agency.* The regulations in this section shall be enforced by the Commander, Naval Air Force, U.S. Atlantic Fleet, and such agencies as he/she shall designate.

[61 FR 7215, Feb. 27, 1996; 61 FR 26107, May 24, 1996]

§ 334.420 Pamlico Sound and adjacent waters, N.C.; danger zones for Marine Corps operations.

(a) *Bombing and rocket firing area in Pamlico Sound in vicinity of Brant Island*—(1) *The area.* The waters within a circular area with a radius of 3.0 statute miles having its center on the southern side of Brant Island at latitude 35°12'30", longitude 76°26'30".

(2) *The regulations.* The area shall be closed to navigation and personnel at all times except for vessels engaged in operational and maintenance work as directed by the enforcing agency. Prior to bombing or firing operations the area will be "buzzed" by plane. Upon being so warned vessels working in the area shall leave the area immediately.

(b) *Bombing, rocket firing, and strafing areas in Pamlico Sound and Neuse River*—(1) *The areas.* (i) The waters within a circular area with a radius of 1.8 statute miles having its center at latitude 35°02'12", longitude 76°28'00".

(ii) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 35°04'12", longitude 76°28'24".

(iii) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 35°01'42", longitude 76°25'48".

(iv) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 34°58'48", longitude 76°26'12".

(v) The waters within a circular band with an inner radius of 1.8 statute miles and an outer radius of 2.5 statute miles having its center at latitude 35°02'12", longitude 76°28'00".

(2) *The regulations.* (i) The area described in paragraph (b)(1) of this sec-

33 CFR Ch. II (7-1-11 Edition)

tion will be used as bombing, rocket firing, and strafing areas. Live and dummy ammunition will be used. The area shall be closed to navigation and all persons at all times except for such vessels as may be directed by the enforcing agency to enter on assigned duties. The area will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the area. Vessels or personnel which have inadvertently entered the danger zone shall leave the area immediately upon being so warned.

(ii) The areas described in paragraphs (b)(1) (ii), (iii) and (iv) of this section shall be used for bombing, rocket firing, and strafing areas. Practice and dummy ammunition will be used. All operations will be conducted during daylight hours, and the areas will be open to navigation at night. No vessel or person shall enter these areas during the hours of daylight without special permission from the enforcing agency. The areas will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the areas. Vessels or personnel which have inadvertently entered the danger zones shall leave the area immediately upon being warned.

(iii) The areas described in paragraph (b)(1)(v) of this section shall be used as a strafing area. Practice and dummy ammunition will be used. Operations will be conducted on five consecutive days (Monday through Friday) per month during the months of February through November between the hours of 4 p.m. to 11 p.m. The block training dates will be scheduled two weeks in advance of the actual training start date. Marine Corps Air Station Cherry Point will have a call-in number for public use to provide information on the current use of the training area. The Notification to Mariners System will also be utilized to inform the public on the status of the training area. No vessel or person shall enter the area during the scheduled block training session except for such vessels as may be directed by the enforcing agency to enter on assigned duties. The area will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of

operations in the area. Vessels or personnel which have inadvertently entered the danger zone shall leave the area immediately upon being so warned.

(c) *Enforcing agency.* The regulations of this section shall be enforced by the Commander, Marine Corps Air Bases, East, Cherry Point, North Carolina, or his authorized representatives.

[26 FR 9673, Oct. 13, 1961. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 61 FR 43970, Aug. 27, 1996; 76 FR 30023, May 24, 2011]

§ 334.430 Neuse River and tributaries at Marine Corps Air Station Cherry Point, North Carolina; restricted area and danger zone.

(a) *The restricted area.* That portion of Neuse River within 500 feet of the shore along the reservation of the Marine Corps Air Station, Cherry Point, North Carolina, extending from the mouth of Hancock Creek to a point approximately 6,800 feet west of the mouth of Slocum Creek, and all waters of Hancock and Slocum Creeks and their tributaries within the boundaries of the reservation.

(b) *The danger zone.* The waters within an area beginning at latitude 34.923425° N, longitude -76.853222° W; thence northeasterly across Hancock Creek to latitude 34.925258° N, longitude -76.849864° W; continuing northeasterly to latitude 34.933382° N, longitude -76.835081° W; thence northwesterly to the Neuse River shoreline at latitude 34.936986° N, longitude -76.841197° W, continuing northwesterly to latitude 34.943275° N, longitude -76.852169° W; thence southwesterly along the shorelines to latitude 34.935111° N, longitude -76.859078° W; thence southeasterly along Hancock Creek shoreline to the point of origin.

(c) *The regulations.* (1) Except in cases of extreme emergency, all persons or vessels, other than those operated by the United States Navy or United States Coast Guard, are prohibited from entering the restricted area without prior permission of the enforcing agency.

(2) Entry points into the danger zone will be prominently marked with signage indicating the boundary of the danger zone.

(3) Firing will take place both day and night at irregular periods throughout the year. Appropriate warnings will be issued through official government and civilian channels serving the region. Such warnings will specify the time and duration of operations and give such other pertinent information as may be required in the interest of safety. Upon completion of firing or if the scheduled firing is cancelled for any reason, the warning signals marking the danger zone will be removed.

(4) Except as otherwise provided in this section the danger zone will be open to general public access. Vessels, watercraft, and other vehicles may proceed through the danger zone.

(5) The regulation in this section shall be enforced by the Commanding Officer, Marine Corps Air Station Cherry Point, North Carolina, and/or persons or agencies as he/she may designate.

[73 FR 41265, July 18, 2008]

§ 334.440 New River, N.C., and vicinity; Marine Corps firing ranges.

(a) *Atlantic Ocean east of New River Inlet.* The waters of the Atlantic Ocean within a sector bounded on the north by a line bearing 105° from latitude 34°37'25", longitude 77°10'35"; on the east and south by the arc of a circle having a radius of 25,000 yards centered at latitude 34°34'15", longitude 77°16'10"; on the west by a line bearing 205° from latitude 34°32'37", longitude 77°18'34", and on the northwest by the shore.

NOTE: All bearings in this section are referred to true meridian.

(b) *New River.* The firing ranges include all waters to the high waterline within eight sections described as follows:

(1) *Trap Bay Sector.* Bounded on the south by a line running from Cedar Point 280° to New River Light 70, thence 254° to Hatch Point; and on the northwest by a line running from Wilkins Bluff 232° to Hall Point.

(2) *Courthouse Bay Sector.* Bounded on the southeast by the northwest boundary of the Traps Bay Sector and on the west by Sneads Ferry Bridge.

(3) *Stone Bay Sector.* Bounded on the east by Sneads Ferry Bridge and on the north by a line running from a point on the east side of New River opposite the

head of Sneads Creek 291°30' to the south side of the mouth of Stone Creek.

(4) *Stone Creek Sector*. The northwest portion of Stone Bay, bounded on the south by the north boundary of the Stone Bay Sector; and on the east by longitude 77°26'.

(5) *Grey Point Sector*. Bounded on the south by the north boundary of the Stone Bay Sector; on the west by the east boundary of the Stone Creek Sector; and on the northeast by a line running from Town Point 113° to the south side of the mouth of French Creek.

(6) *Farnell Bay Sector*. Bounded on the south by the northeast boundary of the Grey Point Sector, including French Creek up to longitude 77°20'; and on the north by a line running from Hadnot Point 285°30' to Holmes Point.

(7) *Morgan Bay Sector*. Bounded on the south by the north boundary of the Farnell Bay Sector, including Wallace Creek up to longitude 77°22'; and on the northwest by a line running from Paradise Point 243°30' to Ragged Point.

(8) *Jacksonville Sector*. Bounded on the southeast by the northwest boundary of the Morgan Bay Sector, including Southwest Creek up to the point where it narrows to 200 feet in width, and Northeast Creek up to longitude 77°23'30"; and on the north by an east-west line passing through New River Day Beacon 41.

(c) *The regulations*. (1) No person shall enter or remain in the water in any closed section after notice of firing therein has been given. Sailing vessels and any watercraft having a speed of less than 5 knots shall keep clear of any closed sector at all times after notice of firing therein has been given. Vessels propelled by mechanical power at a speed greater than 5 knots may enter the sectors without restriction except when the firing signals are being displayed. When these signals are displayed, vessels shall clear the closed sectors immediately and no vessels shall enter such sectors until the signals indicate that firing has ceased.

(2) Firing will take place both day and night at irregular periods throughout the year. Insofar as training requirements will permit, underwater explosions will be restricted in the Atlantic Ocean sector (described in para-

graph (a) of this section) during the periods May 1 and June 5, inclusive, and November 22 to December 15, inclusive.

(3) Two days in advance of the day when firing in any sector except the Stone Creek sector is scheduled to begin, the enforcing agency will warn the public of the contemplated firing, stating the sector or sectors to be closed, through the public press and the U.S. Coast Guard and, in the case of the Atlantic Ocean sector, the Cape Fear Pilots Association at Southport, and the Pilots Association at Moorehead City, North Carolina. The Stone Creek sector may be closed without advance notice.

(4) Towers at least 50 feet in height will be erected near the shore at the northeast and southwest limits of the Atlantic Ocean sector, and towers at least 25 feet in height will be erected near the easterly shore at the upper and lower limits of each New River sector. On days when firing is to take place a red flag will be displayed on each of the towers marking the sector or sectors to be closed. These flags will be displayed by 8:00 a.m., and will be removed when firing ceases for the day. Suitable range markers will be erected indicating the bearings of the north and west limits of the Atlantic Ocean sector.

(5) During the night firing, red lights will be displayed on the towers; and, in the case of the Atlantic Ocean sector, searchlights will be employed as barrier lights to enable safety observers to detect vessels which may attempt to enter the danger zone.

(6) No person shall enter or remain within a 2 acre area surrounding a waterborne refueling training operation, in either the Grey Point Sector, Farnell Bay Sector, or Morgan Bay Sector as described in paragraph (b) of this section, for the duration of the training operation after a notice to conduct a waterborne refueling training operation has been published in the local notice to mariners and has been broadcast over the Marine Band radio network. The 2 acre area surrounding a waterborne refueling training operation will be patrolled and persons and vessels shall clear the area under patrol upon being warned by the surface patrol craft.

(d) *Target and bombing area in Atlantic Ocean in vicinity of Bear Inlet.* (1) The water within an area described as follows: Beginning at latitude 34°37'32", longitude 77°12'03"; thence to latitude 34°36'58", longitude 77°11'25"; thence to latitude 34°37'44", longitude 77°10'35"; thence to 34°32'27", longitude 77°06'30"; thence to latitude 34°28'55", longitude 77°15'05"; thence to latitude 34°34'50", longitude 77°15'10"; thence to the point of beginning.

(2) *The regulations.* Vessels may proceed along established waterways except during military training periods. Warning of military training periods will be given through Notices to Mariners and by displaying one hour prior to commencement a red danger streamer during daylight hours or a red light at night, from a flag pole 40 feet in height located at the U.S. Coast Guard Life Boat Station, Bogue Inlet, Swansboro, North Carolina, and from observation tower 40 feet in height located at the northern end of Onslow (Hurst) Beach. Prior to bombing and firing operations, the area will be searched by plane. Watercraft in the area will be warned by aircraft "buzzing" of the impending target practice. Upon being so warned, all persons and vessels shall leave the area as quickly as possible by the most direct route.

(e) *Inland waters in the Browns Inlet area between Bear Creek and Onslow Beach Bridge over the Atlantic Intracoastal Waterway—*(1) *The area.* Navigable waters between Bear Creek and Onslow Beach Bridge to include all inlets, streams, bays, and water therein contained, bounded on the north by Bear Creek, on the east and south by the Atlantic Ocean, to the meridian 77°16'20"; thence by this meridian to latitude 34°34'31"; and thence by a line bearing 44° from this point until the line intersects Bear Creek.

(2) *The regulations.* (i) No person shall enter or remain in the waters of this area due the possibility of unexploded projectiles.

(ii) Vessels may proceed through the Atlantic Intracoastal Waterway in the area without stopping except in cases of extreme emergencies.

(iii) All navigable waters in the area between the south bank of Bear Creek and the north bank of the north con-

necting channel between the Atlantic Intracoastal Waterway and Browns Inlet shall be closed to navigation at all times. There are highly sensitive unexploded projectiles within the limits of this area.

(iv) Vessels may proceed through the north connecting channel and the south connecting channel (Banks Channel) in the area between the Atlantic Intracoastal Waterway and Browns Inlet to the Atlantic Ocean without stopping during periods of nonmilitary use. Caution should be used when proceeding through these waters due to the presence of unexploded projectiles lying in this area.

(v) Navigable waters in the area between the south connecting channel (Banks Channel) leading to Browns Inlet and Onslow Beach Bridge on both sides of the Atlantic Intracoastal Waterway are open to unrestricted navigation during periods of nonmilitary use. An unknown element of risk exists in this area due to the possible presence of unexploded projectiles.

(vi) Warning of impending military use of the area will be contained in weekly Notice to Mariners.

(vii) Vessels having specific authority from the Commanding General, Marine Corps Base, Camp Lejeune, North Carolina, may enter the area.

(f) *Enforcing agency.* The regulations of this section shall be enforced by the Commanding General, Marine Corps Base, Camp Lejeune, North Carolina, or his authorized representatives.

[26 FR 9673, Oct. 13, 1961, as amended at 48 FR 41160, Sept. 14, 1983. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17553, Apr. 10, 1997; 66 FR 15799, Mar. 21, 2001]

§ 334.450 Cape Fear River and tributaries at Sunny Point Army Terminal, Brunswick County, NC; restricted area.

(a) *The area.* That portion of Cape Fear River due west of the main ship channel extending from U.S. Coast Guard buoy No. 35 (34°02'03.218" N, 077°56'28.755" W) at the north approach channel to Sunny Point Army Terminal to U.S. Coast Guard buoy No. 27 (33°58'16.12" N, 077°56'59.736" W) at the south approach channel to Sunny Point Army Terminal and all waters of its tributaries therein.

§ 334.460

(b) Except in cases of extreme emergency, all persons or vessels of any size or rafts other than those authorized by the Commander, Sunny Point Army Terminal, are prohibited from entering this area without prior permission of the enforcing agency.

(c) The regulations in this section shall be enforced by the Commander, Sunny Point Army Terminal, Southport, North Carolina, and such agencies as he/she may designate.

[75 FR 53198, Aug. 31, 2010]

§ 334.460 Cooper River and tributaries at Charleston, SC.

(a) *The areas:*

(1) That portion of the Cooper River beginning on the west shore at latitude 32°52'37", longitude 79°58'06", thence to latitude 32°52'37", longitude 79°58'03", thence to latitude 32°52'27", longitude 79°68'01", thence to latitude 32°52'06", longitude 79°57'54" at the west channel edge, thence to latitude 32°51'48.5", longitude 79°57'41.5", thence to latitude 32°51'33", longitude 79°57'27", thence to latitude 32°51'19", longitude 79°57'05", thence to latitude 32°51'01", longitude 79°56'07", thence to latitude 32°50'50", longitude 79°56'02", thence to latitude 32°50'48", longitude 79°56'07" on the west shore, thence north along the shoreline including the reach of Noisett Creek to the eastern boundary of the Navy Base to the beginning point at the west shore at latitude 32°52'37", longitude 79°58'06".

(2) The reach of Shipyard Creek upstream from a line 300 feet from and parallel to the upstream limit of the Improved Federal Turning Basin.

(3) That portion of the interior Shipyard Creek commencing at latitude 32°49'50", longitude 79°56'10", being a point at the southern tip of the shoreline where the northern shore of Shipyard Creek joins the Cooper River, thence going along the northern shore of Shipyard Creek to the southern portion of the existing restricted area in paragraph (a)(2) of this section; thence along said line being 300 feet from and parallel to the upstream limit of the Improved Federal Turning Basin for a distance of 15 feet, thence to the most northerly point of the Improved Federal Turning Basin, thence along the northeastern edge for the Improved

33 CFR Ch. II (7-1-11 Edition)

Turning Basin to the northeast edge of the main channel of Shipyard Creek to a point lying in the mouth of Shipyard Creek where it reaches the Cooper River at the northeast edge of the main channel of the Shipyard Creek and longitude 79°56'10", thence to the beginning point at latitude 32°49'50", longitude 79°56'10".

(4) That portion of the Cooper River surrounding Pier Yankee beginning at a point on the west shore of the Cooper River at latitude 32°50'00", longitude 79°56'10.5", thence to latitude 32°50'00", longitude 79°55'55", thence to latitude 32°49'54", longitude 79°55'55", to latitude 32°49'50", longitude 79°56'10", thence north along the shore to the beginning point at the west shore of the Cooper River at latitude 32°50'00", longitude 79°56'10.5".

(5) That portion of the Cooper River beginning on the west channel edge at latitude 32°52'06", longitude 79°57'54", thence to the east shore at latitude 32°52'13", longitude 79°57'30", thence along the eastern shore to latitude 32°51'30", longitude 79°56'15.5", thence to latitude 32°51'01", longitude 79°55'50", thence to latitude 32°50'52", longitude 79°56'03.5", thence to latitude 32°51'01", longitude 79°56'07", thence to latitude 32°51'19", longitude 79°57'05", thence to latitude 32°51'33", longitude 79°57'27", thence to latitude 32°51'48.5", longitude 79°57'41.5", thence to the beginning point at the west channel edge at latitude 32°52'06", longitude 79°57'54".

(6) That portion of the Cooper River beginning on the west shore at latitude 32°50'48", longitude 79°56'07", thence to latitude 32°50'50", longitude 79°56'02", thence to latitude 32°50'32", longitude 79°55'55", thence to latitude 32°50'00", longitude 79°55'55", thence to latitude 32°50'00", longitude 79°56'10.5" on the west shore, thence along the shoreline to the beginning point on the west shore at latitude 32°50'48", longitude 79°56'07".

(7) That portion of Goose Creek beginning at a point on the west shore of Goose Creek at its intersection with the Cooper River at latitude 32°54'32", longitude 79°57'04"; thence proceeding along the western shoreline of Goose Creek for approximately 6.9 miles to its

intersection with the Seaboard Coastline Railroad at latitude 32°55'34", latitude 79°59'30"; thence in a northwesterly direction along the Seaboard Coastline Railroad to latitude 32°55'37", longitude 79°59'32"; thence proceeding along the eastern shoreline of Goose Creek in a southeasterly direction to latitude 32°54'33" by 79°56'59" thence back to 32°54'32", longitude 79°57'04".

(8) That portion of the Cooper River, extending from the mouth of Goose Creek, to a point approximately five-hundred (500) yards north of Red Bank Landing, a distance of approximately 4.8 miles, and the tributaries to the Cooper River within the area enclosed by the following arcs and their intersections:

(i) Radius=8255' center of radius, latitude 32°55'45", longitude 79°45'23".

(ii) Radius=3790' center of radius, latitude 32°55'00", longitude 79°55'41".

(iii) Radius=8255' center of radius, latitude 32°55'41", longitude 79°56'15".

(iv) Radius=8255' center of radius, latitude 32°56'09", longitude 79°56'19".

(9) That portion of the Cooper River beginning on the western shoreline at latitude 32°54'37", longitude 79°57'01"; thence proceeding along the western shoreline in a northerly direction for approximately 4.8 miles to latitude 32°57'32", longitude 79°55'27"; thence in a southerly direction for approximately 100 yards to latitude 32°57'29", longitude 79°55'23", thence in a southwesterly direction, paralleling the shoreline to latitude 32°56'48", longitude 79°55'48"; thence in an easterly direction for approximately 50 yards to latitude 32°56'49", longitude 79°55'46"; thence in a southerly direction, paralleling the shoreline, to latitude 32°56'40", longitude 79°55'40"; thence in a westerly direction for approximately 50 yards to latitude 32°56'39", longitude 79°55'42"; thence in a southwesterly direction, paralleling the shoreline, to latitude 32°56'15", longitude 79°56'07"; thence in a southwesterly direction to latitude 32°56'05", longitude 79°56'17"; thence in a westerly direction, for approximately 50 yards to latitude 32°56'05", longitude 79°56'19"; thence in a southerly direction, paralleling the shoreline to latitude 32°55'45", longitude 79°56'19"; thence in a southwesterly direction to latitude 32°55'42", longitude 79°56'13"; thence in a

southeasterly direction, parallel the shoreline, to latitude 32°55'18", longitude 79°55'55"; thence in a southwesterly direction to latitude 32°55'16", longitude 79°56'00"; thence in a southwesterly direction paralleling the shoreline to latitude 32°54'35"; longitude 79°56'57", thence back to latitude 32°54'37", and longitude 79°57'01".

(10) That portion of the Cooper River beginning at a point near the center of the Cooper River at latitude 32°55'03", longitude 79°55'42"; thence proceeding in an easterly direction to latitude, 32°55'03"; longitude 79°55'35"; thence in a southerly direction to latitude 32°54'52", longitude 79°55'33"; thence in a westerly direction to latitude 32°54'53", longitude 79°55'42"; thence in a northerly direction to latitude 32°55'03", longitude 79°55'42".

(11) That portion of Foster Creek beginning at a point on the southern shoreline of Foster Creek at its intersection with Back River at latitude 32°58'30", longitude 79°56'33"; thence proceeding along the southern shoreline to the terminus of Foster Creek; thence back down its northern shoreline of Foster Creek to latitude 32°58'34", longitude 79°56'34"; thence back to latitude 32°58'30", longitude 79°56'33".

(12) *Danger zone.* That portion of Foster Creek beginning at the point of the southern shoreline of an unnamed tributary of Foster Creek at its intersection with Foster Creek at latitude 32°59'16" N, longitude 79°57'23" W; thence back proceeding along the eastern shoreline to the terminus of the tributary at latitude 32°59'49" N, longitude 79°57'29" W; thence back down the western shoreline of the unnamed tributary to latitude 32°59'15" N, longitude 79°57'26" W. The waters and associated marshes in this danger zone area are subject to impact by rounds and ricochets originating from a small arms range when firing is in progress.

(13) *Danger zone.* Those portions of unnamed tributaries and associated marshes of Back River and Foster Creek that are generally described as lying south of the main shoreline and extending southward to the northern shoreline of Big Island (U.S. Naval Reservation). Specifically, the area beginning at a point on the main shoreline which is the northern shore of an

unnamed tributary of Back River at latitude 32°59'19" N, longitude 79°56'52" W, southwesterly to a point on or near the northern shoreline of Big Island at latitude 32°59'11" N, longitude 79°56'59" W; thence northwesterly to a point on the main shoreline, which is the northern shore of an unnamed tributary of Foster Creek, at latitude 32°59'16" N, longitude 79°57'11" W; thence easterly along the main shoreline, which is the northern shore of the unnamed tributaries of Foster Creek and Back River, back to the point of beginning at latitude 32°59'19" N longitude 79°56'52" W. The waters and associated marshes in this danger zone area are subject to impact by rounds and ricochets originating from a small arms range when firing is in progress.

(b) *The regulations:* (1) Unauthorized personnel, vessels and other watercraft shall not enter the restricted areas described in paragraphs (a)(1), (a)(2), and (a)(4) of this section at any time.

(2) Personnel, vessels and other watercraft entering the restricted area described in paragraph (a)(5) of this section, shall proceed at normal speed and under no circumstances anchor, fish, loiter, or photograph until clear of the restricted area.

(3) Personnel, vessels and other watercraft may be restricted from using any or all of the area described in paragraphs (a)(3) and (a)(6) of this section without first obtaining an escort or other approval from Commander, Naval Base, Charleston, when deemed necessary and appropriately noticed by him/her for security purposes or other military operations.

(4) Personnel, vessels and other watercraft, other than those specifically authorized by Commanding Officer, U.S. Naval Weapons Station, Charleston, SC, entering the restricted area described in paragraph (a)(8) of this section shall proceed at normal speed, and under no circumstances anchor, fish, loiter, or photograph in any way until clear of the restricted area.

(5) Personnel, vessels and other watercraft, other than those specifically authorized by Commanding Officer, U.S. Naval Weapons Station, Charleston, SC, entering the areas described in paragraphs (a)(9) and (a)(10) of this section are prohibited from en-

tering within one-hundred (100) yards of the west bank of the Cooper River, in those portions devoid of any vessels or manmade structures. In those areas where vessels or man-made structures are present, the restricted area will be 100 yards from the shoreline or 50 yards beyond those vessels or other man-made structures, whichever is the greater. This includes the area in paragraph (a)(10) of this section.

(6) In the interest of National Security, Commanding Officer, U.S. Naval Weapons Station, Charleston, SC, may at his/her discretion, restrict passage of persons, watercraft and vessels in the areas described in paragraphs (a)(7), (a)(8) and (a)(11) of this section until such time as he/she determines such restriction may be terminated.

(7) All restricted areas and all danger zones and the approaches leading to the danger zones will be marked with suitable warning signs.

(8) The regulations described in paragraphs (b) (1), (2) and (3) of this section shall be enforced by Commander, Naval Base, Charleston, and such agencies as he/she may designate.

(9) The regulations in this section for the danger zones described in paragraphs (a)(12) and (a)(13) of this section and the regulations described in paragraphs (b) (4), (5) and (6) of this section, shall be enforced by the Commanding Officer, Naval Weapons Station Charleston, SC, and such agencies as he/she may designate.

(10) It is understood that none of the restrictions herein will apply to properly marked Federal vessels performing official duties. It is further understood that Federal employees will not take photographs from within the above described restricted areas.

(11) The unauthorized entering or crossing of the danger zones described in paragraphs (a)(12) and (a)(13) of this section by all persons, watercraft and vessels is prohibited at all times unless specifically authorized by the Commanding Officer of the U.S. Naval Weapons Station Charleston, SC.

[55 FR 3591, Feb. 2, 1990, as amended at 59 FR 2916, Jan. 19, 1994; 61 FR 64997, Dec. 10, 1996; 62 FR 17553, Apr. 10, 1997; 68 FR 57624, Oct. 6, 2003]

§ 334.470 Cooper River and Charleston Harbor, S.C.; restricted areas.

(a) *The restricted areas.* (1) Area No. 1 is that portion of the Cooper River beginning near the westerly shore north of Shipyard Creek at "a" Latitude 32°50'14", Longitude 79°56'11"; thence to "b" Latitude 32°50'14", Longitude 79°55'37"; thence to "c" Latitude 32°49'41", Longitude 79°55'37"; thence to "d" Latitude 32°49'41", Longitude 79°55'52"; thence to "e" Latitude 32°49'47", Longitude 79°56'09"; and thence returning to "a" Latitude 32°50'14", Longitude 79°56'11".

(2) Area No. 2 is that portion of the Cooper River beginning at a point west of Shutes Folly Island at "a" Latitude 32°46'27", Longitude 79°55'31"; thence to "b" Latitude 32°46'39", Longitude 79°55'11"; thence to "c" Latitude 32°46'39", Longitude 79°54'51"; thence to "d" Latitude 32°46'28", Longitude 79°54'47"; thence to "e" Latitude 32°46'17", Longitude 79°54'51"; thence to "f" Latitude 32°46'17", Longitude 79°55'11"; and thence returning to "a" Latitude 32°46'27", Longitude 79°55'31".

(b) *The regulations.* (1) There shall be no introduction of magnetic material or magneto-electric field sources with the area.

(2) No person shall enter or remain in the water within the restricted areas. Ships transiting the areas will proceed without delay and shall not, except as noted below, lie to or anchor within the areas.

(i) Pleasure craft under 50 feet LOA will not normally be affected; however, such craft may be required to stand clear upon notification, in the event they are interfering with range operation.

(ii) Anchored commercial ships will be allowed to swing into the restricted area at the Shutes Folly Island site when the range is not in use. Shutes Folly Island Range usage will be indicated by range house display of the international DELTA signal flag.

(iii) This section shall be enforced by the Commandant, Sixth Naval District, Charleston, South Carolina, and such agencies as he may designate.

[42 FR 38177, July 27, 1977. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17553, Apr. 10, 1997]

§ 334.475 Brickyard Creek and tributaries and the Broad River at Beaufort, SC.

(a) *The areas:* (1) That section of the Atlantic Intracoastal Waterway (AIWW), beginning at the confluence of the AIWW and Albergottie Creek, being that point on the west side of the AIWW navigational channel at latitude 32.457226°, longitude 80.687770°, thence continuing in a northerly direction along the western channel edge of the AIWW to latitude 32.458580°, longitude 80.689181°, thence to latitude 32.460413°, longitude 80.689228°, thence to latitude 32.461459°, longitude 80.689418°, thence to latitude 32.464015°, longitude 80.690294°, thence to latitude 32.470255°, longitude 80.690965°, thence to latitude 32.471309°, longitude 80.691196°, thence to latitude 32.475084°, longitude 80.692455°, thence to latitude 32.478161°, longitude 80.691546°, thence to latitude 32.479191°, longitude 80.691486°, thence to latitude 32.481817°, longitude 80.691939°, thence to latitude 32.493001°, longitude 80.689835°, thence to latitude 32.494422°, longitude 80.688296°, thence to latitude 32.49727°, longitude 80.69172° on the east shore of the Marine Corps Air Station (MCAS), at its intersection with the Station's property boundary line, thence heading south along the eastern shoreline of the MCAS to a point along the northern shoreline of Mulligan Creek at latitude 32.48993°, longitude 80.69836°, thence southwesterly across Mulligan Creek to the shoreline of the MCAS, latitude 32.48771°, longitude 80.70424°, thence continuing along the eastern shoreline to its intersection with Albergottie Creek, latitude 32.45360°, longitude 80.70128, thence continuing along the southern shoreline of the MCAS to the intersection of Salt Creek with U.S. Highway 21, latitude 32.45047°, longitude 80.73153°, thence back down the southern creek edge of Salt and Albergottie Creeks, thence back to the starting point at the confluence of Albergottie Creek and the AIWW, latitude 32.457226°, longitude 80.687770°. NOTE: Situated within the boundaries of the area described in paragraph (a)(1) of this section are the areas described in paragraphs (a)(2), (a)(3),

(a)(4), (a)(5) and the danger zone described in paragraph (a)(10) of this section. Since additional regulations apply to these sections, they are excluded from the area described in paragraph (a)(1) given that they are more strictly regulated.

(2) That portion of Mulligan Creek located on the southern side of the MCAS runway, beginning at a point on the eastern shoreline of Mulligan Creek at latitude 32.48993°, longitude 80.69836°, thence southwesterly across Mulligan Creek to the shoreline of the MCAS, latitude 32.48771°, longitude 80.70424°, thence continuing in a northerly direction along the eastern shoreline of the MCAS, thence in a northeasterly direction along the and southern side of the MCAS runway, thence back down the eastern shoreline of Mulligan Creek to its starting point, latitude 32.48993°, longitude 80.69836°.

(3) That area adjacent to the Atlantic Intracoastal Waterway (AIWW), situated within the boundaries of the area described in paragraph (a)(1) of this section, beginning at a point on the west side of the AIWW navigational channel at latitude 32.463732°, longitude 80.690208°, thence continuing in a northerly direction along the western channel edge of the AIWW to latitude 32.467999°, longitude 80.690749°, thence turning in a westerly direction and continuing to latitude 32.467834°, longitude 80.700080°, on the eastern shore of the MCAS, thence heading in a southward direction along the shoreline to latitude 32.463692°, longitude 80.698440°, thence turning in a westerly direction and returning back to the starting point on the west edge of the AIWW channel, latitude 32.463732°, longitude 80.690208°.

(4) That area contiguous to Albergottie Creek, situated within the boundaries of the area described in paragraph (a)(1) of this section, beginning at a point on the southern shoreline of the MCAS at latitude 32.452376°, longitude 80.708263°, thence continuing in a northerly direction along the shoreline, up to the shoreline adjacent to Kimes Avenue and back down the opposite shoreline in a southerly direction to a point at latitude 32.450643°, longitude 80.715653°, thence turning in an easterly direction and returning

back to the starting point at latitude 32.452376°, longitude 80.708263°.

(5) That area contiguous to Salt Creek, situated within the boundaries of the area described in paragraph (a)(1) of this section, beginning at a point on the southern shoreline of the MCAS and the edge of Salt Creek at latitude 32.45194°, longitude 80.724473°, thence continuing in a northerly direction along the shoreline of the MCAS and continuing on to its intersection again with Salt Creek and adjacent to U.S. Highway 21, thence turning and continuing along the shoreline of Salt Creek in an easterly direction and returning back to the starting point at latitude 32.45194°, longitude 80.724473°.

(6) That section of the Atlantic Intracoastal Waterway (AIWW), beginning at the confluence of the AIWW and Albergottie Creek, being that point on the west side of the AIWW navigational channel at latitude 32.457226°, longitude 80.687770°, thence continuing in a northerly direction along the western channel edge of the AIWW to latitude 32.458580°, longitude 80.689181°, thence to latitude 32.460413°, longitude 80.689228°, thence to latitude 32.461459°, longitude 80.689418°, thence to latitude 32.464015°, longitude 80.690294°, thence to latitude 32.470255°, longitude 80.690965°, thence to latitude 32.471309°, longitude 80.691196°, thence to latitude 32.475084°, longitude 80.692455°, thence to latitude 32.478161°, longitude 80.691546°, thence to latitude 32.479191°, longitude 80.691486°, thence to latitude 32.481817°, longitude 80.691939°, thence to latitude 32.493001°, longitude 80.689835°, thence to latitude 32.494422°, longitude 80.688296°, thence crossing the AIWW channel in a southeasterly direction to a point on the east side of the AIWW and the marsh edge of bank, latitude 32.49343°, longitude 80.68699°, thence southward along the edge of the AIWW and the waterward marsh edge of Ladies Island to a point on the west shoreline of Pleasant Point Peninsular, latitude 32.45806°, longitude 80.68668°, thence back across the AIWW navigational channel to the point of beginning, latitude 32.457226°, longitude 80.687770°.

(7) That portion of Mulligan Creek, beginning at its northern mouth and

confluence with McCalleys Creek, latitude 32.50763°, longitude 80.69337°, thence proceeding in a westerly direction along the northern shoreline of Mulligan Creek to its intersection with Perryclear Drive bridge crossing, latitude 32.50534°, longitude 80.69960°, thence back down the southern shoreline to its starting point at McCalleys Creek, latitude 32.50763°, longitude 80.69337°.

(8) That portion of Mulligan Creek, beginning at the Perryclear Drive bridge crossing, latitude 32.50534°, longitude 80.69960°, thence proceeding in a south westerly direction along the northern shoreline of Mulligan Creek to the terminus of its western tributary, thence back down its southern shoreline to the terminus of its eastern terminus located at the northern end on the MCAS runway, latitude 32.49531°, longitude 80.70658°, thence back down the southern shoreline to its starting point at Perryclear Drive bridge crossing, latitude 32.50534°, longitude 80.69960°.

(9) (*Laurel Bay Military Family Housing Area, Broad River*). That section of the Broad River, beginning on the western shoreline of Laurel Bay Military Family Housing Area boundary line, at latitude 32.449295°, longitude 80.803205°, thence proceeding in a northerly direction along the shoreline to the housing area northern boundary line at latitude 32.471172°, longitude 80.809795°, thence proceeding a distance of 500 feet into the Broad River, latitude 32.471185°, longitude 80.811440°, thence proceeding in a southerly direction and maintaining a distance of 500 feet from the shoreline to latitude 32.449222°, longitude 80.804825°, thence back towards the shoreline to the point of beginning at latitude 32.449295°, longitude 80.803205°.

(10) (*Danger zone*). That portion of Mulligan Creek located adjacent to the MCAS firing range and the restricted area described in paragraph (a)(2) of this section, beginning at a point on the western shoreline of Mulligan Creek at latitude 32.48771°, longitude 80.70424°, thence northeasterly across Mulligan Creek to the opposite shoreline at latitude 32.48993°, longitude 80.69836°, thence continuing in a southeasterly direction to an upland island

bordering the northern shoreline of Mulligan Creek at latitude 32.48579°, longitude 80.69706°, thence turning in a southwesterly direction and crossing Mulligan Creek to a point on the eastern shoreline of the MCAS at latitude 32.48533°, longitude 80.70240°, thence continuing along the eastern shoreline of the MCAS to its starting point at latitude 32.48771°, longitude 80.70424°.

(b) *The regulation*: (1) Unauthorized personnel, vessels and other watercraft shall not enter the restricted areas described in paragraphs (a)(2), (a)(3), (a)(4), (a)(5) and (a)(8) of this section at any time.

(2) The public shall have unrestricted access and use of the waters described in paragraph (a)(6) of this section whenever the MCAS is in Force Protection Condition Normal, Alpha or Bravo. Whenever the facility is in Force Protection Condition Charlie or Delta, personnel, vessels and other watercraft entering the restricted area described in paragraph (a)(6) of this section shall proceed at normal speed and shall under no circumstances anchor, fish, loiter or photograph in any way until clear of the restricted area.

(3) The public shall have unrestricted access and use of the waters described in paragraphs (a)(1), (a)(7), and (a)(9) of this section whenever the MCAS is in Force Protection Condition Normal Alpha or Bravo. Whenever the facility is in Force Protection Condition Charlie or Delta, personnel, vessels and other watercraft are prohibited from entering the waters described in paragraphs (a)(1), (a)(7), and (a)(9) of this section, unless they first obtain an escort or other approval from the Commander, MCAS, Beaufort, South Carolina.

(4) Unauthorized personnel, vessels and other watercraft shall not enter the danger zone described in paragraph (a)(10) of this section at any time.

(5) All restricted areas and danger zones will be marked with suitable warning signs.

(6) It is understood that none of the restrictions herein will apply to properly marked Federal vessels performing official duties.

§ 334.480

(7) It is further understood that unauthorized personnel will not take photographs from within the above described restricted areas.

(c) *Enforcement*: The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the Commanding Officer, MCAS Beaufort, or persons or agencies as he/she may authorize including any Federal Agency, State, Local or County Law Enforcement agency, or Private Security Firm in the employment of the facility, so long as the entity undertaking to enforce this Restricted Area has the legal authority to do so under the appropriate Federal, State or local laws.

[70 FR 43780, July 29, 2005]

§ 334.480 Archers Creek, Ribbon Creek and Broad River, S.C.; U.S. Marine Corps Recruit Depot rifle and pistol ranges, Parris Island.

(a) During periods when the rifle and pistol ranges on Parris Island are in use, the following areas will be restricted to navigation:

(1) *At the rifle range*. Archers Creek between Broad River and Beaufort River and Ribbon Creek from Broad Creek entrance. The area is inclosed by the following points:

| Latitude | Longitude |
|-----------|-----------|
| 32°21'40" | 80°44'52" |
| 32°21'51" | 80°44'38" |
| 32°21'54" | 80°44'41" |
| 32°22'01" | 80°44'21" |
| 32°22'08" | 80°44'15" |
| 32°22'15" | 80°44'07" |
| 32°22'17" | 80°44'05" |
| 32°22'20" | 80°43'52" |
| 32°22'17" | 80°43'48" |
| 32°22'17" | 80°43'47" |
| 32°21'44" | 80°43'28" |
| 32°21'30" | 80°43'13" |
| 32°20'55" | 80°42'23" |
| 32°20'21" | 80°42'24" |
| 32°20'06" | 80°42'43" |
| 32°20'12" | 80°43'01" |
| 32°20'18" | 80°43'22" |
| 32°20'28" | 80°43'33" |
| 32°20'30" | 80°43'37" |
| 32°20'35" | 80°43'41" |

and thence to point of beginning:

| Latitude | Longitude |
|-----------|-----------|
| 32°21'40" | 80°44'52" |

33 CFR Ch. II (7-1-11 Edition)

(2) *At the pistol range*. An area in Broad River inclosed by the following points:

| Latitude | Longitude |
|-----------|-----------|
| 32°20'09" | 80°42'57" |
| 32°19'27" | 80°42'27" |
| 32°18'57" | 80°43'24" |
| 32°19'39" | 80°43'54" |
| 32°20'00" | 80°43'36" |
| 32°20'00" | 80°43'15" |

The area will be adequately marked by red flags for the convenience and protection of the general public.

(b) Firing over these ranges will normally take place between the hours of 6:30 a.m. and 5 p.m., Monday through Friday, and from 6 a.m. to 12 noon on Saturday, National holidays excepted, and at other times as designated and properly published by the Commanding General, Parris Island Marine Base.

(c) No person, vessel and other watercraft shall enter the restricted waters when firing is in progress. At all other times these waters are open to navigation. Safety regulations shall be enforced at all times with the following specific precautions being provided by the Parris Island Marine Base:

(1) *At the rifle range*. Warning signs indicating the periods when the rifle range is in use will be posted by the entrances to Archers Creek and Ribbon Creek. Also the warning signs will be placed at the corners of the rifle range impact area.

(2) *At the pistol range*. Warning flag shall be flown from top of a lookout tower with a sentry lookout during actual firing. Also a patrol boat shall be accessible for clearing the area and warning all approaching vessels of the danger zone area and the schedule of firing. During storms or similar emergencies this area shall be opened to vessels to reach safety without undue delay for the preservation of life and property.

(d) The regulations in this section shall be enforced by the Commanding General, Marine Corps Recruit Depot, Parris Island, South Carolina, and such agencies as he may designate.

[29 FR 6682, May 22, 1964, as amended at 36 FR 22238, Nov. 23, 1971. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17554, Apr. 10, 1997]

§ 334.490 Atlantic Ocean off Georgia Coast; air-to-air and air-to-water gunnery and bombing ranges for fighter and bombardment aircraft, U.S. Air Force.

(a) *The danger zones*—(1) *For fighter aircraft.* An area approximately 30 miles offshore between Wassaw Sound and Brunswick, Georgia, described as follows: Beginning at latitude 31°55'30", longitude 80°24'00"; thence 90° true to longitude 80°16'00"; thence southwesterly to latitude 31°10'00", longitude 80°43'00"; thence 270° to longitude 80°51'00"; and then northeasterly to the point of beginning.

(2) *For bombardment aircraft.* An area approximately 70 miles off shore between Savannah Beach and Brunswick, Georgia, described as follows: Beginning at latitude 32°00'00", longitude 79°43'00"; thence 90° true to longitude 79°07'00"; thence southwesterly to latitude 31°10'00", longitude 79°24'00"; thence 270° true to longitude 80°00'00"; and thence northeasterly to the point of beginning.

(b) *The regulations.* (1) The danger zones shall be open to navigation except when aerial gunnery or bombing practice is being conducted.

(2) Prior to conducting each practice, the entire area will be patrolled by aircraft to warn any persons and watercraft found in the vicinity that such practice is about to take place. The warning will be by "buzzing," (*i.e.*, by flying low over the person or watercraft.) Any person or watercraft shall, upon being so warned, immediately leave the area designated and shall remain outside the area until practice has ceased.

(3) The regulations in this section shall be enforced by the Commanding Officer, 2d Bombardment Wing, Hunter Air Force Base, Savannah, Georgia, and such agencies as he may designate.

[16 FR 818, Jan. 30, 1951, as amended at 16 FR 2397, Mar. 14, 1951. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17554, Apr. 10, 1997]

§ 334.500 St. Johns River, Atlantic Ocean, Sherman Creek; restricted areas and danger zone, Naval Station Mayport, Florida.

(a) *The areas.* (1) The St. Johns River restricted area and the Atlantic Ocean

restricted area described in paragraphs (a)(2) and (a)(3) of this section, respectively, are contiguous but each area is described separately for clarification.

(2) *St. Johns River restricted area.* This restricted area shall encompass all navigable waters of the United States, as defined at 33 CFR 329, within the area bounded by a line connecting the following coordinates: Commencing from the shoreline at latitude 30°23'52.97" N, longitude 081°25'36.51" W; thence to latitude 30°23'56.71" N, longitude 081°25'36.51" W; then the line meanders irregularly, follow the shoreline at a distance of 380 feet seaward from the mean high water line to a point at latitude 30°23'54.20" N, longitude 081°24'14.11" W, thence proceed directly to latitude 30°23'46.33" N, longitude 081°24'03.73" W, then the line meanders irregularly, follow the shoreline at a distance of 380 feet seaward from the mean high water line to a point at latitude 30°23'53.08" N, longitude 081°23'34.00" W, thence follow the arc of a circle with a radius of 466 feet, centered at latitude 30°23'48.52" N, longitude 081°23'33.30" W, to a point on the jetty at latitude 30°23'50.06" N, longitude 081°23'28.26" W.

(3) *Atlantic Ocean restricted area.* From the last point identified in paragraph (a)(2) of this section, latitude 30°23'50.06" N, longitude 081°23'28.26" W, proceed to a point at latitude 30°23'49.12" N, longitude 81°23'28.10" W, then the line meanders irregularly, follow the shoreline at a distance of 380 feet seaward from the mean high water line to a point at latitude 30°22'54.37" N, longitude 081°23'44.09" W, thence proceed directly to shore to terminate at latitude 30°22'54.46" N, longitude 081°23'48.44" W.

(4) *Sherman Creek restricted area.* This restricted area shall encompass all navigable waters of the United States, as defined at 33 CFR part 329, to include Sherman Creek, its tributaries and associated tidal marshes located within the NAVSTA Mayport area boundaries described in this section. The restricted area is completely encircled by roadways and is bordered on the south by Wonderwood Expressway, on the west by SR A1A, on the north by Perimeter Road, and on the east by Mayport Road.

§ 334.510

33 CFR Ch. II (7-1-11 Edition)

(5) *Danger zone.* The danger zone shall encompass all navigable waters of the United States, as defined at 33 CFR part 329, within the area bounded by a line connecting the following coordinates: Commencing from the shoreline at latitude 30°24'00.31" N, longitude 081°25'06.02" W; thence to latitude 30°24'11.16" N, longitude 081°25'03.90" W; thence to latitude 30°24'00.62" N, longitude 081°24'10.13" W; thence to a point on the shoreline riprap at latitude 30°23'41.26" N, longitude 081°24'08.82" W.

(b) *The regulations—(1) St. Johns River restricted area.* All persons, vessels, or other craft are prohibited from entering, transiting, drifting, dredging, or anchoring within the area described in paragraph (a)(2) of this section without the permission of the Commanding Officer, NAVSTA Mayport or his/her authorized representative. This restriction will be in place 24 hours a day, seven days a week. Warning signs notifying individuals of the restricted area boundary and prohibiting entry into the area will be posted at 500-foot intervals along the property boundary.

(2) *Atlantic Ocean restricted area.* All persons, vessels, or other craft are prohibited from entering, transiting, drifting, dredging, or anchoring within the area described in paragraph (a)(3) of this section without the permission of the Commanding Officer, NAVSTA Mayport or his/her authorized representative. This restriction will be in place 24 hours a day, seven days a week. Warning signs notifying individuals of the restricted area boundary and prohibiting entry into the area will be posted at 500-foot intervals along the property boundary.

(3) *Sherman Creek restricted area.* All persons, vessels, or other craft are prohibited from entering, transiting, drifting, dredging, or anchoring within the area described in paragraph (a)(4) of this section without the permission of the Commanding Officer, NAVSTA Mayport or his/her authorized representative. This restriction will be in place 24 hours a day, seven days a week. Warning signs notifying individuals of the restricted area boundary and prohibiting entry into the area will be posted at 500-foot intervals along the property boundary where practicable (e.g., not in the wetlands). In

addition, a floating Small Craft Intrusion Barrier will be placed across Sherman Creek just east of the A1A bridge and another will be placed across tributaries to Sherman Creek just north of the Wonderwood Expressway.

(4) *Danger zone.* During periods of munitions movement at wharves Bravo and Charlie, no person or vessel shall be allowed to remain within the 1,250-foot Explosive Safety Quantity-Distance arcs generated by the activity. NAVSTA Mayport will not announce or publish notification prior to enforcing this regulation due to the unacceptable security threat posed by advance public notice of military munitions movements.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commanding Officer, NAVSTA Mayport and/or such persons or agencies as he/she may designate. Military vessels will patrol the areas identified in this section 24 hours a day, 7 days a week. Any person or vessel encroaching within the areas identified in this section will be asked to immediately leave the area. Failure to do so will result in the forceful removal of the person or vessel from the area in question.

[75 FR 19885, Apr. 16, 2010]

§334.510 U.S. Navy Fuel Depot Pier, St. Johns River, Jacksonville, Fla.; restricted area.

(a) The area is described as:

(1) A line running at 238.5° true and paralleling the pier at 100 feet is extended from the eastern edge of the mooring platform #59 to the western edge of platform #65. From these points the boundaries are extended to the shoreline along lines running at 328.5°.

(2) The easterly waterward coordinate being:

30°23'58.0" N 81°37'15.0" W

(3) The westerly waterward coordinate being:

30°23'53.0" N 81°37'24.4" W

(b) *The regulations.* (1) The use of waters as previously described by private and/or commercial floating craft or persons is prohibited with the exception of vessels or persons that have been specifically authorized to do so by

the Officer in Charge of the Navy Fuel Depot.

(2) This regulation shall be enforced by the Officer in Charge, U.S. Navy Fuel Depot, Jacksonville, Florida, and such agencies as the officer in charge may designate.

[44 FR 12192, Mar. 6, 1979, as amended at 45 FR 27755, Apr. 24, 1980. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17554, Apr. 10, 1997]

§ 334.515 Blount Island Command and Marine Corps Support Facility—Blount Island; Jacksonville, Florida restricted areas.

(a) *The areas.* (1) The restricted areas shall encompass all navigable waters of the United States, as defined at 33 CFR 329, contiguous to the area identified as Blount Island Command and Marine Corps Support Facility—Blount Island (MCSF—BI). The three areas are contiguous but each area is described separately below for clarification.

(2) *Area 1.* Commencing from the shoreline at the northwest portion of the facility, at latitude 30°24'46.10" N, longitude 81°32'19.01" W, thence proceed 200 yards in a northwesterly direction to latitude 30°24'49.84" N, longitude 81°32'23.12" W. From this point the line meanders irregularly, following the shoreline at a distance of 200 yards from the mean high water line to a point at latitude 30°23'36.75" N, longitude 81°30'26.42" W, thence southwesterly to a point at latitude 30°23'34.44" N, longitude 81°30'28.80" W, thence west southwesterly to a point at latitude 30°23'33.68" N, longitude 81°30'32.61" W.

(3) *Area 2.* This includes all waters within the area generally identified as the U.S. Marine Corps Slipway but which is also known as the Back River area and the waters out to a distance of 100 yards from the entranceway. From the last point identified in paragraph (a)(2) of this section, latitude 30°23'33.68" N, longitude 81°30'32.61" W, proceed west southwesterly to a point at latitude 30°23'30.93" N, longitude 81°30'57.14" W.

(4) *Area 3.* From the last point identified in paragraph (a)(3) of this section, latitude 30°23'30.93" N, longitude 81°30'57.14" W, the line meanders irregularly in a westerly direction, following the shoreline at a distance of 100 yards

from the mean high water line to a point at latitude 30°23'26.34" N, longitude 81°31'49.73" W, thence proceed north to terminate at a point on the shoreline at latitude 30°23'29.34" N, longitude 81°31'49.79" W.

(b) *The regulations.* (1) With the exception of local, State and federal law enforcement entities, all persons, vessels, and other craft are prohibited from entering, transiting, anchoring, or drifting within the areas described in paragraph (a) of this section for any reason without the permission of the Commanding Officer, Marine Corps Support Facility—Blount Island, Jacksonville, Florida, or his/her authorized representative.

(2) The restriction noted in paragraph (b)(1) of this section is in effect 24 hours a day, 7 days a week.

(3) Warning signs will be posted near the MCSF—BI shoreline advising boaters of the restrictions in this section.

(c) *Enforcement.* (1) The regulations in this section shall be enforced by the Commanding Officer, Marine Corps Support Facility—Blount Island, Jacksonville, Florida, and/or such persons or agencies as he/she may designate.

(2) Enforcement of the regulations in this section will be accomplished utilizing the Department of Defense Force Protection Condition (FPCON) System. From the lowest security level to the highest, Force Protection Conditions levels are titled Normal, Alpha, Bravo, Charlie and Delta. The regulations in this section will be enforced as noted in paragraph (b) of this section, or at the discretion of the Commanding Officer.

[73 FR 54073, Sept. 18, 2008]

§ 334.520 Lake George, Fla.; naval bombing area.

(a) *The danger zone.* An area in the eastern part of Lake George described as follows: Beginning at latitude 29°13'16", longitude 81°34'28"; thence along a line parallel to the navigation channel to latitude 29°20'05", longitude 81°36'15"; thence along a line about three-fifths mile southerly from the Putnam-Volusia County line to latitude 29°20'19", longitude 81°35'12"; thence to latitude 29°18'36", longitude 81°33'53"; thence to latitude 29°13'22", longitude 81°32'38"; and thence to the point of beginning. The area will be marked by

§ 334.525

33 CFR Ch. II (7-1-11 Edition)

appropriate warnings signs at the five corners and at the midpoint of the longer side.

(b) *The regulations.* (1) Bombing operations will be confined, as nearly as practicable, to the north-south center line of the danger zone, keeping well clear of the navigation channel.

(2) Prior to each bombing operation the danger zone will be patrolled by naval aircraft which will warn all persons and vessels to leave the area by “zooming” a safe distance to the side and at least 500 feet above the surface. Upon being so warned, such persons and vessels shall leave the danger zone immediately and shall not re-enter the danger zone until bombing operations have ceased.

(3) At intervals of not more than three months, public notices will be issued that bombing operations are continuing. Such notices will appear in the local newspaper and in “Notice to Mariners”.

(4) The regulations in this section shall not deny passage through Lake George by regular cargo-carrying vessels proceeding along established lanes for such vessels. When any such vessel is within the danger zone the officer in charge of the bombing operations will cause the cessation or postponement of such operations until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress.

(5) The regulations in this section shall be enforced by the Commander, Naval Air Bases, Sixth Naval District, Naval Air Station, Jacksonville, Florida, and such agencies as he may designate.

[16 FR 10992, Oct. 30, 1951. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17554, Apr. 10, 1997]

§ 334.525 Atlantic Ocean off John F. Kennedy Space Center, FL; restricted area.

(a) *The area.* The restricted area shall encompass all navigable waters of the United States, as defined at 33 CFR part 329, contiguous to the area offshore of the John F. Kennedy Space Center (KSC), Florida. The area is bounded by a line connecting the following coordinates: Commencing from the shoreline at the southwest portion

of the area, at latitude 28°35.008' N, longitude 80°34.448' W, thence directly to latitude 28°35.716' N, longitude 80°32.938' W, thence follow the mean high water line northerly at a distance of 1.5 nautical miles to a point at latitude 28°43.566' N, longitude 80°39.094' W, thence proceed westerly to terminate at a point on the shoreline at latitude 28°43.566' N, longitude 80°41.189' W.

(b) *The regulation.* (1) The area described in paragraph (a) of this section will be closed when it is deemed necessary by the Director, KSC or his/her designee during launch operations or to address any perceived threat to the facilities. With the exception of local, State, and Federal law enforcement entities, all persons, vessels, and other craft are prohibited from entering, transiting, anchoring, or drifting within the restricted area when it is closed, unless they have the permission of the Director, KSC or his/her designee.

(2) Due to the nature of this restricted area, closures may occur with little advance notice. Closure of the area shall be noticed by warning statements displayed on the electronic marquee signs located at the gates of the KSC and on an electronic marquee sign located on the north side of the Port Canaveral ship channel between the Trident and Poseidon wharfs during the duration of the closure. If time permits, additional information will be published in area newspapers and announced on marine radio broadcast.

(c) *Enforcement.* The regulations in this section shall be enforced by the Director, KSC and/or such persons or agencies as he/she may designate.

[75 FR 34643, June 18, 2010]

§ 334.530 Canaveral Harbor adjacent to the Navy pier at Port Canaveral, Fla.; restricted area.

(a) *The area.* The waters of Canaveral Harbor within a line circumscribing the water approaches to the Navy pier along the northeasterly edge of the Canaveral Harbor turning basin at a distance of 200 feet from all portions of the pier including the dolphins 200 feet off the northwest end and 75 feet off the southeast end of the pier.

(b) *The regulations.* (1) All unauthorized vessels and personnel are prohibited from the area during specified periods.

(2) The area will be closed when a red square flag (bravo), and depending on the status of the hazardous operation, either an amber or red beacon, steady burning or rotating, day or night, when displayed from any of the three berths along the wharf.

(3) Lighted signs indicating the restricted area will be placed on the pier and adjacent thereto.

(4) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Ordnance Test Unit, AFMTC, Patrick Air Force Base, Florida.

[25 FR 12244, Nov. 30, 1960. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 61 FR 34733, July 3, 1996]

§ 334.540 Banana River at the Eastern Range, 45th Space Wing, Cape Canaveral Air Force Station, FL; restricted area.

(a) *The area.* The restricted area shall encompass all navigable waters of the United States, as defined at 33 CFR part 329, within the Banana River contiguous to the area offshore of Cape Canaveral Air Force Station, Florida. The area is bounded by a line connecting the following coordinates: Commencing from the shoreline at the southeast portion of the area, at approximately latitude 28°25.17' N, longitude 80°36.24' W, thence directly to latitude 28°25.18' N, longitude 80°36.65' W, thence directly to latitude 28°25.25' N, longitude 80°36.66' W, thence directly to latitude 28°25.22' N, longitude 80°38.36' W, thence directly to latitude 28°26.23' N, longitude 80°38.25' W, thence directly to latitude 28°26.23' N, longitude 80°38.47' W, thence to reach the south side of the Kennedy Space Center NASA Causeway East Roadway at approximately latitude 28°30.74' N, longitude 80°36.63' W.

(b) *The regulation.* (1) The area described in paragraph (a) of this section will be closed when it is deemed necessary by the Commander, 45th Space Wing or his/her designee to address any perceived threat to the local area. With the exception of local, State, and Federal law enforcement entities, all per-

sons, vessels, and other craft are prohibited from entering, transiting, anchoring, or drifting within the restricted area when it is closed without the permission of the Commander, 45th Space Wing or his/her designee.

(2) Due to the nature of this restricted area, closures may occur with very little advance notice. Closure of the area shall be noticed by the display of a red beacon located at the southern entrance to Cape Canaveral Air Force Station. Information will be provided via marine radio broadcast during the duration of the area closure.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commander, 45th Space Wing, Patrick Air Force Base, Florida and/or such persons or agencies as he/she may designate.

[74 FR 36401, July 23, 2009]

§ 334.560 Banana River at Patrick Air Force Base, Fla.; restricted area.

(a) *The area.* The waters within an area beginning at a point located at latitude 28°16'19" N., longitude 80°36'28" W.; proceed west to latitude 28°16'19" N., longitude 80°36'35" W.; thence, southwesterly to latitude 28°14'34" N., longitude 80°37'08" W.; thence, southerly to latitude 28°12'44" N., longitude 80°37'18" W.; thence, east to latitude 28°12'44" N., longitude 80°37'11" W. This encompasses an area reaching from the northern extent described to the southern extent described and extending from the mean high water line waterward a minimum distance of approximately 600 feet.

(b) *The regulations.* (1) All unauthorized persons and watercraft shall stay clear of the area at all times.

(2) The regulations in this section shall be enforced by the Commander, 45th Space Wing, Patrick Air Force Base, Florida, and such agencies as he/she may designate.

[29 FR 3702, Mar. 25, 1964. Redesignated at 50 FR 42696, Oct. 22, 1985, and amended at 58 FR 37609, July 12, 1993; 62 FR 17554, Apr. 10, 1997; 70 FR 67371, Nov. 7, 2005]

§ 334.570 Banana River near Orsino, Fla.; restricted area.

(a) *The area.* That part of Banana River N of the NASA Banana River Causeway near Orsino and extending above the head of said river to the N

§ 334.580

and westerly to Kennedy Parkway North.

(b) *The regulations.* (1) All unauthorized craft and personnel shall stay clear of the area at all times.

(2) The regulations in this section shall be enforced by the Director, John F. Kennedy Space Center, NASA, Cocoa Beach, Fla.

[30 FR 8831, July 14, 1965. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.580 Atlantic Ocean near Port Everglades, Fla.

(a) *The area.* Beginning at a point located at latitude 26°05'30" N.—longitude 80°03'30" W.; proceed west to latitude 26°05'30" N.—longitude 80°06'30" W.; Thence, southerly to latitude 26°03'00" N.—longitude 80°06'42" W.; Thence, east to latitude 26°03'00" N.—longitude 80°05'44" W.; Thence, south to latitude 26°01'36" N.—longitude 80°05'44" W.; Thence, east to latitude 26°01'36" N.—longitude 80°03'30" W.; Thence, north to the point of beginning.

(b) *The regulations.* (1) Anchoring, trawling, dredging, or attaching any object to the submerged sea bottom shall be prohibited in the above described area.

(2) The regulations of this section shall be enforced by the Facility Director, Naval Surface Warfare Center, Detachment Dania, Florida, and such agencies as he/she may designate.

[51 FR 1370, Jan. 13, 1986, as amended at 70 FR 67371, Nov. 7, 2005]

§ 334.590 Atlantic Ocean off Cape Canaveral, Fla.; Air Force missile testing area, Patrick Air Force Base, Fla.

(a) *The danger zone.* An area in the Atlantic Ocean immediately offshore from Cape Canaveral defined by a line 3 nautical miles from shore, said area terminating in the north at a line on a bearing of 70° from a point on shore at approximate latitude 28°35' north and in the south at a line on a bearing of 115° from a point on the shore at approximate latitude 28°25' north.

(b) *The regulations.* (1) All unauthorized persons and vessels are prohibited from operating within the danger zone during firing periods to be specified by the Commander, Air Force Missile Test Center, Patrick Air Force Base.

33 CFR Ch. II (7–1–11 Edition)

(2) Warning signals will be used to warn persons and vessels that the danger zone is active. These signals will be in the form of a large red ball and a red flashing high intensity beacon. One signal will be located on a 90-foot pole near the shoreline at the north end of the danger zone, and one signal will be located on a 90-foot pole near the shoreline about one-half mile north of the south limit of the danger zone. An amber rotating beacon and warning sign will be erected on the north side of the Port Canaveral ship channel to indicate to vessels about to leave the harbor that the danger zone is in use.

(3) When the signals in paragraph (b)(2) of this section are displayed, all persons and vessels, except those authorized personnel and patrol vessels, will immediately leave the danger zone by the most direct route and stay out until the signals are discontinued.

(4) The regulations in this paragraph shall be enforced by the Commander, Air Force Missile Test Center, Patrick Air Force Base, Fla., and such agencies as he may designate.

[22 FR 4814, July 9, 1957, as amended at 23 FR 3716, May 29, 1958; 27 FR 4778, May 19, 1962. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17554, Apr. 10, 1997]

§ 334.595 Atlantic Ocean off Cape Canaveral; 45th Space Wing, Cape Canaveral Air Force Station, FL; restricted area.

(a) *The area.* The restricted area shall encompass all navigable waters of the United States, as defined at 33 CFR part 329, contiguous to the area offshore of Cape Canaveral Air Force Station, Florida. The area is bounded by a line connecting the following coordinates: Commencing from the shoreline at the northwest portion of the area, at latitude 28°35.008' N, longitude 80°34.448' W, thence directly to latitude 28°35.716' N, longitude 80°32.938' W, thence following the mean high water line at a distance of 1.5 nautical miles offshore proceed southerly to a point at latitude 28°24.187' N, longitude 80°33.443' W, thence proceeding westerly to terminate at a point on the shoreline at latitude 28°24.69' N, longitude 80°35.05' W.

(b) *The regulation.* (1) The area described in paragraph (a) of this section

will be closed when it is deemed necessary by the Commander, 45th Space Wing or his/her designee to address any perceived threat to the local area. With the exception of local, State, and Federal law enforcement entities, all persons, vessels, and other craft are prohibited from entering, transiting, anchoring, or drifting within the restricted area when it is closed without the permission of the Commander, 45th Space Wing or his/her designee.

(2) Due to the nature of this restricted area, closures may occur with very little advance notice. Closure of the area shall be noticed by the display of a red ball and red beacon from a 90-foot pole near the shoreline at approximately latitude 28°35.0' N, longitude 80°34.8' W and from a 90-foot pole near the shoreline at approximately latitude 28°25.3' N, longitude 80°35.0' W. Information will be provided via marine radio broadcast and a warning statement displayed on an electronic marquee sign located on the north side of the Port Canaveral ship channel between the Trident and Poseidon Wharf during the duration of the area closure.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commander, 45th Space Wing, Patrick Air Force Base, Florida and/or such persons or agencies as he/she may designate.

[74 FR 36401, July 23, 2009; 74 FR 58849, Nov. 16, 2009]

§ 334.600 TRIDENT Basin adjacent to Canaveral Harbor at Cape Canaveral Air Force Station, Brevard County, Fla.; danger zone.

(a) *The danger zone.* From the west side of the access channel at latitude 28°24'37", longitude 80°35'35" to the east side of the access channel at latitude 28°24'37", longitude 80°35'26" and the entire basin.

(b) *Regulations.* (1) No unauthorized person or vessel shall enter the area. The area will be used for loading and unloading explosives. The entrance to the basin will be marked by suitable boundary signs.

(2) The regulations will be enforced by the Commanding Officer, Naval Ordnance Test Unit, Patrick Air Force

Base, Florida, or such agencies he may designate.

[41 FR 17898, Apr. 29, 1976. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17554, Apr. 10, 1997]

§ 334.610 Key West Harbor, at U.S. Naval Base, Key West, Fla.; naval restricted areas and danger zone.

(a) *The areas.* (1) All waters within 100 yards of the south shoreline of the Harry S. Truman Annex, beginning at a point on the shore at Latitude 24°32'45.3" N., Longitude 81°47'51" W.; thence to a point 100 yards due south of the south end of Whitehead Street of Latitude 24°32'42.3" N., Longitude 81°47'51" W.; thence extending westerly, paralleling the southerly shoreline of the Harry S. Truman Annex, to Latitude 24°32'37.6" N., Longitude 81°48'32" W.; thence northerly to the shore at Latitude 24°32'41" N., Longitude 81°48'31" W. (Area #1).

(2) All waters within 100 yards of the westerly shoreline of the Harry S. Truman Annex and all waters within a portion of the Truman Annex Harbor, as defined by a line beginning on the shore at Latitude 24°33'00" N., Longitude 81°48'41.7" W.; thence to a point 100 yards due west at Latitude 24°33'00" N., Longitude 81°48'45" W.; thence northerly, paralleling the westerly shoreline of the Harry S. Truman Annex, including a portion of the Truman Annex Harbor entrance, to Latitude 24°33'23" N., Longitude 81°48'37" W.; thence southeasterly to the shore (sea wall) at Latitude 24°33'19.3" N., Longitude 81°48'28.7" W. (Area #2).

(3) All waters within 100 yards of the U.S. Coast Guard Station and the westerly end of Trumbo Point Annex beginning at the shore at Latitude 24°33'47.6" N., Longitude 81°47'55.6" W.; thence westerly to Latitude 24°33'48" N., Longitude 81°48'00.9" W.; thence due south to Latitude 24°33'45.8" N., Longitude 81°48'00.9" W.; thence westerly to Latitude 24°33'47" N., Longitude 81°48'12" W.; thence northerly to Latitude 24°34'06.2" N., Longitude 81°48'10" W.; thence easterly to a point joining the restricted area around Fleming Key at Latitude 24°34'03.3" N., Longitude 81°47'55" W. (Area #3).

(4) Beginning at the last point designated in area 3 at Latitude 24°34.0550'

§ 334.610

33 CFR Ch. II (7-1-11 Edition)

N., Longitude 81°47.9166' W.; proceed in a northwesterly direction to a point at Latitude 24°34.2725' N., Longitude 81°48.1304' W.; thence proceed in a northeasterly direction to a point at Latitude 24°34.3562' N., Longitude 81°48.0192' W.; thence proceed in a northwesterly direction to a point at Latitude 24°34.4506' N., Longitude 81°48.1444' W.; thence proceed in a northwesterly direction to a point at Latitude 24°34.5619' N., Longitude 81°48.1873' W.; thence proceed in a northeasterly direction to a point at Latitude 24°34.9084' N., Longitude 81°48.0945' W.; thence proceed in a northeasterly direction to a point at Latitude 24°34.9809' N., Longitude 81°47.9400' W.; proceed in a general northerly direction maintaining a distance of 100 yards from the shoreline of Fleming Key, continue around Fleming Key to a point easterly of the southeast corner of Fleming Key at Latitude 24°34.0133' N., Longitude 81°47.6250' W.; thence easterly to Latitude 24°33.9600' N., Longitude 81°47.3333' W.; thence southerly to a point on the shore at Latitude 24°33.9117' N., Longitude 81°47.3450' W. The Department of the Navy plans to install buoys along that portion of the restricted area boundary which marks the outer edge of the explosive hazard safety distance requirements.

(5) All waters contiguous to the southwesterly shoreline of Boca Chica Key beginning at a point on the southwest shoreline at Latitude 24°33'24" N., Longitude 81°42'30" W.; proceed due south 100 yards to Latitude 24°33'20.4" N., Longitude 81°42'30" W.; thence, maintaining a distance of 100 yards from the shoreline, proceed westerly and northerly to Latitude 24°34'03" N., Longitude 81°42'47" W.; thence due north to a point at the easterly end of the U.S. Highway 1 (Boca Chica Channel) bridge at Latitude 24°34'39" N., Longitude 81°42'47" W. (Area #5).

(6) *Danger zone.* All waters within an area along the northeast side of the Naval Air Station on Boca Chica Key defined by a line beginning at latitude 24°35.472' N., longitude 81°41.824' W.; thence proceed in a northerly direction to a point at latitude 24°36.289' N., longitude 81°41.437' W.; thence proceed westerly to a point at latitude 24°36.392'

N., longitude 81°41.970' W.; thence to a point on shore at latitude 24°35.698' N., longitude 81°41.981' W.

(b) *The Regulations:* (1) Entering or crossing Restricted Areas #1 and #4 and the Danger Zone (Area #6) described in paragraph (a) of this section, by any person or vessel, is prohibited.

(2) Privately owned vessels, properly registered and bearing identification in accordance with Federal and/or State laws and regulations may transit the following portions of restricted areas #2, #3 and #5. NOTE: All vessels entering the areas at night must display lights as required by Federal laws and Coast Guard regulations or, if no constant lights are required, then the vessel must display a bright white light showing all around the horizon.

(i) The channel, approximately 75 yards in width, extending from the northwest corner of Pier D-3 of Trumbo Point Annex, eastward beneath the Fleming Key bridge and along the north shore of Trumbo Point Annex (area #3).

(ii) A channel of 150 feet in width which extends easterly from the main ship channel into Key West Bight, the northerly edge of which channel passes 25 feet south of the Trumbo Point Annex piers on the north side of the Bight. While the legitimate access of privately owned vessels to facilities of Key West Bight is unimpeded, it is prohibited to moor, anchor, or fish within 50 feet of any U.S. Government-owned pier or craft (area #3).

(iii) The dredged portion of Boca Chica channel from its seaward end to a point due south of the east end of the Boca Chica Bridge (area #5).

(iv) All of the portion of Restricted Area No. 2 that lies between the Truman Annex Mole and the Key West Harbor Range Channel. The transit zone extends to the northeasterly corner of the Truman Annex Mole, thence to the northwesterly end of the breakwater at Latitude 24°33'21.3" N, Longitude 81°48'32.7" W.

(3) Stopping or landing by any person and/or any vessel, other than Government-owned vessels and specifically authorized private craft in any of the restricted areas or danger zone described in paragraph (a) of this section is prohibited.

(4) Vessels using the restricted channel areas described in paragraph (b)(2) (i), (ii), (iii), and (iv) of this section shall proceed at speeds commensurate with minimum wake.

(c) The regulations in this section shall be enforced by the Commanding Officer, Naval Air Station, Key West, Florida, and such agencies as he/she may designate.

[54 FR 7033, Feb. 16, 1989, as amended at 59 FR 48802, Sept. 23, 1994; 62 FR 17554, Apr. 10, 1997; 70 FR 67371, Nov. 7, 2005; 72 FR 44973, Aug. 10, 2007]

§ 334.620 Straits of Florida and Florida Bay in vicinity of Key West, Fla.; operational training area, aerial gunnery range, and bombing and strafing target areas, Naval Air Station, Key West, Fla.

(a) *The danger zones*—(1) *Operational training area.* Waters of the Straits of Florida and Gulf of Mexico southwest, west and northwest of Key West bounded as follows: Beginning at latitude 25°45'00", longitude 82°07'00"; thence southeast to latitude 24°49'00", longitude 81°55'00"; thence southwest to latitude 24°37'30", longitude 82°00'30"; thence westerly to latitude 24°37'30", longitude 82°06'00"; thence southerly to latitude 24°28'30", longitude 82°06'00"; thence southerly to latitude 24°25'00", longitude 82°06'30"; thence easterly to latitude 24°25'00", longitude 81°57'00"; thence southwesterly to latitude 23°30'00", longitude 82°19'00"; thence westerly to latitude 23°30'00", longitude 82°46'00"; thence northwesterly to latitude 23°52'30", longitude 83°11'00"; thence northerly to latitude 24°25'00", longitude 83°11'00"; thence easterly to latitude 24°25'00", longitude 83°08'00"; thence clockwise along the arc of a circle with a radius of 92 miles centered at latitude 24°35'00", longitude 81°41'15" to latitude 25°45'05", longitude 82°23'30"; thence east to point of beginning.

(2) *Bombing and strafing target areas.*

(i) A circular area immediately west of Marquesas Keys with a radius of two nautical miles having its center at latitude 24°33.4' and longitude 82°10.9', not to include land area and area within Marquesas Keys. The target located within this area, a grounded LSIL will be used for bombing and aircraft rocket exercises.

(ii) A circular area located directly west of Marquesas Keys with a radius of three statute miles having its center at latitude 24°35.6' and longitude 82°11.6', not to include land area within Marquesas Keys. The targets located within this area, pile-mounted platforms, will be used as high altitude horizontal bombing range utilizing live ordnance up to and including 1,800 pounds of high explosives. In general, these explosives will be of an air-burst type, above 1,500 feet.

(iii) A circular area located west of Marquesas Keys with a radius of two nautical miles having its center at latitude 24°34'30" and longitude 82°14'00".

(b) *The regulations.* (1) In advance of scheduled air or surface operations which, in the opinion of the enforcing agency, may be dangerous to watercraft, appropriate warnings will be issued to navigation interests through official government and civilian channels or in such other manner as the District Engineer, Corps of Engineers, Jacksonville, Florida, may direct. Such warnings will specify the location, type, time, and duration of operations, and give such other pertinent information as may be required in the interests of safety.

(2) Watercraft shall not be prohibited from passing through the operational training area except when the operations being conducted are of such nature that the exclusion of watercraft is required in the interest of safety or for accomplishment of the mission, or is considered important to the national security.

(3) When the warning to navigation interests states that bombing and strafing operations will take place over the designated target areas or that other operations hazardous to watercraft are proposed to be conducted in a specifically described portion of the overall area, all watercraft will be excluded from the target area or otherwise described zone of operations and no vessel shall enter or remain therein during the period operations are in progress.

(4) Aircraft and naval vessels conducting operations in any part of the operational training area will exercise caution in order not to endanger watercraft. Operations which may be

§ 334.630

dangerous to watercraft will not be conducted without first ascertaining that the zone of operations is clear. Any vessel in the zone of operations will be warned to leave and upon being so warned the vessel shall leave immediately.

(5) The regulations in this section shall be enforced by the Commandant, Sixth Naval District, Charleston, S.C., and such agencies as he may designate.

[26 FR 11197, Nov. 28, 1961, as amended at 27 FR 2508, Mar. 16, 1962; 31 FR 13129, Oct. 11, 1966. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.630 Tampa Bay south of MacDill Air Force Base, Fla.; small-arms firing range and aircraft jettison, U.S. Air Force, MacDill Air Force Base.

(a) *The danger zone.* Shoreward of a line beginning at latitude 27°49'27.38", longitude 82°29'35.83"; thence to latitude 27°49'20.14", longitude 82°29'42.78"; thence to latitude 27°48'44.82", longitude 82°31'10.0"; thence to latitude 27°49'09.35", longitude 82°32'24.56"; thence to latitude 27°49'38.62", longitude 82°33'02.44"; and thence to a point on the shore line of MacDill Air Force Base at latitude 27°50'28.57", longitude 82°32'15.0". The area will be marked by suitable boundary signs or buoys.

(b) *The regulations.* (1) All persons, vessels and other watercraft are prohibited from entering the danger zone at all times.

(2) Advance notice will be given of the date on which the first firing practice shall begin. At intervals of not more than three months thereafter, notice will be sent out that firing practice is continuing. Such notices will appear in local newspapers and in "Notice to Mariners."

(3) The regulations in the section shall be enforced by the proper Air Force Authority at MacDill Air Force Base.

[13 FR 9559, Dec. 31, 1948. Redesignated at 14 FR 4904, August 9, 1949, and amended at 30 FR 884, Jan. 28, 1965. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17554, Apr. 10, 1997]

33 CFR Ch. II (7-1-11 Edition)

§ 334.635 Hillsborough Bay and waters contiguous to MacDill Air Force Base, Fla.; restricted area.

(a) *The area.* The restricted area shall encompass all navigable waters of the United States, as defined at 33 CFR 329, within the following boundaries. Commencing from the shoreline at the northeast portion of the base at latitude 27°51'52.901" N., longitude 82°29'18.329" W., thence directly to latitude 27°52'00.672" N., longitude 82°28'51.196" W., thence directly to latitude 27°51'28.859" N., longitude 82°28'10.412" W., thence directly to latitude 27°51'01.067" N., longitude 82°27'45.355" W., thence directly to latitude 27°50'43.248" N., longitude 82°27'36.491" W., thence directly to latitude 27°50'19.817" N., longitude 82°27'35.466" W., thence directly to latitude 27°49'38.865" N., longitude 82°27'43.642" W., thence directly to latitude 27°49'20.204" N., longitude 82°27'47.517" W., thence directly to latitude 27°49'06.112" N., longitude 82°27'52.750" W., thence directly to latitude 27°48'52.791" N., longitude 82°28'05.943" W., thence directly to latitude 27°48'45.406" N., longitude 82°28'32.309" W., thence directly to latitude 27°48'52.162" N., longitude 82°29'26.672" W., thence directly to latitude 27°49'03.600" N., longitude 82°30'23.629" W., thence directly to latitude 27°48'44.820" N., longitude 82°31'10.000" W., thence directly to latitude 27°49'09.350" N., longitude 82°32'24.556" W., thence directly to latitude 27°49'38.620" N., longitude 82°33'02.444" W., thence directly to latitude 27°49'56.963" N., longitude 82°32'45.023" W., thence directly to latitude 27°50'05.447" N., longitude 82°32'48.734" W., thence directly to latitude 27°50'33.715" N., longitude 82°32'45.220" W., thence directly to a point on the western shore of the base at latitude 27°50'42.836" N., longitude 82°32'10.972" W. The restricted area will encompass an existing Danger Zone (§ 334.630).

(b) *The regulations.* (1) All persons, vessels, and other craft are prohibited from entering, transiting, anchoring, or drifting within the area described in paragraph (a) of this section for any reason without the permission of the Commander, MacDill Air Force Base,

Florida, or his/her authorized representative.

(2) The restriction noted in paragraph (b)(1) of this section is in effect 24 hours a day, 7 days a week.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commander, MacDill Air Force Base, Florida, and/or such persons or agencies as he/she may designate.

[70 FR 67371, Nov. 7, 1005]

§ 334.640 Gulf of Mexico south of Apalachee Bay, Fla.; Air Force rocket firing range.

(a) *The danger zone.* An area about 45 statute miles wide and 60 statute miles long, approximately parallel to and about 30 miles off the west coast of Florida, south of Apalachee Bay. The area is bounded as follows: Beginning at latitude 29°42'30", longitude 84°40'00"; thence east along latitude 29°42'30" to longitude 84°00'00"; thence southeast to latitude 28°56'00", longitude 83°31'00"; thence southwest to latitude 28°37'00", longitude 84°11'00"; thence northwest to latitude 29°17'30", longitude 84°40'00"; thence northwest to latitude 29°32'00", longitude 85°00'00"; thence northeast along a line three miles off the meanderings of the shore to the point of beginning.

(b) *The regulations.* (1) The fact that aerial rocket firing will be conducted over the danger zone will be advertised to the public through the usual media for the dissemination of information. Inasmuch as such firing is likely to be conducted during the day or night throughout the year without regard to season, such advertising of firing will be repeated at intervals not exceeding three months and at more frequent intervals when in the opinion of the enforcing agency, repetition is necessary in the interest of public safety.

(2) Prior to the conduct of rocket firing, the area will be patrolled by surface patrol boat and/or patrol aircraft to insure that no persons or watercraft are within the danger zone and to warn any such persons or watercraft seen in the vicinity that rocket firing is about to take place in the area. When aircraft is used to patrol the area, low flight of the aircraft across the bow will be used as a signal or warning.

(3) Any such person or watercraft shall, upon being so warned, immediately leave the area, and until the conclusion of the firing shall remain at such a distance that they will be safe from the fallout resulting from such rocket firing.

(4) The regulations in this section shall not deny access to or egress from harbors contiguous to the danger zone in the case of regular passenger or cargo carrying vessels proceeding to or from such harbors. In the case of the presence of any such vessel in the danger zone the officer in charge shall cause the cessation or postponement of fire until the vessel shall have cleared that part of the area in which it might be endangered by the fallout. The vessel shall proceed on its normal course and shall not delay its progress unnecessarily. Masters are requested to avoid the danger zone whenever possible so that interference with firing training may be minimized.

(c) The regulations in this section shall be enforced by the Commander, Moody Air Force Base, Valdosta, Georgia, and such agencies as he may designate.

[21 FR 2944, May 3, 1956, as amended at 22 FR 3755, May 29, 1957. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17554, Apr. 10, 1997]

§ 334.650 Gulf of Mexico, south of St. George Island, Fla.; test firing range.

(a) *The danger zone.* A fan-shaped area bounded as follows:

| | Latitude | Longitude |
|------------------|-----------|-----------|
| NW corner— | 29°35'15" | 85°03'12" |
| SW corner— | 29°31'18" | 85°07'31" |
| SE corner— | 29°30'18" | 84°59'18" |
| NE corner— | 29°35'09" | 85°01'53" |

The seaward end of the area is an arc with a 10,500 meter radius with its center located on the south shore line of St. George Island 1,500 feet east of Cape St. George Light.

(b) *The regulations.* (1) The area shall be used from sunrise to sunset daily Mondays through Fridays for test firing helicopter armament.

(2) During firing, the entire area plus 5 miles beyond in all directions shall be kept under surveillance by one control helicopter equipped with FM and UHF

§ 334.660

33 CFR Ch. II (7-1-11 Edition)

communications to the Safety Office at range control to insure cease fire if an aircraft or surface vessel is observed approaching the area.

(3) The regulations in this section shall be enforced by the Commanding Officer, U.S. Army Aviation Test Board, Fort Rucker, Ala., and such agencies as he may designate.

[33 FR 4464, Mar. 13, 1968, as amended at 36 FR 15528, Aug. 17, 1971. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.660 Gulf of Mexico and Apalachicola Bay south of Apalachicola, Fla., Drone Recovery Area, Tyndall Air Force Base, Fla.

(a) *The restricted area.* A rectangular area excluding St. George Island with the eastern boundary of the area west of the channel through St. George Island within the following co-ordinates: Beginning at a point designated as the northeast corner latitude 29°38'20" N, longitude 84°58'30" W; thence southeast to latitude 29°35'23" N, longitude 84°56'54" W; thence southwest to latitude 29°34'15" N, longitude 85°00'35" W; thence northwest to latitude 29°37'10" N, longitude 85°02'00" W; thence northeast to point of beginning.

(b) *The regulations.* (1) The area will be used twice daily and during usage will be restricted to navigation for a period of one hour. It may be used freely at all other times.

(2) Patrol boats and aircraft will warn all persons and navigation out of the area before each testing period.

(3) The regulations in this section shall be enforced by the Commander, Headquarters 4756th Air Defense Wing (Weapons) U. S. Air Force, Tyndall Air Force Base, Florida, and such other agencies as he may designate.

[23 FR 5507, July 19, 1958, as amended at 23 FR 6555, Aug. 23, 1958. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17555, Apr. 10, 1997]

§ 334.670 Gulf of Mexico south and west of Apalachicola, San Blas, and St. Joseph bays; air-to-air firing practice range, Tyndall Air Force Base, Fla.

(a) *The danger zone.* Beginning at latitude 29°40'00", longitude 85°21'30", in the vicinity of Cape San Blas; thence southeasterly to latitude 29°23'00", lon-

gitude 84°39'00"; thence southwesterly to latitude 28°39'00", longitude 84°49'00"; thence northwesterly to latitude 29°43'00", longitude 85°53'00"; thence northeasterly to latitude 29°56'30", longitude 85°38'30"; and thence southeasterly to the point of beginning.

(b) *The regulations.* (1) Air-to-air firing practice will ordinarily take place in the area during the hours of daylight, seven days per week. During periods of firing, passage through the area will not be denied to cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within the danger area, the officer in charge of firing practice operations will cause the cessation or postponement of fire until the vessel has cleared that part of the area within range of the weapons being used. The vessel shall proceed on its normal course and not delay its progress.

(2) All persons and vessels will be warned to leave the danger area during firing practice by surface patrol boat and/or patrol aircraft. When aircraft is used to patrol the area, low flight of the aircraft overhead and/or across the bow will be used as a signal or warning. Upon being so warned all persons and vessels shall clear the area immediately.

(3) The area will be open to all vessels whenever firing practice is not being conducted.

(4) The regulations in this section shall be enforced by the Commanding Officer, Tyndall Air Force Base, Florida, and such agencies as he may designate.

[16 FR 7460, July 31, 1951, as amended at 22 FR 3755, May 29, 1957. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17555, Apr. 10, 1997; 62 FR 24034, May 2, 1997]

§ 334.680 Gulf of Mexico, southeast of St. Andrew Bay East Entrance, small-arms firing range, Tyndall Air Force Base, Fla.

(a) *The danger zones*—(1) *Area No. 1.* The waters of the Gulf of Mexico, southeast of St. Andrew Bay East Entrance within a rectangular area beginning at a point on shore at latitude 30°04'32", longitude 85°37'07"; thence to latitude 30°03'03", longitude 85°38'42"; thence to latitude 30°02'14", longitude

85°37'15"; thence to a point on shore at latitude 30°04'13", longitude 85°36'47"; thence along the shoreline to the point of beginning.

(2) *Area No. 2.* The waters of the Gulf of Mexico and St. Andrew Sound within an area described as follows, but excluding Crooked Island: Beginning at a point on shore at latitude 30°02'56", longitude 85°34'35"; thence to latitude 30°02'18", longitude 85°36'18"; thence to latitude 30°01'24", longitude 85°35'40"; thence to latitude 30°00'45", longitude 85°34'41"; thence to a point on shore at latitude 30°02'10", longitude 85°33'42"; thence along the shore line to the point of beginning.

(b) *The regulations.* (1) No person, vessel or other watercraft shall enter or remain in the areas during periods of firing. Area No. 1 will be used for firing practice between 6:30 a.m. and 5:00 p.m., as scheduled, Monday through Friday, with possibly some sporadic firings on Saturdays and Sundays. A 10' × 18' red flag will be displayed on a pole at the shoreline whenever firing is in progress.

(2) Area No. 2 will be operated on a sporadic schedule, with firings likely each day including Saturdays, Sundays, and holidays, between the hours of 6:00 a.m. and 5:00 p.m. A 10' × 18' red flag will be displayed on a pole at the shore line whenever firing is in progress.

(3) The regulations in this section shall be enforced by the Commanding Officer, Tyndall Air Force Base, Florida, and such agencies as he may designate.

(Sec. 7, 40 Stat. 266, Chap. XIX, 40 Stat. 892; (33 U.S.C. 1, 3))

[28 FR 3394, Apr. 6, 1963, as amended at 30 FR 16267, Dec. 30, 1965; 39 FR 44752, Dec. 27, 1974. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17555, Apr. 10, 1997]

§ 334.690 [Reserved]

§ 334.700 Choctawhatchee Bay, aerial gunnery ranges, Air Proving Ground Center, Air Research and Development Command, Eglin Air Force Base, Fla.

(a) *The danger zones—*(1) *Aerial gunnery range in west part of Choctawhatchee Bay.* The waters of Choctawhatchee Bay within an area de-

scribed as follows: Beginning at a point on the west shore at latitude 30°28'30", longitude 86°30'00"; thence southeasterly to latitude 30°25'30", longitude 86°21'30"; thence southwesterly to a point on the south shore at latitude 30°23'30", longitude 86°23'00"; thence northwesterly to a point on the south shore at latitude 30°24'00", longitude 86°25'00"; and thence northwesterly to the point of beginning; excluding that part of the area included within the aerial gunnery range along the north shore of Choctawhatchee Bay (described in paragraph (a)(2) of this section).

(2) *Aerial gunnery range along north shore of Choctawhatchee Bay.* The waters of Choctawhatchee Bay within an area described as follows: Beginning at a point in the waters of Choctawhatchee Bay at latitude 30°26'00", longitude 86°25'30"; thence north to the shore at longitude 86°25'30"; thence southeasterly and northeasterly along the shore to longitude 86°15'00"; thence south to latitude 30°26'29", longitude 86°15'00"; thence southwesterly to latitude 30°26'12", longitude 86°20'35"; thence north to latitude 30°26'57", longitude 86°20'35"; thence southwesterly to the point of beginning.

(b) *The regulations—*(1) *Aerial gunnery ranges.* (i) The aerial gunnery range in the west part of Choctawhatchee Bay (described in paragraph (a)(1) of this section) may be used by persons and watercraft except during periods when firing is conducted. During these periods, firing will be controlled by observation posts, and persons and watercraft will be warned by patrol boats. During periods of firing, traverse of this area shall not be denied to regular cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within the area, the officer in charge of gunnery operations will cause the cessation or postponement of fire until the vessel has cleared that part of the area within the range of the weapons being used. The vessel shall proceed on its normal course and shall not delay its progress.

(ii) No person, vessel or other craft shall enter or remain within the aerial gunnery range along the north shore of

§ 334.710

Choctawhatchee Bay (described in paragraph (a)(2) of this section) at any time.

(2) *Enforcing Agency.* The regulations in this section shall be enforced by the Commander, Air Proving Ground Center, Eglin AFB, and such agencies as he may designate.

[26 FR 11197, Nov. 28, 1961. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17555, Apr. 10, 1997]

§ 334.710 **The Narrows and Gulf of Mexico adjacent to Santa Rosa Island, Air Force Proving Ground Command, Eglin Air Force Base, Fla.**

(a) *The restricted area.* The waters of The Narrows and the Gulf of Mexico easterly of the periphery of a circular area 5 nautical miles in radius, centered at latitude 30°23'10.074", longitude 86°48'25.433" (USC&GS Station Tuck 3), within the segment of a circle, 3 nautical miles in radius, centered at latitude 30°24'00", longitude 86°41'47".

(b) *The regulations.* (1) The area will be used intermittently during daylight hours. During periods of use the entry into the area will be prohibited to all persons and navigation.

(2) The regulations in this section shall be enforced by the Commander, Air Force Proving Ground Command, Eglin Air Force Base, Florida, and such agencies as he may designate.

[23 FR 8061, Oct. 18, 1958. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17555, Apr. 10, 1997]

§ 334.720 **Gulf of Mexico, south from Choctawhatchee Bay; guided missiles test operations area, Headquarters Air Proving Ground Command, U.S. Air Force, Eglin Air Force Base, Fla.**

(a) *The danger zone.* The waters of the Gulf of Mexico south from Choctawhatchee Bay within an area described as follows: Beginning at a point five nautical miles southeasterly from USC&GS Station Tuck 3, at latitude 30°23'10.074", longitude 86°48'25.433", three nautical miles offshore of Santa Rosa Island; thence easterly three nautical miles offshore and parallel to shore, to a point south of Apalachicola Bay, Florida, latitude 29°32'00", longitude 85°00'00"; thence southeasterly to latitude 29°17'30", longitude 84°40'00";

33 CFR Ch. II (7-1-11 Edition)

thence southwesterly to latitude 28°40'00", longitude 84°49'00"; thence southeasterly to latitude 28°10'00", longitude 84°30'00"; thence 270° true to longitude 86°48'00"; thence due north along longitude 86°48'00" to the intersection of the line with a circle of five nautical miles radius centered on USC&GS Station Tuck 3, at latitude 30°23'10.074", longitude 86°48'25.433", thence northeasterly along the arc of the circle to the point of beginning.

(b) *The regulations.* (1) The area will be used intermittently during daylight hours for a week or 10 days at a time. Firing will take place once or twice a day for periods ordinarily of not more than one hour. Advance notice of such firings will be published in local newspapers and in such other manner as the District Engineer, Corps of Engineers, Mobile, Alabama, may direct.

(2) During periods of firing, passage through the area will not be denied to cargo-carrying or passenger-carrying vessels or tows proceeding on established routes. In case any such vessel is within the danger area, the officer in charge of firing operations will cause the cessation or postponement of fire until the vessel shall have cleared the portion of the danger area involved. The entire area involved will be under constant observation of both surface patrol vessels and air patrol planes prior to and during periods of firing and notice will be given to vessels and tows of intention to fire by buzzing low over the vessel, upon which signal vessels and tows shall proceed on their established course promptly and clear the area as soon as possible.

(3) All person and vessels exclusive of those identified in paragraph (b)(2) of this section will be warned to leave the immediate danger area during firing periods by surface patrol craft. Upon being so warned, such persons and vessels shall clear the area immediately. Such periods normally will not exceed two hours.

(4) The regulations in this section shall be enforced by the Commanding Officer, Air Force Proving Ground

Corps of Engineers, Dept. of the Army, DoD

§ 334.750

Command, Eglin Field, Florida, and such agencies as he may designate.

[16 FR 2723, Mar. 29, 1951, as amended at 22 FR 8982, Nov. 8, 1957. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17555, Apr. 10, 1997]

§ 334.730 Waters of Santa Rosa Sound and Gulf of Mexico adjacent to Santa Rosa Island, Air Force Proving Ground Command, Eglin Air Force Base, Fla.

(a) *The danger zones*—(1) *Prohibited area.* Waters of Santa Rosa Sound and Gulf of Mexico within a circle one nautical mile in radius, centered at latitude 30°23'10.074", longitude 86°48'25.433" (USC&GS Station Tuck 3). The portion of the area in Santa Rosa Sound includes the Gulf Intracoastal Waterway between miles 209.6 and 211.4 from Harvey Lock, Louisiana.

(2) *Restricted area.* The waters of Santa Rosa Sound and Gulf of Mexico surrounding the prohibited area described in paragraph (a)(1) of this section, within a circle five nautical miles in radius centered at latitude 30°23'10.074", longitude 86°48'25.433" (USC&GS Station Tuck 3). The portion of the area in Santa Rosa Sound includes the Gulf Intracoastal Waterway between miles 334.6 and 216.4 from Harvey Lock, Louisiana.

(b) *The regulations.* (1) Experimental test operations will be conducted by the U.S. Air Force within the prohibited area on an intermittent basis. Such test operations shall not exceed one hour, and shall not occur more than twice weekly.

(2) No person, vessel or other watercraft shall enter the prohibited area, except to navigate the Gulf Intracoastal Waterway. Such vessels and other watercraft shall confine their movements to the waters within the limits of the Intracoastal Waterway and shall make the passage as promptly as possible under normal vessel speed.

(3) During periods when experimental test operations are underway no person, vessel or other watercraft shall enter or navigate the waters of the restricted area.

(4) Warning signs will be erected on the shore lines of Santa Rosa Sound

and the Gulf of Mexico to mark the limits of the respective areas.

(5) The regulations in this section shall be enforced by the Commander, Headquarters Air Proving Ground Command, Eglin Air Force Base, Florida, and such agencies as he may designate.

[22 FR 609, Jan. 30, 1957, as amended at 23 FR 8061, Oct. 18, 1958; 23 FR 9031, Nov. 20, 1958. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17555, Apr. 10, 1997; 62 FR 24034, May 2, 1997]

§ 334.740 Weekley Bayou, an arm of Boggy Bayou, Fla., at Eglin Air Force Base; restricted area.

(a) *The area.* All waters of Weekley Bayou west of a line drawn between latitude 30°28'57", longitude 86°29'03", and latitude 30°28'58", longitude 86°29'06", said line crossing the Bayou approximately 225 yards above its mouth.

(b) *The regulations.* (1) No person or vessel shall enter the area without the permission of the Commander, Eglin Air Force Base, Florida, or his authorized representative.

(2) The regulations in this section shall be enforced by the Commander, Eglin Air Force Base, Florida, or such agencies as he may designate.

[25 FR 8379, Sept. 1, 1960. Redesignated at 30 FR 6161, May 1, 1965. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17555, Apr. 10, 1997]

§ 334.750 Ben's Lake, a tributary of Choctawhatchee Bay, Fla., at Eglin Air Force Base; restricted area.

(a) *The area.* All waters of Ben's Lake including the channel connecting it with Choctawhatchee Bay.

(b) *The regulations.* (1) No person or vessel shall enter the area or navigate therein, without the permission of the Commander, Eglin Air Force Base, Florida, or his authorized representative.

(2) These regulations shall be enforced by the Commander, Eglin Air Force Base, Florida, or such agencies as he may designate.

[28 FR 1541, Feb. 19, 1963, as amended at 30 FR 6161, May 1, 1965. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17555, Apr. 10, 1997; 62 FR 24034, May 2, 1997]

§ 334.760

§ 334.760 Naval Support Activity Panama City and Alligator Bayou, a tributary of St. Andrew Bay, Fla.; naval restricted area.

(a) *The area.* The waters within an area beginning at a point located along the shore at the southern end of the facility designated by latitude 30°09'45.6" N., longitude 85°44'20.6" W.; thence proceed 100 feet waterward of the mean high water line directly to a point at latitude 30°09'46.8" N., longitude 85°44'20.6" W. From this position the line meanders irregularly, following the shoreline at a minimum distance of 100 feet from the mean high water line to a point at latitude 30°10'16.7" N., longitude 85°45'01.2" W. located east of the south side of the entrance to Alligator Bayou; thence directly across the entrance to a point at latitude 30°10'23.4" N., longitude 85°45'05.7" W. located east of the north side of the entrance to Alligator Bayou; thence continuing the northerly meandering, following the shoreline at a minimum distance of 100 feet from the mean high water line to a point at latitude 30°11'11.3" N., longitude 85°45'02.8" W.; thence directly to the shoreline at a point at latitude 30°11'12.3" N., longitude 85°45'03.2" W. This encompasses an area reaching from the southern extent described to the northern extent described and extending from the mean high water line waterward a minimum distance of approximately 100 feet.

(b) *The regulations.* (1) No vessel, person, or other craft shall enter, transit, anchor, drift or otherwise navigate within the area described in paragraph (a) of this section for any reason without written permission from the Officer in Charge, Naval Support Activity Panama City, Panama City Beach, Florida, or his/her authorized representative.

(2) The restriction noted in paragraph (b)(1) of this section is in effect 24 hours a day, 7 days a week.

(3) The regulations in this section shall be enforced by the Officer in Charge, Naval Support Activity Panama City, Panama City Beach Florida, and such agencies as he/she may designate.

[70 FR 67372, Nov. 7, 2005]

33 CFR Ch. II (7-1-11 Edition)

§ 334.761 Naval Support Activity Panama City; St. Andrews Bay; restricted areas.

(a) *The areas*—(1) *Area AP-1.* The area is bounded by a line connecting the following coordinates (listed by latitude, then longitude): Northwest point—30°10'00" N, 085°44'37" W; Northeast point—30°10'00" N, 085°43'17" W; Southeast point—30°09'51" N, 085°43'17" W; Southwest point—30°09'50" N, 085°44'32" W; following mean high waterline to 30°09'57.5" N, 085°44'37" W; then northerly to point of origin.

(2) *Area BA-1.* The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude): Northwest point—30°11'14" N, 085°44'59" W; Northeast point—30°11'13" N, 085°44'32" W; Southeast point—30°10'32" N, 085°44'32" W; Southwest point—30°10'32" N, 085°44'59" W, then northerly to point of origin.

(3) *Area BA-2.* The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude): Northwest point—30°11'13" N, 085°44'32" W; Northeast point—30°11'07" N, 085°44'01" W; Southeast point—30°10'32" N, 085°44'00" W; Southwest point—30°10'32" N, 085°44'32" W, then northerly to point of origin.

(4) *Area BA-3.* The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude): Northwest point—30°10'32" N, 085°44'59" W; Northeast point—30°10'32" N, 085°44'09" W; Southeast point—30°10'00" N, 085°44'09" W; Southwest point—30°10'01" N, 085°44'41" W, then northerly to point of origin.

(5) *Area BA-4.* The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude): Northwest point—30°10'32" N, 085°44'09" W; Northeast point—30°10'32" N, 085°42'35" W; Southeast point—30°10'00" N, 085°42'35" W; Southwest point—30°10'00" N, 085°44'09" W, then northerly to point of origin.

(6) *Area BA-5.* The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude): North point—30°08'41" N, e 085°41'25" W; East point—30°08'08" N, 085°40'48" W; South point—30°07'00" N, 085°42'29" W; West point—30°07'31" N, 085°43'09" W, then northerly to point of origin.

(b) *The restrictions.* (1) For the purposes of this section, “military security zones” are specific portion/s within any of the restricted areas identified in this section that are defined by the safety vessels accompanying each training exercise. The mission of the safety vessels is to maximize safety conditions for both military and civilian personnel during exercises conducted within the restricted area by intercepting any waterbased activity occurring within the active military security zone/s and offering navigational advice to ensure the activity remains clear of the exercise.

(2) All areas identified in this section have the potential to be active at any time. The normal/routine activation of any area will be noticed to the public via a General Local Notice to Mariners. Activation of any area for significant exercises and training events will be noticed, in advance and during the event, to the public via Notice to Mariners and Broadcast Notice to Mariners.

(3) *Area AP-1.* All persons, vessels, and other craft are prohibited from entering, transiting, anchoring, or drifting within the military security zone/s established in the restricted area during training events.

(4) *Areas BA-1 through BA-5.* All persons, vessels, and other craft are prohibited from entering, transiting, anchoring, or drifting within the military security zone/s established in the restricted area during training events.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commanding Officer, Naval Support Activity, Panama City Florida, and such agencies as he/she may designate.

[73 FR 52927, Sept. 12, 2008, as amended at 74 FR 11481, Mar. 18, 2009]

§ 334.762 Naval Support Activity Panama City; North Bay and West Bay; restricted areas.

(a) *The areas—(1) Area NB-1.* The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude): Northwest point—30°12'16" N, 085°44'14" W; Northeast point—30°12'16" N, 085°43'01" W; Southeast point—30°11'16" N, 085°44'14" W; Southwest point—30°11'17" N, 085°44'49" W, then northerly to point of origin.

(2) *Area NB-2.* The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude): Northwest point—30°14'00" N, 085°44'14" W; Northeast point—30°14'00" N, 085°41'51" W; Southeast point—30°12'16" N, 085°43'01" W; Southwest point—30°12'16" N, 085°44'14" W, then northerly to point of origin.

(3) *Area NB-3.* The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude): North point—30°17'02" N, 085°45'34" W; East point—30°14'56" N, 085°43'45" W; South point—30°14'01" N, 085°44'59" W; West point—30°16'10" N, 085°46'52" W, then northerly to point of origin.

(b) *The restrictions.* (1) For the purposes of this section, “military security zones” are specific portion/s within any of the restricted areas identified in this section that are defined by the safety vessels accompanying each training exercise. The mission of the safety vessels is to maximize safety conditions for both military and civilian personnel during exercises conducted within the restricted area by intercepting any waterbased activity occurring within the active military security zone/s and offering navigational advice to ensure the activity remains clear of the exercise.

(2) All areas identified in this section have the potential to be active at any time. The normal/routine activation of any area will be noticed to the public via a General Local Notice to Mariners. Activation of any area for significant exercises and training events will be noticed, in advance and during the event, to the public via Notice to Mariners and Broadcast Notice to Mariners.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commanding Officer, Naval Support Activity, Panama City Florida, and such agencies as he/she may designate.

[73 FR 52927, Sept. 12, 2008]

§ 334.763 Naval Support Activity Panama City; Gulf of Mexico; restricted area.

(a) *The area.* The area is bounded by a line directly connecting the following coordinates (listed by latitude, then longitude): North point—30°10'29" N, 085°48'20" W; East point—30°07'58" N,

§ 334.770

085°44'44" W; South point—30°05'24" N, 085°47'29" W; West point—30°07'55" N, 085°51'05" W, then northerly to point of origin.

(b) *The restrictions.* (1) For the purposes of this section, "military security zones" are specific portion/s within any of the restricted areas identified in this section that are defined by the safety vessels accompanying each training exercise. The mission of the safety vessels is to maximize safety conditions for both military and civilian personnel during exercises conducted within the restricted area by intercepting any waterbased activity occurring within the active military security zone/s and offering navigational advice to ensure the activity remains clear of the exercise.

(2) All areas identified in this section have the potential to be active at any time. The normal/routine activation of any area will be noticed to the public via a General Local Notice to Mariners. Activation of any area for significant exercises and training events will be noticed, in advance and during the event, to the public via Notice to Mariners and Broadcast Notice to Mariners.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commanding Officer, Naval Support Activity, Panama City Florida, and such agencies as he/she may designate.

[73 FR 52923, Sept. 12, 2008]

§ 334.770 Gulf of Mexico and St. Andrew Sound, south of East Bay, Fla., Tyndall Drone Launch Corridor, Tyndall Air Force Base, Fla.; restricted area.

(a) *The area.* The waters of the Gulf of Mexico and St. Andrew Sound within an area described as follows, including Crooked Island: Beginning at a point on shore at latitude 30°01'30", longitude 85°32'30", thence to latitude 30°00'58", longitude 85°33'38", thence to latitude 29°56'38", longitude 85°33'38", thence to latitude 29°55'15", longitude 85°31'21", thence to a point on shore at latitude 30°00'58", longitude 85°31'21", thence northwest to the point of beginning. This area will be referred to as the "Tyndall Drone Launch Corridor."

(b) *The regulations.* (1) Military usage of areas is Monday through Friday between the hours of 7 a.m. and 5 p.m.

33 CFR Ch. II (7-1-11 Edition)

(2) Vessels are allowed to enter and remain in this area provided they have operational communication equipment capable of monitoring VHF Marine frequency Channel 16, (156.80 MHz). In the event the Marine radio equipment is not installed on the vessel, CB equipment with Channel 13 (27.115 MHz) will be used as an alternate means of communications. Warnings will be broadcast by the Air Force on Channel 16 (156.80 MHz) and Channel 13 (27.115 MHz) using the following sequence:

(i) Announcement 90 minutes prior to drone launch.

(ii) Announcement 60 minutes prior to drone launch.

(iii) Announcement of drone launch or drone cancelled, and the expected time of the drone launch. Upon receipt of the drone warning on either Channel 16 (156.80 MHz) or Channel 13 (27.115 MHz), vessels will take the necessary action to vacate the drone launch corridor not later than 60 minutes prior to expected drone launch.

(3) Vessels are authorized direct movement without stopping through this area at any time unless warned by helicopter or patrol boat.

(4) The area will be patrolled by helicopter/vessels during periods of hazardous military activity. Verbal warnings or instructions issued by these craft will be strictly adhered to.

(5) The regulations in this section shall be enforced by the Commanding Officer, Tyndall Air Force Base, Florida, and such agencies as he may designate.

(Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

[40 FR 8949, Mar. 4, 1975; 40 FR 10988, Mar. 10, 1975. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.775 Naval Air Station Pensacola, Pensacola Bay, Pensacola and Gulf Breeze, Fla.; naval restricted area.

(a) *The areas.* (1) Bounded by a line drawn in the direction of 180° T from the position latitude 30°20'44" N., longitude 87°17'18" W. (near the Naval Air Station, due south of the Officer's Club) to position latitude 30°20'09" N., longitude 87°17'18" W. thence 94° T to position latitude 30°20'07" N., longitude 87°16'41" W., thence 49° T to position latitude 30°20'37" N., longitude 87°16'01" W. (southwest end of Lexington finger

pier), thence along the shoreline to point of origin.

(2) The waters within an area enclosed by the following points: Beginning at latitude 30°21.58' N., longitude 87°12.49' W.; thence to latitude 30°20.25' N., longitude 87°11.00' W.; thence to latitude 30°20.28' N., longitude 87°14.27' W.; thence to the point of beginning. This encompasses a large triangular area north of Santa Rosa Island and west of the land area between Fair Point and Deer Point.

(b) *The restrictions.* (1) The area described in paragraph (a)(1) of this section will normally be in use Monday through Wednesday between 8 a.m. and 4 p.m. and one evening from 4 p.m. until 8 p.m., every other week.

(2) The area described in paragraph (a)(2) of this section will normally be utilized Wednesday through Friday between 8 a.m. and 4 p.m. for parasail operations.

(3) During those times that specific missions, exercises, or training operations are being conducted, the U.S. Navy vessels and/or crafts designated as essential to the operation(s) by proper U.S. Navy authority shall have the rights-of-way. All other vessels and crafts are required to keep clear of and remain 300 yards from all naval vessels engaged in said operations. Approaching within 300 yards of vessels and/or crafts while they are engaged in operations and/or training exercises is prohibited.

(4) Vessel traffic through the restricted area will remain open during operations and/or exercises; however, mariners shall exercise extreme caution and be on the lookout for swimmers, small craft and helicopters when transiting the area. It should be presumed by all mariners that Navy operations and/or exercises are being conducted whenever military craft and/or helicopters are operating within the restricted area.

(5) Any problems encountered regarding Navy operations/exercises within the restricted area should be addressed to "Navy Pensacola Command" on Channel 16 (156.6 MHz) for resolution and/or clarification.

(6) The regulations in this section shall be enforced by the Commander of the Naval Air Station, Pensacola, Flor-

ida, and such agencies as he/she may designate.

[70 FR 67372, Nov. 7, 2005]

§ 334.778 Pensacola Bay and waters contiguous to the Naval Air Station, Pensacola, FL; restricted area.

(a) *The area.* Beginning at a point on the northerly shoreline of Grande (Big Lagoon at Point 1, Latitude 30°19'42" N., Longitude 87°21'06" W., proceed southeasterly to Point 2, Latitude 30°19'27" N., Longitude 87°21'03" W.; thence, northeasterly, paralleling the shoreline at a minimum distance of 500 feet offshore, to Point 3, Latitude 30°19'48" N., Longitude 87°19'35" W.; thence, maintaining a minimum distance of 500 feet offshore or along the northerly edge of the Gulf Intracoastal Waterway Channel (whichever is less), continue to Point 4, Latitude 30°20'00" N., Longitude 87°19'03" W.; thence, maintaining a minimum distance of 500 feet offshore for the remainder of the area to: PT 5, Latitude 30°20'31" N., Longitude 87°16'01" W; Thence to PT 6, Latitude 30°21'11" N., Longitude 87°15'29" W; Thence to PT 7, Latitude 30°22'26" N., Longitude 87°15'43" W; Thence to PT 8, Latitude 30°22'39" N., Longitude 87°16'08" W; Thence to PT 9, Latitude 30°22'17" N., Longitude 87°16'09" W; Thence to PT 10, Latitude 30°22'18" N., Longitude 87°16'35" W; Thence to PT 11, Latitude 30°22'09" N., Longitude 87°17'10" W; Thence to PT 12, Latitude 30°22'15" N., Longitude 87°17'19" W; Thence to PT 13, Latitude 30°22'07" N., Longitude 87°17'48" W; Thence to PT 14, Latitude 30°22'25" N., Longitude 87°17'53" W; Thence to PT 15, Latitude 30°22'13" N., Longitude 87°18'54" W; Thence to PT 16, Latitude 30°21'57" N., Longitude 87°19'22" W; Thence to PT 17, Latitude 30°21'57" N., Longitude 87°19'37" W; Thence to PT 18, Latitude 30°21'49" N., Longitude 87°19'49" W; (a point on the southerly shoreline of Bayou Grande).

(b) *The regulations.* (1) All persons, vessels, and other craft are prohibited from entering the waters described in paragraph (a) of this section for any reason. All vessels and craft, including pleasure vessels and craft (sailing, motorized, and/or rowed or self-propelled), private and commercial fishing vessels, other commercial vessels, barges, and

§ 334.780

all other vessels and craft, except vessels owned or operated by the United States and/or a Federal, State, or local law enforcement agency are restricted from transiting, anchoring, or drifting within the above described area, or within 500 feet of any quay, pier, wharf, or levee along the Naval Air Station Pensacola shoreline abutting, nor may such vessels or crafts or persons approach within 500 feet of any United States owned or operated vessel transiting, anchored, or moored within the waters described in paragraph (a) of this section. The Commanding Officer, Naval Air Station Pensacola, or his/her designee, or the Commanding Officer of a vessel of the United States operating within the said area, may grant special permission to a person, vessel, or craft to enter upon the waters subject to the restrictions aforementioned.

(2) The existing "Navy Channel" adjacent to the north shore of Magazine Point, by which vessels enter and egress Bayous Davenport and Grande into Pensacola Bay shall remain open to all craft except in those extraordinary circumstances where the Commanding Officer, N.A.S. or his/her designee determines that risk to the installation, its personnel, or property is so great and so imminent that closing the channel to all but designated military craft is required for security reasons, or as directed by higher authority. This section will not preclude the closure of the channel as part of a security exercise; however, such closures of said channel will be limited in duration and scope to the maximum extent so as not to interfere with the ability of private vessels to use the channel for navigation in public waters adjacent thereto not otherwise limited by this regulation.

(3) The regulations in this section shall be enforced by the Commanding Officer of the Naval Air Station, Pensacola, Florida, and such agencies he/she may designate.

[53 FR 27682, July 22, 1988, as amended at 62 FR 17555, Apr. 10, 1997; 70 FR 67372, Nov. 7, 2005]

§ 334.780 Pensacola Bay, Fla.; seaplane restricted area.

(a) *The area.* Beginning at latitude 30°22'28", longitude 87°16'00"; thence to

33 CFR Ch. II (7-1-11 Edition)

latitude 30°21'02", longitude 87°14'20"; thence to latitude 30°20'02", longitude 87°15'16"; thence to latitude 30°20'11"; longitude 87°17'58"; and thence to 272° true to the shore.

(b) *The regulations.* (1) The area is established as a Naval Air Station small boat operations and training area.

(2) All persons, vessels, and other craft are prohibited from entering the waters described in paragraph (a) of this section for any reason. All vessels and craft, including pleasure vessels and craft (sailing, motorized, and/or rowed or self-propelled), private and commercial fishing vessels, other commercial vessels, barges, and all other vessels and craft, except vessels owned or operated by the United States and/or a Federal, State, or local law enforcement agency are restricted from entering, transiting, anchoring, drifting or otherwise navigating within the area described in paragraph (a) of this section.

(3) The regulations in this section shall be enforced by the Commanding Officer, Naval Air Station Pensacola and/or such persons or agencies he/she may designate.

[13 FR 9561, Dec. 31, 1948, as amended at 25 FR 2666, Mar. 30, 1960; 28 FR 349, Jan. 12, 1963. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17555, Apr. 10, 1997; 70 FR 67372, Nov. 7, 2005]

§ 334.782 SUPSHIP Bath Maine Detachment Mobile at AUSTAL, USA, Mobile, AL; restricted area.

(a) *The area.* The restricted area would encompass all navigable waters of the United States, as defined at 33 CFR part 329, contiguous to the area identified as AUSTAL, USA and the mean high water level within a rectangular shaped area on the east side of the Mobile River beginning at latitude 30°41'36.46", longitude—88°2'2.70"; thence westerly to latitude 30°41'35.85", longitude—88°2'; 5.12"; thence southerly to latitude 30°41'26.67", longitude—88°2'3.62"; thence easterly to latitude 30°41'26.98", longitude—88°2'1.81"; thence northerly along the easterly shoreline to the point of origin.

(b) *The regulations.* (1) All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or

Naval authority, vessels of the United States Coast Guard, and local or state law enforcement vessels, are prohibited from entering the restricted area without permission from the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, Maine or his/her authorized representative.

(2) The restricted area is in effect twenty four hours per day and seven days a week (24/7).

(3) Should warranted access into the restricted navigation area be needed, all entities are to contact the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, Maine, or his/her authorized representative on Marine Communication Channel 16.

(c) *Enforcement.* The regulation in this section shall be enforced by the Supervisor of Shipbuilding, Conversion and Repair, USN, Bath, Maine, and/or such agencies or persons as he/she may designate.

[74 FR 48152, Sept. 22, 2009]

§ 334.783 Arlington Channel, U.S. Coast Guard Base Mobile, Mobile, Alabama, Coast Guard restricted area.

(a) *The area.* The waters of Arlington Channel west of a line from latitude 30°-39'-09"N, longitude 088°-03'-24" W to latitude 30°-38'-54" N., longitude 088°-03'-17" W.

(b) *The regulations.* The restricted area is open to U.S. Government vessels and transiting vessels only. U.S. Government vessels include U.S. Coast Guard vessels, Department of Defense vessels, state and local law enforcement and emergency services vessels and vessels under contract with the U.S. Government. Vessels transiting the restricted area shall proceed across the area by the most direct route and without unnecessary delay. Fishing, trawling, net-fishing and other aquatic activities are prohibited in the restricted area without prior approval from the Commanding Officer, U.S. Coast Guard Group Mobile or his designated representative.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commanding Officer, U.S. Coast Guard Group Mobile or his designated representative.

[69 FR 45259, July 29, 2004]

§ 334.790 Sabine River at Orange, Tex.; restricted area in vicinity of the Naval and Marine Corps Reserve Center.

(a) *The area.* The berthing area of the Naval and Marine Corps Reserve Center and the waters adjacent thereto from the mean high tide shoreline to a line drawn parallel to, and 100 feet channelward from lines connecting the pier head of Pier 10 and from a line drawn parallel to, and 200 feet upstream from, Pier 10 to a line drawn parallel to, and 100 feet downstream from Pier 10.

(b) *The regulations.* (1) No person, vessel or other craft, except personnel and vessels of the U.S. Government or those duly authorized by the Commanding Officer, Naval and Marine Corps Reserve Center, Orange, Texas, shall enter, navigate, anchor or moor in the restricted area.

(2) The regulations of this section shall be enforced by the Commanding Officer, Naval and Marine Corps Reserve Center, Orange, Texas, and such agencies as he may designate.

[44 FR 42968, July 23, 1979. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17556, Apr. 10, 1997]

§ 334.800 Corpus Christi Bay, Tex.; seaplane restricted area, U.S. Naval Air Station, Corpus Christi.

(a) *The area.* The waters of Corpus Christi Bay within the area described as follows: Beginning at a point on the south shore of Corpus Christi Bay at the "North Gate" of the U.S. Naval Air Station at longitude 97°17'15.0" W.; thence through points at:

| North latitude | West longitude |
|----------------|----------------|
| 27°42'34.9" | 97°17'09.6" |
| 27°41'46.8" | 97°14'23.8" |
| 27°41'15.1" | 97°14'35.4" |
| 27°41'27.0" | 97°15'16.7" |
| 27°40'41.6" | 97°15'33.3" |

thence to a point on shore at latitude 27°40'44.9" N.; thence along the shore to the point of beginning.

(b) *The regulations.* (1) No person, vessel or watercraft shall enter or remain in the area at any time, day or night, except with express written approval of the enforcing agency or as a result of force majeure.

§ 334.802

(2) The regulations in this section shall be enforced by the Chief of Naval Air Training, U.S. Naval Air Station, Corpus Christi, Tex., and such agencies as he may designate.

[43 FR 30054, July 13, 1978. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17556, Apr. 10, 1997]

§ 334.802 Ingleside Naval Station, Ingleside, Texas; restricted area.

(a) *The area.* The waters of Corpus Christi Bay beginning at a point at latitude 27°49'15.0" N, longitude 97°12'6.0" W, thence southerly to latitude 27°49'7.3" N, longitude 97°12'5.4" W, thence south-southwesterly to latitude 27°49'01" N, longitude 97°12'39.4" W, thence west-northwesterly to latitude 27°49'02.4" N, longitude 97°12'48.3" W, thence north-northeasterly to latitude 27°49'16.5" N, longitude 97°12'41.5", thence easterly to latitude 27°49'17.0" N, longitude 97°12'27.5" W, thence easterly along the shoreline to the point of beginning.

(b) *The regulations.* Mooring, anchoring, fishing, recreational boating or any activity involving persons in the water shall not be allowed within the restricted area. Commercial vessels at anchor will be permitted to swing into the restricted area while at anchor and during tide changes.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commanding Officer, Naval Station, Ingleside and such agencies as he/she shall designate.

[57 FR 46303, Oct. 8, 1992; 58 FR 6718, Feb. 2, 1993, as amended at 62 FR 17556, Apr. 10, 1997]

§ 334.810 Holston River at Holston Ordnance Works, Kingsport, Tenn.; restricted area.

(a) *The area.* That portion of Holston River within the boundaries of the Government reservation.

(b) *The regulations.* (1) Except in cases of extreme emergency, all vessels other than those owned or controlled by the U.S. Government and any activity involving persons in the water, are prohibited from entering the area without prior permission of the enforcing agency.

(2) The regulations in this section shall be enforced by the Commanding Officer of the Holston Ordnance Works,

33 CFR Ch. II (7-1-11 Edition)

Kingsport, Tennessee, and such agencies as he may designate.

[20 FR 7075, Sept. 30, 1955. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17556, Apr. 10, 1997]

§ 334.815 Menominee River, at the Marinette Marine Corporation Shipyard, Marinette, Wisconsin; naval restricted area.

(a) *The area.* The waters 100 feet from Marinette Marine Corporation's pier defined by a rectangular shaped area on the south side of the river beginning on shore at the eastern property line of Marinette Marine Corporation at latitude 45°5'58.8" N, longitude 087°36'56.0" W; thence northerly to latitude 45°5'59.7" N, longitude 087°36'55.6" W; thence westerly to latitude 45°6'3.2" N, longitude 087°37'9.6" W; thence southerly to latitude 45°6'2.2" N, longitude 087°37'10.0" W; thence easterly along the Marinette Marine Corporation pier to the point of origin. The restricted area will be marked by a lighted and signed floating buoy line.

(b) *The regulation.* All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Naval authority, vessels of the United States Coast Guard, and local or state law enforcement vessels, are prohibited from entering the restricted area when marked by a signed floating buoy line without permission from the United States Navy, Supervisor of Shipbuilding Gulf Coast or his/her authorized representative.

(c) *Enforcement.* The regulation in this section shall be enforced by the United States Navy, Supervisor of Shipbuilding Gulf Coast and/or such agencies or persons as he/she may designate.

[76 FR 30024, May 24, 2011]

§ 334.820 Lake Michigan; naval restricted area, U.S. Naval Training Center, Great Lakes, Ill.

(a) *The area.* An area extending in a north and south direction from the Great Lakes, Illinois, south breakwater to an east-west line projecting eastward from the shore termination of the north fence of the U.S. Naval Training

Center, Great Lakes, Illinois, and extending into Lake Michigan for a distance of one mile from the shoreline.

(b) *The regulations.* No person or vessel of any kind, except those engaged in naval operations, shall enter, navigate, anchor, or moor in the restricted area without first obtaining permission to do so from the Commander, U.S. Naval Training Center, Great Lakes, Illinois, or his authorized representative.

[28 FR 319, Jan. 11, 1963. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17556, Apr. 10, 1997]

§ 334.830 Lake Michigan; small-arms range adjacent to U.S. Naval Training Center, Great Lakes, Ill.

(a) *The danger zone.* An area bounded on the north by latitude 42°20'30"; on the east by longitude 87°47'30"; on the south by latitude 42°18'45"; and on the west by the shoreline.

(b) *The regulations.* (1) When firing affecting the danger zone is in progress, the enforcing agency will post guards at such locations that the waters in the danger zone may be observed and arrange signals whereby these guards may stop the firing should any person or vessel be seen in the waters of the danger zone. When firing is in progress, the enforcing agency will cause red flags to be displayed on shore near the rifle butts, which may be readily discernible to a person in a vessel within the danger zone.

(2) The enforcing agency is hereby authorized to use such agencies as shall be necessary to prohibit all persons and vessels from entering the area until such time as shall be convenient.

(3) If such flags are displayed it will indicate that firing is in progress, and that the waters in the danger zone are subject to impact by rounds missing or ricocheting off the impact berm and should not be entered until the flags are lowered.

(4) Wherever possible, the enforcing agency will warn the public of the contemplated times of firing and the areas involved two days in advance of the scheduled date, through the public press and the U.S. Coast Guard. The danger zone may, however, be closed without advance notice.

(5) [Reserved]

(6) The regulations in this section shall be enforced by the Commander, U.S. Naval Training Center, Great Lakes, Illinois, and such agencies as he may designate.

[13 FR 9560, Dec. 31, 1948. Redesignated at 14 FR 4904, Aug. 9, 1949, and amended at 28 FR 319, Jan. 11, 1963; 45 FR 13072, Feb. 28, 1980. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17556, Apr. 10, 1997]

§ 334.840 Waters of Lake Michigan south of Northerly Island at entrance to Burnham Park Yacht Harbor, Chicago, Ill.; danger zone adjacent to airport on Northerly Island.

(a) *Danger zone*—(1) *Zone A.* Beginning at a point 250 feet west of the center line of the runway at the south end of the air strip on Northerly Island; thence 183°, 500 feet; thence 90°, 600 feet; and thence northerly to a point 250 feet east of the center line of the runway at the south end of said air strip. During the navigation season, the southeast and southwest corners of Zone A will be marked with spar buoys colored and lettered as prescribed by the U.S. Coast Guard.

(2) *Zone B.* Beginning at the southwest corner of Zone A; thence 183°, 500 feet; thence 90°, 700 feet; thence northerly to the southeast corner of Zone A; and thence 270° to the point of beginning. During the navigation season, the southeast and southwest corners of Zone B will be marked with spar buoys colored and lettered as prescribed by the U.S. Coast Guard.

(b) *Regulations.* (1) During daylight hours (from one-half hour before sunrise to one-half hour after sunset), and when the airport on Northerly Island is in operation, no vessel or other watercraft any part of which extends more than 15 feet above the water surface shall enter or remain in Zone A, and no vessel or other watercraft any part of which extends 30 feet or more above the water surface shall enter or remain in Zone B.

(2) When the airport is in operation a red ball, at least three feet in diameter, shall be continuously displayed at the northeast and northwest corners of

§ 334.845

Zone A. These balls shall not be displayed when the airport is not in operation.

[12 FR 6665, Oct. 9, 1947. Redesignated at 14 FR 4904, Aug. 9, 1949, and amended at 15 FR 5022, Aug. 4, 1950; 36 FR 5911, Mar. 31, 1971. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.845 Wisconsin Air National Guard, Volk Field military exercise area located in Lake Michigan offshore from Manitowoc and Sheboygan Counties; danger zone.

(a) *The area.* (1) The waters within an area beginning at a point at latitude 43°19'00" N., longitude 87°41'00" W.; to latitude 44°05'30" N., longitude 87°29'45" W.; to latitude 44°02'00" N., longitude 87°02'30" W.; to latitude 43°15'30" N., longitude 87°14'00" W.; thence to the point of beginning, as shown on NOAA Chart 14901 (1999) and existing aeronautical charts.

(b) *The regulation.* (1) During specific, infrequent periods when Military exercises will be conducted, as promulgated in the Local Notice to mariners published by the United States Coast Guard (USCG), all vessels entering the danger zone are advised to proceed across the area by the most direct route and without unnecessary delay.

(2) During specific, infrequent periods when Military exercises will be conducted, as promulgated in the Local Notice to mariners published by the USCG, no vessel or craft of any size shall lie-to or anchor in the danger zone, other than a vessel operated by or for the USCG, or any other authorized agency.

(c) *Normal use.* At all other times, nothing in this regulation shall prohibit any lawful uses of this area.

(d) *Enforcement.* The regulation in this section shall be enforced by the Commanding Officer, VOLK Field, WI, and/or persons or agencies as he/she may designate.

[69 FR 45591, July 30, 2004]

§ 334.850 Lake Erie, west end, north of Erie Ordnance Depot, Lacarne, Ohio.

(a) The danger zone: Consists of the waters of Lake Erie within:

(1) *Danger Area I.* The sector of a circle with a radius of 6,500 yards centered at latitude 41°32'30" N., longitude

33 CFR Ch. II (7-1-11 Edition)

33°01'00" W., and intersecting the southwest boundary of Area II at latitude 41°35'00" N., longitude 83°03'22" W., and the southeast boundary of Area II at latitude 41°34'20" N., longitude 82°57'10" W.

(2) *Danger Area II (Includes Area I).* The area bounded as follows: Beginning at latitude 41°32'30" N., longitude 83°01'00" W.; thence to latitude 41°35'00" N., longitude 83°03'22" W.; thence to latitude 41°36'00" N., longitude 83°03'24" W.; thence to latitude 41°41'30" N., longitude 83°07'30" W.; thence to latitude 41°41'30" N., longitude 83°00'00" W.; thence to latitude 41°35'40" N., longitude 82°54'50" W.; and thence to the point of beginning.

(b) *Types of firing*—(1) *Danger Area I.* Small arms impact area.

(2) *Danger Area II.* Ground-based artillery, antiaircraft artillery and automatic weapons impact area.

(c) Authorized dates and hours of firing:

(1) *Danger Area I.* 6 a.m. to 6 p.m., e.s.t./e.d.t., daily; actual firing dates and hours within the authorized period to be announced in advance in special firing notices.

(2) *Danger Area II.* 8 a.m. to 5 p.m., e.s.t./e.d.t., daily except on Saturdays, Sundays, and holidays; actual firing dates and hours scheduled within authorized period to be announced in advance in special firing notices.

(d) *Restrictions.* (1) No person or vessel shall enter or remain in a danger zone during a scheduled firing period announced in a special firing notice unless specific permission is granted in each instance by a representative of the enforcing officer.

(2) The danger areas within the danger zone shall be open to the public for navigation, fishing and other public use when firing and/or bombing is not scheduled.

(e) *Enforcing agencies.* The regulations in this section shall be enforced for the respective danger areas by the following commanders and such agencies as each may designate for his assigned areas. He will be responsible for proving the prescribed control, signals, and special firing notices.

(1) *Danger Area I.* Adjutant General, State of Ohio.

(2) *Danger Area II.* Adjutant General, State of Ohio.

(f) *Control and signals*—(1) *Danger Area I.* When firing into Area I, red flags will be flown from the safety tower at Camp Perry, and from flag poles in the butts of the ranges being used.

(2) *Danger Area II.* During all types of firing into Area II, red flags will be displayed, one from the safety tower at Camp Perry and one from the safety tower at the Erie Proof Front. During firing into Area II, patrol boats will police and maintain surveillance of the area, and will be in constant radio communication with the shore station controlling the firing.

(3) [Reserved]

(4) The appropriate enforcing officer has authority to suspend any scheduled firing for reasonable periods during regattas and immediately after fishing nets are destroyed or dislocated by severe storms.

(5) The special firing notices which will include schedules of use will be published by the enforcing officer indicated in paragraph (e) of this section, in sufficient time to permit circularization to interested parties and posting on the bulletin boards of post offices in surrounding localities. Special notices will also be furnished the District Engineer, Corps of Engineers, Detroit, Mich.; the Commander, Ninth Coast Guard District, Cleveland, Ohio; the Regional Manager, Federal Aviation Administration, Chicago, Ill.; and each of the enforcing agencies listed in paragraph (e) of this section. Users of the waterway shall familiarize themselves with the current special firing notices. If in doubt, inquiry should be made to the enforcing officer indicated in paragraph (e) of this section.

(6) Agencies desiring to use the areas shall present their requirements to the respective enforcing officer who is responsible for, and is granted authority to, coordinate the firing and established priorities, for the using agencies.

(g) *Fishing permits.* Fishermen desiring to set fixed nets within the danger zone are required in every instance to have written permits. Permits for placing nets within Areas I and II may be obtained by written application to the Adjutant General, State of Ohio. Appli-

cants for permits must state the location at which they desire to set fixed nets and the period of time which they desire the permit to cover.

(h) *Injurious chemicals.* No phosphorus or other poisonous chemicals injurious to wild fowl or fish will be discharged into the waters of the areas.

(i) The regulations in this section shall be reviewed annually by the Department of the Army to determine whether further limitations of the danger zone shall be considered.

[35 FR 17178, Nov. 7, 1970, as amended at 37 FR 20026, Sept. 23, 1972. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17556, Apr. 10, 1997]

§ 334.855 Salt River, Rolling Fork River, Otter Creek; U.S. Army Garrison, Fort Knox Military Reservation; Fort Knox, Kentucky; danger zone.

(a) *The area.* Salt River from Point A (latitude 37°59'31.72" N; longitude 85°55'32.98" W) located approximately 1.2 miles southeast of West Point, Kentucky; southward to its confluence with the Rolling Fork River. Salt River from Point B (latitude 37°57'51.32" N; longitude 85°45'37.14" W) located approximately 2.8 miles southwest of Shepherdsville, Kentucky; southward to its confluence with the Rolling Fork River. Rolling Fork River from Point C (latitude 37°49'59.27" N; longitude 85°45'37.74" W) located approximately 1.6 miles southwest of Lebanon Junction, Kentucky northward to its confluence with the Salt River. Otter Creek from Point D (latitude 37°51'31.77" N; longitude 86°00'03.79" W) located approximately 3.4 miles north of Vine Grove, Kentucky to Point E (latitude 37°55'21.95" N; longitude 86°01'47.38" W) located approximately 2.3 miles southwest of Muldraugh.

(b) *The regulation.* All persons, swimmers, vessels and other craft, except those vessels under the supervision or contract to local military or Army authority, vessels of the United States Coast Guard, and federal, local or state law enforcement vessels, are prohibited from entering the danger zones without permission from the Commanding General, U.S. Army Garrison, Fort Knox

§ 334.860

Military Reservation, Fort Knox, Kentucky or his/her authorized representative.

(c) *Enforcement.* The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the Commanding General, U.S. Army Garrison, Fort Knox Military Reservation, Fort Knox, Kentucky and/or other persons or agencies as he/she may designate.

[70 FR 15228, Mar. 25, 2005]

§ 334.860 San Diego Bay, Calif., Naval Amphibious Base; restricted area.

(a) *The Area.* The water of the Pacific Ocean in Middle San Diego Bay in an area extending from the northern and eastern boundary of the Naval Amphibious Base about 0.1 nautical miles and 0.6 nautical miles from the southern shoreline and basically outlined as follows:

| Station | Latitude | Longitude |
|---------|---------------|----------------|
| 1 | 32°40'33.0" N | 117°10'02.4" W |
| 2 | 32°40'34.7" N | 117°09'54.0" W |
| 3 | 32°40'46.0" N | 117°09'44.2" W |
| 4 | 32°41'00.0" N | 117°09'24.6" W |
| 5 | 32°40'20.0" N | 117°08'36.7" W |
| 6 | 32°40'00.0" N | 117°09'00.0" W |
| 7 | 32°39'18.0" N | 117°08'45.0" W |
| 8 | 32°39'16.0" N | 117°08'48.5" W |

(b) *The regulations.* (1) Swimming, fishing, waterskiing, mooring or anchoring shall not be allowed within the restricted area.

(2) A portion of the restricted area extending 120 feet from pierheads and from the low water mark on shore where piers do not exist is closed to all persons and vessels except those owned by, under hire to, or performing work for, the Naval Amphibious Base.

(3) All vessels entering the restricted area shall proceed across the area by the most direct route and without unnecessary delay. For vessels under sail, necessary tacking shall constitute a direct route.

(4) The regulations in this section shall be enforced by the Commanding Officer, Naval Amphibious Base, Coronado, California, and such agencies as he/she shall designate. Organized activities (such as sail races and regattas) within the restricted area may be allowed providing that a request has been made to the Commanding Officer,

33 CFR Ch. II (7-1-11 Edition)

Naval Amphibious Base, Coronado, San Diego, California 92155 or by calling, telephone number (619) 522-4833 at least 10 days prior to the event.

[49 FR 49453, Dec. 20, 1984. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.865 Naval Air Station North Island, San Diego, California, restricted area.

(a) *The area.* The waters within an area beginning at 32°42'55.0" N, 117°11'30.5" W; thence running easterly to 32°42'57.0" N, 117°11'22.5" W; thence running easterly to 32°42'56.0" N, 117°11'19.0" W; thence running southeasterly to 32°42'49.0" N, 117°11'08.5" W; thence running southeasterly to 32°42'44.5" N, 117°11'06.5" W; thence running southerly to 32°42'40.0" N, 117°11'06.5" W.

(b) *The regulation.* (1) The restricted area shall not be open to swimming, fishing, water-skiing, mooring or anchorage.

(2) Dragging, seining, other fishing operations, and other activities not under the direction of the United States, which might foul underwater installations within the restricted area, are prohibited.

(3) All tows entering the restricted area shall be streamed and shortened to the seaward of the area and towing appendages and catenaries shall not be dragged along the bottom while proceeding through the area.

(4) All vessels entering the restricted area shall proceed across the area by the most direct route and without unnecessary delay.

(5) No vessel or craft of any size shall lie-to or anchor in the restricted area at any time other than a vessel operated by or for components, or other vessels authorized by Commander, Navy Region Southwest, or his/her designee.

(6) When security conditions dictate, Naval security forces may impose strict enforcement of stand-off distances within the restricted area. This enforcement will not prevent utilization of navigable channels, but will serve to control its use in order to protect vital National interests.

(c) *Enforcement.* The regulation in this section, promulgated by the

United States Army Corps of Engineers, shall be enforced by the Commander, Navy Region Southwest, and such agencies or persons as he/she may designate.

[68 FR 37972, June 26, 2003]

§ 334.866 Pacific Ocean at Naval Base Coronado, in the City of Coronado, San Diego County, California; naval danger zone.

(a) *The area.* A fan-shaped area extending westerly into the waters of the Pacific Ocean from a point on the beach of Naval Base Coronado, Coronado, California beginning at latitude 32°41'13" N, longitude 117°12'45" W; thence easterly, along the mean high water mark, to latitude 32°41'14" N, longitude 117°12'32" W; thence southerly to latitude 32°40'31" N, longitude 117°12'12" W; thence westerly to latitude 32°40'25" N, longitude 117°12'43" W; thence northerly, landward, to the point of origin.

(b) *The regulations.* (1) Range live firing on the Naval Base Coronado, Coronado, California small arms range may occur at any time. Information on live firing schedules and coordination for community concerns can be obtained by calling the Naval Base Coronado Small Arms Range Safety Officer at 619-545-8413 during normal working hours. Assistance is also available via the Naval Base Coronado Hotline at 619-545-7190 or the Naval Base Coronado operator at 619-545-1011. If the phone numbers are changed, they will be updated on the Naval Base Coronado Web site <http://www.cnmc.navy.mil/Coronado>.

(2) The danger zone will be open to fishing and general navigation when no weapons firing is scheduled, which will be indicated by the absence of any warning flags or flashing lights on land in the locations specified in paragraphs (b)(3) and (b)(4) of this section.

(3) When live firing is about to be undertaken or is in progress during daylight hours, three (3) large red warning flags will be displayed at the top of the flag poles on the southern berm of the small arms range, so as to be clearly visible from all points of entry into the danger zone. The west flag pole is located on the southern berm at latitude 32°41'21.5" N, longitude 117°12'42.8" W, the middle flag pole is located at latitude 32°41'21.7" N, longitude 117°12'40.9"

W, and the east flag pole is located at latitude 32°41'22.4" N, longitude 117°12'38.7" W.

(4) When live firing is about to be undertaken or is in progress during periods of darkness, three (3) red flashing warning lights will be displayed at the top of the flag poles on the southern berm of the small arms range at the locations described in paragraph (b)(3) of this section, so as to be clearly visible from all points of entry into the danger zone.

(5) The danger zone is not considered safe for vessels or individuals when live firing is in progress. When live firing is about to begin or is scheduled as indicated by the warning flags or flashing warning lights described in paragraphs (b)(3) and (b)(4) of this section, all vessels will be required to expeditiously vacate the danger zone.

(6) Anchoring by any vessel within the danger zone is prohibited.

(7) Prior to conducting live firing, Navy personnel will visually scan the danger zone to ensure that no vessels or individuals are located within it. Any vessels or individuals in the danger zone will be notified by the Navy Range Safety Officer using a marine VHF-FM marine radio and by other means as necessary, to exit the danger zone and remain outside the area until conclusion of live firing. As new technology becomes available, the VHF-FM marine radio communications system may be updated.

(8) Safety observers will be posted in accordance with range standard operating procedures at all times when the warning flags or flashing lights described in paragraphs (b)(3) and (b)(4) of this section are displayed. Operation of the small arms range will only occur when visibility is sufficient to maintain visual surveillance of the danger zone and vicinity. In the event of limited visibility due to rain, fog or other conditions, live firing will be postponed until the danger zone can be confirmed clear of all vessels and individuals.

(9) Naval Base Coronado will maintain a schedule of live firing at the small arms range on its Web site, <http://www.cnmc.navy.mil/Coronado>, which will be accessible to the public, mariners, and recreationists. The Navy will maintain the Web site on a year round

§ 334.870

basis and update information as needed for public safety.

(c) *Enforcement.* The regulation in this section will be enforced by the Commanding Officer, Naval Base Coronado, and such agencies and persons as he/she may designate.

[75 FR 26102, May 11, 2010]

§ 334.870 San Diego Harbor, Calif.; restricted area.

(a) *Restricted area at Bravo Pier, Naval Air Station—(1) The area.* The water of the Pacific Ocean in North San Diego Bay in an area extending from the western boundary of North Island about 0.2 nautical miles bayward and basically outlined as follows:

| Station | Latitude | Longitude |
|---------|---------------|----------------|
| 1 | 32°41'51.3" N | 117°13'34.0" W |
| 2 | 32°41'51.3" N | 117°13'46.6" W |
| 3 | 32°41'43.3" N | 117°13'50.0" W |
| 4 | 32°41'35.8" N | 117°13'48.0" W |
| 5 | 32°41'35.8" N | 117°13'35.0" W |

(2) *The regulations.* (i) The restricted area shall not be open to swimming, fishing, mooring or anchorage.

(ii) Transit will be allowed through the restricted area except that no transit will be allowed within 100 feet of the ammunition pier (Bravo Pier). All unauthorized vessels entering the restricted area shall proceed across the area by the most direct route and without unnecessary delay. Only vessels owned by, under hire to, or performing work for the Naval Air Station or the Naval Weapons Station may operate within 100 feet of the ammunition pier.

(b) *Restricted area at U.S. Naval Degaussing Station—(1) The area.* That portion of San Diego Bay near Point Loma, inclosed by lines connecting the following points, which are rectangular coordinates and are referred to U.S. Coast and Geodetic Survey station "Old Town" as their origin:

- "a" S. 18,738.80, W. 16,299.50.
- "b" S. 18,817.60, W. 15,791.30.
- "c" S. 19,376.09, W. 14,270.73.
- "d" S. 20,023.15, W. 14,462.94.
- "e" S. 21,080.24, W. 14,333.14.
- "f" S. 22,074.40, W. 16,371.48.

(2) *The regulations.* (i) There shall be no introduction of external magnetic field sources within the area.

33 CFR Ch. II (7–1–11 Edition)

(ii) Craft of any size shall not be excluded from transiting the area. However, they shall proceed through the area by the most direct route without delay or loitering. On occasion, access to the bait barges may be delayed for intermittent periods not exceeding 30 minutes.

(iii) No craft of any size shall lay-to or anchor within the area except on prior permission granted by the Officer in Charge, U.S. Naval Degaussing Station.

(c) *Restricted area between Ballast Point and Zuniga Point—(1) The area.* An area in San Diego Bay between Ballast Point and Zuniga Point inclosed by lines connecting the following stations:

| Station | Latitude | Longitude |
|---------|-----------|--------------|
| A | 32°41'17" | 117°13'58" |
| B | 32°41'19" | 117°13'36.5" |
| C | 32°41'01" | 117°13'34" |
| D | 32°40'59" | 117°13'55" |
| E | 32°41'03" | 117°13'56" |
| A | 32°41'17" | 117°13'58" |

(2) *The regulations.* (i) No vessel shall anchor within the restricted area at any time.

(ii) Dredging, dragging, seining, other fishing operations, and other activities not under the direction of the United States, which might foul underwater installations within the restricted area, are prohibited.

(iii) All tows entering the restricted area shall be streamed and shortened to the seaward of the area and towing appendages and catenaries shall not be dragged along the bottom while proceeding through the area.

(iv) All vessels entering the restricted area shall proceed across the area by the most direct route and without unnecessary delay.

(d) *Restricted area at the Naval Supply Center Pier—(1) The area.* The waters of San Diego Bay extending approximately 100 feet out from the north, west and south sides of the Naval Supply Center Pier enclosed by lines connecting the following stations:

| Station | Latitude | Longitude |
|---------|-------------|--------------|
| A | 32°42'50" N | 117°10'25" W |
| B | 32°42'50" N | 117°10'38" W |
| C | 32°42'54" N | 117°10'38" W |
| D | 32°42'54" N | 117°10'25" W |

(2) *The regulations.* (i) No vessel or craft of any size shall lie-to or anchor in the restricted area at any time other than a vessel operated by or for the U.S. Navy, U.S. Coast Guard, other authorized military components, or other vessels authorized by Commander Naval Base, San Diego or his designee.

(ii) Loitering, dredging, dragging, seining, fishing and similar activities within the restricted area are prohibited.

(e) *Enforcement.* The regulations in this section shall be enforced by the Commander, Naval Base, San Diego, California, and such agencies as he/she may designate.

[17 FR 5951, July 2, 1952, as amended at 29 FR 9710, July 18, 1964; 35 FR 16370, Oct. 20, 1970; 49 FR 33646, Aug. 24, 1984. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 55 FR 27102, June 29, 1990; 55 FR 31689, Aug. 3, 1990]

§ 334.880 San Diego Harbor, Calif.; naval restricted area adjacent to Point Loma.

(a) *The area.* That portion of San Diego Bay southerly of Ballast Point, exclusive of the southwesterly portion of the restricted area described in § 334.612(b) located westerly of the entrance channel, bounded on the west by the shoreline at Point Loma, on the east by the entrance channel west project line, and on the south by latitude 32°40'.

(b) *The regulations.* (1) The area is reserved for anchorage of vessels of the U.S. Government and authorized harbor pilot and patrol boats. All other craft may navigate and operate through the area, and temporary mooring of vessels (not to exceed 24 hours) is permissible.

(2) No other vessels shall anchor or moor permanently in the area except by special permission obtained in advance from the Commander, Naval Base, San Diego, Calif.

(3) The regulations in this section shall be enforced by the Commandant, 11th Naval District, San Diego, Calif., and such agencies as he may designate.

[30 FR 4756, Apr. 14, 1965. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.890 Pacific Ocean off Point Loma, Calif.; naval restricted area.

(a) *The area.* The waters of the Pacific Ocean within an area extending southerly from Point Loma, California, described as follows: Beginning at latitude 32°39'54", longitude 117°13'18"; thence southeasterly to latitude 32°34'31", longitude 117°09'41"; thence 270° true to longitude 117°16'40"; thence due north to latitude 32°39'54"; and thence 90° true to the point of beginning.

(b) *The regulations.* (1) No vessel shall anchor within the restricted area at any time without specific permission of the enforcing agency.

(2) Dredging, dragging, seining, and other similar operations within the restricted area are prohibited.

(3) The regulations in this section shall be enforced by the Commandant, Eleventh Naval District, San Diego, California, and such agencies as he may designate.

[17 FR 4346, May 13, 1952. Redesignated at 30 FR 4756, Apr. 14, 1965. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.900 Pacific Ocean, U.S. Marine Corps Base, Camp Pendleton, Calif.; restricted area.

(a) *The area.* Beginning at the shoreline north of the boat basin, latitude 33°13'10", longitude 117°24'19"; thence westward to latitude 33°12'48", longitude 117°24'56"; thence southward to latitude 33°12'32", longitude 117°24'44"; thence eastward to latitude 33°12'47", longitude 117°24'17" (a point on the breakwater); thence northeastward along breakwater to latitude 33°12'58", longitude 117°24'09"; thence northward along shoreline to point of beginning.

(b) *The regulations.* (1) No vessels shall anchor within the restricted area at any time.

(2) Dredging, dragging, seining, fishing operations, and other activities, which might foul underwater installations within the restricted area, are prohibited.

(3) All vessels entering the restricted area shall proceed across the area by the most direct route and without unnecessary delay.

(4) The regulations in this section shall be enforced by the Commanding General, U.S. Marine Corps Base, Camp

§ 334.905

Pendleton, California, and such agencies as he may designate.

[24 FR 1214, Feb. 17, 1959. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.905 Pacific Ocean, offshore of Camp Pendleton, California; Fallbrook restricted area.

(a) *The area.* The waters of the Gulf of Santa Catalina, offshore of Camp Pendleton in the Pacific Ocean, San Diego County, California. The center of the restricted area is located at 33°18.6' N. latitude, 117°32.0' W. longitude, with a radius of 9,000 feet.

(b) *The regulations.* (1) No vessel or craft of any size shall lie-to or anchor in the restricted area at any time other than a vessel operated by or for the U.S. Coast Guard, local, State or Federal law enforcement agencies.

(2) Loitering, dredging, dragging, anchoring, seining, fishing, and similar activities within the restricted area during vertical replenishment operations use is prohibited.

(c) *Enforcement.* The regulations in this section shall be enforced by the U.S. Coast Guard, local, State, or Federal law enforcement agencies.

[58 FR 53427, Oct. 15, 1993]

§ 334.910 Pacific Ocean, Camp Pendleton Boat Basin, U.S. Marine Corps Base, Camp Pendleton, Calif.; restricted area.

(a) *The area.* All of the waters of Camp Pendleton Boat Basin entrance channel lying northerly of a line between a light on the north Camp Pendleton jetty at latitude 33°12'22", longitude 117°24'07", and a light on the north Oceanside Harbor groin at latitude 33°12'29", longitude 117°23'55".

(b) *The regulations.* (1) The area is reserved exclusively for use by vessels owned or operated by the Federal Government. Permission to enter the area must be obtained from the enforcing agency.

(2) The regulations in this section shall be enforced by the Commanding General, U.S. Marine Corps Base, Camp Pendleton, California, or such agencies as he may designate.

[28 FR 13784, Dec. 19, 1963. Redesignated at 50 FR 42696, Oct. 22, 1985]

33 CFR Ch. II (7-1-11 Edition)

§ 334.920 Pacific Ocean off the east coast of San Clemente Island, Calif.; naval restricted area.

(a) *The area.* The waters of the Pacific Ocean within an area extending easterly from the east coast of San Clemente Island, California, described as follows: The northerly boundary to be a continuation, to seaward of the existing southerly boundary of the restricted anchorage area, as described in 110.218 of this chapter, to latitude 33°00.3' N., longitude 118°31.1' W.; thence to latitude 32°58.6' N., longitude 118°30.0' W.; thence to latitude 32°57.9' N., longitude 118°31.3' W on the shoreline; thence northerly along the shoreline to the point of beginning.

(b) *The regulations.* (1) No person or vessels, other than Naval Ordnance Test Station craft, and those cleared for entry by the Naval Ordnance Test Station, shall enter the area at any time except in an emergency, proceeding with extreme caution.

(2) Dredging, dragging, seining or other fishing operations within these boundaries are prohibited.

(3) No seaplanes, other than those approved for entry by Naval Ordnance Test Station, may enter the area.

(4) The regulations in this section shall be enforced by security personnel attached to the U.S. Naval Ordnance Test Station, China Lake, California, and by such agencies as may be designated by the Commandant, Eleventh Naval District, San Diego, California.

[23 FR 2098, Mar. 29, 1958, as amended at 48 FR 6708, Feb. 15, 1983; 48 FR 8273, Feb. 28, 1983. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17556, Apr. 10, 1997]

§ 334.921 Pacific Ocean at San Clemente Island, Calif.; naval restricted area.

(a) *The area.* All waters between the northern and southern boundaries of the area known as West Cove seaward approximately four miles. The northern boundary is defined by the coordinates:

33°00'52" N. 118°36'18" W.
32°59'30" N. 118°37'30" W.
32°59'20" N. 118°38'38" W.

The southern boundary is defined by the coordinates:

33°00'40" N. 118°35'27" W.

Corps of Engineers, Dept. of the Army, DoD

§ 334.938

32°58'30" N. 118°36'40" W.
32°57'45" N. 118°38'38" W.

(b) *The regulation.* (1) The use of this area for anchorage is prohibited to all craft at all times.

(2) The regulations in this section shall be enforced by the Commander, Naval Base, San Diego, and such agencies as he/she shall designate.

[50 FR 50297, Dec. 10, 1985]

§ 334.930 Anaheim Bay Harbor, Calif.; Naval Weapons Station, Seal Beach.

(a) *The restricted area.* The water of Anaheim Bay Harbor between the east and west jetties at the United States Naval Weapons Station, Seal Beach, California, and the contiguous tidal channel and basin as far east as the Anaheim Bay bridge.

(b) *The regulation.* (1) The authority of the Naval Weapons Station Commanding Officer in this area extends to restricting and disallowing the navigating or anchorage of craft during such times as the Commanding Officer determines that considerations of national security or safety warrant such action(s).

(2) All craft authorized transit of this area shall stay within the limits of the entrance channel in the Outer Harbor, and confine their movement to within the limits of the marked small craft channel at the southern portion of the Inner Harbor.

(3) Recreational craft, such as water skis, jet skis (personal water craft), row boats, canoes, kayaks, wind surfers, sail boards, surf boards, etc., and any activity involving persons in the water, are specifically prohibited within the restricted area.

(4) Boats unable to throttle down or to maintain steerage way at 5 miles per hour speed shall proceed at the minimum speed consistent with seamanship in an area regularly subject to waterborne explosive handling operations. In case of doubt, boat operators of inbound boats will remain in the west end of the basin and outbound boats in the east end of the basin until informed by a representative of the Naval Weapons Station or U.S. Coast Guard of the completion of the waterborne explosive handling hazard.

(5) Smoking, open flames and barbecues in boats are prohibited during the transit of this area.

(6) Nothing in the regulations in this section shall be construed as relieving the owner or persons in command of any vessels or plant from the penalties of the law for obstructing navigation or for not complying with the navigation laws in regard to lights or signals or for otherwise violating law.

(7) All vessel operators shall heed and obey all posted signs and/or instructions issued by security personnel of the U.S. Naval Weapons Station.

(8) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Weapons Station, Seal Beach, California, and such agencies as he/she may designate. For clarification or other information, the U.S. Naval Weapons Station Command Duty Officer should be contacted at (213) 594-7101.

[53 FR 6942, Mar. 3, 1988, as amended at 62 FR 17556, Apr. 10, 1997]

§ 334.938 Federal Correctional Institution, Terminal Island, San Pedro Bay, California; restricted area.

(a) *The area.* The waters of San Pedro Bay on the east side of Reservation Point extending 150 feet (50 yards), from the Federal Correctional Institution fence along the shore to the following stations:

| Station | Latitude | Longitude |
|---------|---------------|----------------|
| 1 | 33°43'45.5" N | 118°16'2.0" W |
| 2 | 33°43'37.0" N | 118°15'58.0" W |
| 3 | 33°43'27.5" N | 118°15'54.5" W |

The stations will be marked by three special purpose buoys (white with an orange diamond in the center).

(b) *The regulations.* No person or vessel of any kind shall enter, navigate, anchor or moor within the restricted area without first obtaining the permission of the Warden, Federal Correctional Institution, Terminal Island. The regulations in this section shall be enforced by the U.S. Coast Guard, the Warden of the Federal Correctional Institution, Terminal Island, and such agencies and he/she may designate.

[57 FR 58098, Dec. 8, 1992; 58 FR 42237, Aug. 9, 1993, as amended at 62 FR 17556, Apr. 10, 1997]

§ 334.940

§ 334.940 Pacific Ocean in vicinity of San Pedro, Calif.; practice firing range for U.S. Army Reserve, National Guard, and Coast Guard units.

(a) *The danger zone.* (1) [Reserved]

(2) *Zone B.* An area extending southwest and northwest from Point Vicente, described as follows: Beginning at Point Vicente Light, latitude 33°44'30", longitude 118°24'36"; thence southwesterly to latitude 33°43'42", longitude 118°25'24"; thence northwesterly to latitude 33°46'30", longitude 118°27'06"; thence southeasterly to the shore, latitude 33°44'54", longitude 118°24'42"; and thence southerly along the shore to the point of beginning.

(b) *The regulations.* (1) Intermittent firing may take place in the danger zone on any day from sunrise to sunset.

(2) Except as otherwise provided in this paragraph, the danger zone will be open to fishing and general navigation. When firing is not scheduled the danger zone may be occupied without restriction. When firing is in progress safety observers will be maintained to warn all vessels. Notice to vacate the area, or to stop at the boundaries, will be given by siren, patrol vessel, or other effective means, and such notice shall be promptly obeyed. All vessels permitted to enter the danger zone during a firing period, other than those owned by and operated by or under the direction of the U.S. Government, shall proceed across the area by the most direct route and clear the area with the greatest possible dispatch. No person shall enter the water and no vessel, fishing boat, or recreational craft shall anchor in the danger zone during an actual firing period.

(3) Nothing in this section shall be construed as relieving the owner or person in charge of a vessel from any penalties for obstructing navigation, or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights and fog signals, or for otherwise violating any law or regulations.

(4) The regulations in this section shall be enforced by the Commanding

33 CFR Ch. II (7-1-11 Edition)

Officer, Fort MacArthur, California, and such agencies as he may designate.

[19 FR 3795, June 22, 1954, as amended at 27 FR 2465, Mar. 15, 1962. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17556, Apr. 10, 1997]

§ 334.950 Pacific Ocean at San Clemente Island, California; Navy shore bombardment areas.

(a) *The danger zones.* (1) The waters of the Pacific Ocean within an area beginning at China Point Light; extending in a direction of 181 degrees true, 2.0 nautical miles; thence 072.5 degrees true, 5.375 nautical miles; thence 313 degrees true to Pyramid Head Light.

(2) The waters of the Pacific Ocean within an area beginning at China Point Light; extending in a direction of 181 degrees true, 2.0 nautical miles; thence 303 degrees true, 5.35 nautical miles; thence 040.4 degrees true to the beach.

(3) The waters of the Pacific Ocean within an area beginning at Pyramid Head Light; extending in a direction of 133 degrees true, 2.0 nautical miles; thence 024 degrees true, 2.14 nautical miles, thence 313 degrees true, 7.6 nautical miles; thence 220 degrees true to the beach.

(b) *The regulations.* (1) All persons and all vessels shall promptly vacate the areas when ordered to do so by the Navy or the Coast Guard. Persons and vessels shall not enter the areas during periods scheduled for firing. These areas are used for various surface and air gunnery and aerial bombing exercises by the United States Navy, Coast Guard and Marine Corps. Hazardous conditions exist during shore bombardment by naval ships in the area seaward of that described in paragraphs (a)(1) and (a)(2) of this section between the firing vessel and the shore. The area described in paragraph (a)(3) of this section is hazardous due to the possibility of rounds landing in the waters east of San Clemente Island.

(2) All persons in the area are warned that unexploded ordinance exists within the shore bombardment area on San Clemente Island and in the surrounding waters. All persons should exercise extreme caution when operating in the area.

(3) Information about scheduled exercises will be published in the Local Notice to Mariners and also may be obtained by calling the shore bombardment area scheduler at (619) 437-2231. Vessels in the vicinity of San Clemente Island may obtain information on the status of the range by contacting the Navy Observation Post by marine radio on channel 16. However, the Navy Observation Post is normally manned only during firing exercises. In addition, since the Navy Observation Post may not be able to receive radio transmissions or answer a vessel calling from the area described in paragraph (A)(3) of this section due to interference from the land mass, it is recommended that callers position their craft for line-of-sight transmission with the Navy Observation Posts near Pyramid Cove prior to assuming that the range is not in use.

(4) Except in an emergency, no vessel shall anchor in these areas without first obtaining permission from the Commander, Naval Base, San Diego or from the senior officer present in the area who may grant permission to anchor not exceeding the period of time that he, himself, is authorized to remain there. The senior officer present shall advise the Commander, Naval Base, San Diego when and to whom a berth is assigned.

(5) The regulations in this section shall be enforced by the Commander, Naval Base, San Diego, and such agencies as he/she shall designate.

[55 FR 30907, July 30, 1990, as amended at 62 FR 17556, Apr. 10, 1997]

§ 334.960 Pacific Ocean, San Clemente Island, Calif.; naval danger zone off West Cove.

(a) *The danger zone.* The waters of the Pacific Ocean in an area about one-half mile off the west coast of San Clemente Island basically outlined as follows:

| Latitude | Longitude |
|-----------|------------|
| 33°00'40" | 118°35'45" |
| 32°57'40" | 118°34'25" |
| 32°57'10" | 118°35'40" |
| 33°00'10" | 118°37'00" |
| 33°00'40" | 118°35'45" |

(b) *The regulations.* (1) Intermittent firing may take place in the danger

zone on any day from 8:00 a.m. until 1:00 p.m.

(2) Except as otherwise provided in this section, the danger zone will be open to fishing and general navigation.

(3) The operations officer, Naval Ordnance Test Station, Pasadena Annex, Pasadena, California, will announce firing schedules. Each week, public notices will be issued giving advance firing schedules. Such notices will appear in the local newspapers and in local "Notice to Mariners" and "Notice to Airmen." For the benefit of the fishermen and small-craft operators, announcements will be made on the marine radio.

(4) When a scheduled firing is about to be undertaken, fishing boats and other small craft will be contacted by surface patrol boats or aircraft equipped with a loudspeaker system. When so notified, all persons and vessels shall leave the area immediately by the shortest route. Upon completion of firing or if the scheduled firing is cancelled for any reason, fishermen and small-boat operators will be notified as far in advance as possible by Marine Radio Broadcast.

(5) The regulations in this section shall be enforced by security personnel attached to the Naval Ordnance Test Station, Pasadena Annex, and by such agencies as may be designated by the Commandant, Eleventh Naval District, San Diego.

[27 FR 6829, July 19, 1962. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17557, Apr. 10, 1997; 62 FR 24034, May 2, 1997]

§ 334.961 Pacific Ocean, San Clemente Island, California, naval danger zone off the northwest shore.

(a) *The danger zone:* The waters of the Pacific Ocean adjacent to San Clemente Island, California, bounded by the following coordinates and San Clemente Island:

- Point A—33°01'38" N 118°36'20" W
- Point B—33°01'11" N 118°37'25" W
- Point C—33°00'11" N 118°37'00" W
- Point D—33°00'05" N 118°38'53" W
- Point E—33°02'55" N 118°39'05" W
- Point F—33°04'25" N 118°37'41" W
- Point G—33°02'02.5" N 118°35'53" W

(b) *The regulations.* (1) No person shall enter this area during closure periods

§ 334.980

unless authorized to do so by the enforcing agency. No vessel or other craft, except vessels of the U.S. Government or vessels duly authorized by the enforcing agency shall enter this area during closure periods.

(2) The regulations in this section shall be enforced by the commander, Naval Base, San Diego, California, and such agencies as he/she shall designate.

[55 FR 41522, Oct. 12, 1990, as amended at 62 FR 17557, Apr. 10, 1997]

§ 334.980 Pacific Ocean; around San Nicolas Island, Calif., naval restricted area.

(a) *The area.* The waters of the Pacific Ocean around San Nicolas Island, Calif., extending about 3 miles seaward from the shoreline, described as follows:

| | Latitude | Longitude |
|---------|-----------|------------|
| Point A | 33°10'10" | 119°24'20" |
| Point C | 33°10'10" | 119°31'10" |
| Point D | 33°12'00" | 119°35'30" |
| Point E | 33°14'20" | 119°37'40" |
| Point F | 33°16'40" | 119°38'10" |
| Point G | 33°19'10" | 119°37'10" |
| Point I | 33°20'10" | 119°31'10" |
| Point K | 33°17'40" | 119°24'50" |
| Point L | 33°13'50" | 119°21'50" |

(b) *Sections of area.* (1) ALPHA section is the northerly section of the area, and is described as follows:

| | Latitude | Longitude |
|---------|-----------|------------|
| Point G | 33°19'10" | 119°37'10" |
| Point I | 33°20'10" | 119°31'10" |
| Point J | 33°18'18" | 119°26'29" |
| Point O | 33°15'43" | 119°28'40" |

Thence northwesterly along shoreline to Point N

| | | |
|---------|-----------|------------|
| Point N | 33°16'30" | 119°30'40" |
| Point G | 33°19'10" | 119°37'10" |

(2) BRAVO section is the westerly section of the area, and is described as follows:

| | Latitude | Longitude |
|---------|-----------|------------|
| Point N | 33°16'30" | 119°30'40" |

Thence westerly, southerly and easterly along the shoreline to Point M

| | | |
|---------|-----------|------------|
| Point M | 33°13'10" | 119°29'40" |
| Point B | 33°10'10" | 119°29'40" |
| Point C | 33°10'10" | 119°31'10" |
| Point D | 33°12'00" | 119°35'30" |
| Point E | 33°14'20" | 119°37'40" |
| Point F | 33°16'40" | 119°38'10" |
| Point G | 33°19'10" | 119°37'10" |

33 CFR Ch. II (7-1-11 Edition)

| | Latitude | Longitude |
|---------|-----------|------------|
| Point N | 33°16'30" | 119°30'40" |

(3) CHARLIE section is the easterly section of the area, and is described as follows:

| | Latitude | Longitude |
|---------|-----------|------------|
| Point J | 33°18'18" | 119°26'29" |
| Point O | 33°15'43" | 119°28'40" |

Thence easterly, southerly and westerly along the shoreline to Point M

| | | |
|---------|-----------|------------|
| Point M | 33°13'10" | 119°29'40" |
| Point B | 33°10'10" | 119°29'40" |
| Point A | 33°10'10" | 119°24'20" |
| Point L | 33°13'50" | 119°21'50" |
| Point K | 33°17'40" | 119°24'50" |
| Point J | 33°18'18" | 119°26'29" |

(c) *Markers.* Range markers, as delineated below, are installed at Points M, N, and O for navigational purposes to indicate the boundaries between sections ALPHA, BRAVO, and CHARLIE.

(1) At Point M two triangular markers are installed facing southward, 10 feet in length on each side, with red and white diagonal stripes, each marker mounted atop 80-foot poles spaced 100 yards apart, each pole being located on the line of longitude 119°29'40" W. and near the southerly shoreline at latitude 33°13'10" N. The southernmost marker is 20 feet below the other.

(2) At Point N two triangular markers are installed facing northwesterly, 10 feet in length on each side, with red and white diagonal stripes, each marker mounted atop 80-foot poles spaced 100 yards apart, the poles being located near the northwesterly shoreline at latitude 33°16'30" N. and longitude 119°30'40" W. The northernmost marker is 20 feet below the other.

(3) At Point O two triangular markers are installed facing northeasterly, 10 feet in length on each side, with red and white diagonal stripes, each marker mounted atop 80-foot poles spaced 100 yards apart, the poles being located near the northeasterly shoreline at latitude 33°15'43" N. and longitude 119°28'40" W. The northernmost marker is 20 feet below the other.

(d) *The regulations.* (1) No seaplanes, other than those approved for entry by the Commander, Pacific Missile Range (COMP MR) may enter any section of the area.

(2) Subject to the provisions of paragraph (d)(4) of this section, relating to sections BRAVO and CHARLIE, no vessels other than Pacific Missile Range craft and those cleared for entry by COMPMR, or the Officer-in-Charge, San Nicolas Island shall enter any section of the area at any time except in an emergency, proceeding with extreme caution.

(3) Dredging, dragging, seining, anchoring and other fishing operations within ALPHA section of the area are prohibited at all times.

(4) Dredging, dragging, seining, or other fishing operations are allowed within the boundaries of BRAVO and CHARLIE sections at all times except when declared closed by COMPMR. Notice that sections BRAVO and/or CHARLIE are closed to fishing shall be given by publication of notices to mariners, or may be obtained by monitoring standard Coast Guard radio broadcasts or by contacting the Pacific Missile Range by telephone or radio. Boats must remain at least 300 yards from the shoreline of San Nicolas Island at all times. Nothing in this provision shall be construed as authorization for personnel to land on San Nicolas Island, except in an emergency.

(5) The regulations in this section shall be enforced by personnel attached to the Pacific Missile Range, Point Mugu, Calif., and by such agencies as may be designated by the Commandant, 11th Naval District, San Diego, Calif.

[30 FR 2260, Feb. 19, 1965. Redesignated at 50 FR 42696, Oct. 22, 1985, and amended at 58 FR 21226, Apr. 19, 1993]

§ 334.990 Long Beach Harbor, Calif.; naval restricted area.

(a) *The area.* All the waters between the Navy mole and Terminal Island to the westward of longitude 118°13'10".

(b) *The regulations.* (1) The area is reserved exclusively for use by naval vessels. Permission for any person or vessel to enter the area must be obtained from the enforcing agency.

(2) The regulations in this section shall be enforced by the Commander, U.S. Naval Base Los Angeles, Long

Beach, California, and such agencies as he may designate.

[19 FR 891, Feb. 17, 1954, as amended at 27 FR 12368, Dec. 13, 1962. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17557, Apr. 10, 1997]

§ 334.1010 San Francisco Bay in vicinity of Hunters Point; naval restricted area.

(a) *The area.* Bounded by the shore of the San Francisco Naval Shipyard and the following lines: Beginning at a point on the northerly shore of the Shipyard bearing 292°40', 950 yards, from Hunters Point Light; thence 35°27', 730 yards to the U.S. Pierhead Line; thence 142°55', 1,300 yards, along the Pierhead Line; thence 180°, 2,450 yards, to the San Francisco-San Mateo County Line; thence 270°, 430 yards, along the County Line; thence 305°27', 1,313 yards, to and along the southwesterly side of South Basin; and thence due north, 413 yards, to the southwest-erly shore of the Shipyard.

NOTE: All bearings in this section are referred to true meridian.

(b) *The regulations.* No person may enter the area and no vessel or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commander, San Francisco Naval Shipyard, shall navigate, anchor or moor in this area.

[26 FR 11201, Nov. 28, 1961. Redesignated at 50 FR 42696, Oct. 22, 1985; 51 FR 25198, July 11, 1986, as amended at 62 FR 17557, Apr. 10, 1997]

§ 334.1020 San Francisco Bay and Oakland Inner Harbor; restricted areas in vicinity of Naval Air Station, Alameda.

(a) *The areas.* (1) The waters of San Francisco Bay bounded by the shore of Naval Air Station, Alameda, and a line beginning at a point on the north side of Oakland Inner Harbor Entrance Channel at approximately: 37°47'57" N, 122°19'43" W; WSW to 37°47'53" N, 122°19'57" W; SE to 37°47'46" N, 122°20'00" W; SE to 37°47'41" N, 122°19'52" W; S to 37°46'49" N, 122°19'52" W; E to 37°46'49" N, 122°19'28" W; SE to 37°46'46" N, 122°19'21" W; E to 37°46'45" N, 122°19'05" W; SE to 37°46'38" N, 122°18'59" W; SSW to 37°46'18" N, 122°19'05" W; SE to 37°46'00" N, 122°18'28" W; E to 37°46'00" N, 122°18'22"

§ 334.1030

W; N to 37°46'03" N, 122°18'22" W; E to 37°46'00" N, 122°17'28" W; NE to 37°46'03" N, 122°17'26" W; where it joins the Naval Air Station, Alameda, Breakwater.

(2) The waters of the entrance channel to Oakland Inner Harbor (San Antonio Estuary) between the westerly end of the rock wall on the south side of the channel and the easterly boundary of the Naval Air Station.

(b) *The regulations.* (1) No person shall enter this area and no vessel or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commanding Officer, U.S. Naval Air Station, Alameda, California, shall navigate, anchor or moor in the area described in paragraph (a)(1) of this section.

(2) No person shall enter this area and no vessel without special authorization of the Commander, Twelfth Coast Guard District, shall lie, anchor or moor in the area described in paragraph (a)(2) of this section. Vessels may proceed through the entrance channel in process of ordinary navigation or may moor alongside wharves on the Oakland side of the channel.

[26 FR 11201, Nov. 28, 1961, as amended at 27 FR 10484, Oct. 27, 1962. Redesignated at 50 FR 42696, Oct. 22, 1985, and amended at 51 FR 25198, July 11, 1986; 55 FR 3056, Jan. 30, 1990; 62 FR 17557, Apr. 10, 1997]

§ 334.1030 Oakland Inner Harbor adjacent to Alameda Facility, Naval Supply Center, Oakland; restricted area.

(a) *The area.* Within 100 feet of the Alameda Facility wharf.

(b) *The regulations.* No persons and no vessels or other craft, except vessels of the United States Government or vessels duly authorized by the Commanding Officer, Naval Supply Center, Oakland, shall enter this area.

[26 FR 11201, Nov. 28, 1961, as amended at 31 FR 6590, May 3, 1966. Redesignated at 50 FR 42696, Oct. 22, 1985; 51 FR 25198, July 11, 1986, as amended at 62 FR 17557, Apr. 10, 1997]

§ 334.1040 Oakland Harbor in vicinity of Naval Supply Center, Oakland; restricted area and navigation.

(a) *The area.* Bounded by the shore of the Naval Supply Center and the following lines: Beginning at a point on the north shore located at about lati-

33 CFR Ch. II (7-1-11 Edition)

tude 37°48'26", longitude 122°19'34"; thence 225°12', 290 yards; and thence 173°10', 620 yards to a point on the south shore at about latitude 37°48'02", longitude 122°19'39".

(b) *The regulations.* (1) No persons and no vessels or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commanding Officer, Naval Supply Center, Oakland, shall enter this area.

(2) All vessels over 1,000 tons displacement, bound for the Naval Supply Center, Oakland, shall use a qualified pilot regularly licensed for the waters of Oakland Harbor.

[26 FR 11201, Nov. 28, 1961, as amended at 31 FR 6590, May 3, 1966. Redesignated at 50 FR 42696, Oct. 22, 1985; 51 FR 25198, July 11, 1986, as amended at 62 FR 17557, Apr. 10, 1997]

§ 334.1050 Oakland Outer Harbor adjacent to the Military Ocean Terminal, Bay Area, Pier No. 8 (Port of Oakland Berth No. 10); restricted area.

(a) *The area.* Within 100 feet of the pier.

(b) *The regulations.* No persons and no vessels or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commander, Oakland Army Base, shall enter this area.

[26 FR 11201, Nov. 28, 1961, as amended at 31 FR 6590, May 3, 1966. Redesignated at 50 FR 42696, Oct. 22, 1985; 51 FR 25198, July 11, 1986, as amended at 62 FR 17557, Apr. 10, 1997]

§ 334.1060 Oakland Outer Harbor adjacent to the Oakland Army Base; restricted area.

(a) *The area.* Within 100 feet of the wharves, piers or shore.

(b) *The regulations.* No persons and no vessels or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commander, Oakland Army Base, shall enter this area.

[26 FR 11201, Nov. 28, 1961, as amended at 31 FR 6590, May 3, 1966. Redesignated at 50 FR 42696, Oct. 22, 1985; 51 FR 25198, July 11, 1986, as amended at 62 FR 17557, Apr. 10, 1997]

§ 334.1065 U.S. Coast Guard Station, San Francisco Bay, Yerba Buena Island, San Francisco Bay, California; restricted area.

(a) *The area.* San Francisco Bay on the east side of Yerba Buena Island: From a point along the southeastern

shore of Yerba Buena Island at latitude 37°48'27" North, longitude 122°21'44" West; east to latitude 37°48'27" North, longitude 122°21'35" West; north to latitude 37°48'49" North, longitude 122°21'35" West, a point on the northeastern side of Yerba Buena Island.

(b) *The regulation.* (1) All persons and vessels are prohibited from entering the waters within the Restricted Area for any reason without prior written permission from the Commanding Officer of the Coast Guard Group San Francisco on Yerba Buena Island.

(2) Mooring, anchoring, fishing, transit and/or swimming shall not be allowed within the Restricted Area without prior written permission from the Commanding Officer of the Coast Guard Group San Francisco on Yerba Buena Island, and such agencies and persons as he/she shall designate.

(c) *Enforcement.* The regulation in this section shall be enforced by the Commanding Officer of the Coast Guard Group San Francisco on Yerba Buena Island, and such agencies and persons as he/she shall designate.

[69 FR 20547, Apr. 16, 2004]

§ 334.1070 San Francisco Bay between Treasure Island and Yerba Buena Island; naval restricted area.

(a) *The area.* All the water of the cove bounded by the south shore of Treasure Island, the north shore of Yerba Buena Island, and the connecting causeway, west of a line extending from the southeast corner of the most southerly of the four finger piers along the east side of Treasure Island, at about latitude 37°49'11", longitude 122°21'40", approximately 153°20' to the northeasterly point of Yerba Buena Island, at about latitude 37°48'55", longitude 122°21'30".

(b) *The regulations.* No person and no vessel or other craft, except vessels owned and operated by the U.S. Government or vessels duly authorized by the Commanding Officer, Naval Station, Treasure Island, shall enter the restricted area.

[26 FR 11201, Nov. 28, 1961. Redesignated at 50 FR 42696, Oct. 22, 1985; 51 FR 25198, July 11, 1986, as amended at 62 FR 17557, Apr. 10, 1997]

§ 334.1080 San Francisco Bay adjacent to northeast corner of Treasure Island; naval restricted area.

(a) *The area.* Beginning at the intersection of Pier 21 and the bulkhead line, thence northwesterly along the bulkhead to the northernmost point of Treasure Island; thence 288° true, 290 yards; thence 26° true, 475 yards; thence 115° 30' true, 520 yards; thence 152° true, 500 yards to Pier 21; thence along the pier to the point of beginning.

(b) *The regulations.* No person shall enter the restricted area. No vessels, except those engaged in naval operations, shall lie, anchor, moor or unnecessarily delay in the area. Vessels may pass through the area in the process of ordinary navigation except as directed by patrol boats. The regulations in this paragraph shall be enforced by the Commandant, Twelfth Naval District, and such agencies as he may designate.

[26 FR 11201, Nov. 28, 1961. Redesignated at 50 FR 42696, Oct. 22, 1985; 51 FR 25198, July 11, 1986, as amended at 62 FR 17557, Apr. 10, 1997]

§ 334.1090 San Francisco Bay in vicinity of the NSC Fuel Department, Point Molate restricted area.

(a) *The area.* Bounded by the easterly shore of upper San Francisco Bay and the following lines: Beginning at a point on shore bearing 17° 800 yards, from "Tree" at Molate Point thence 270°, 870 yards; thence 189° 1,100 yards; and thence 123° to the shore.

(b) *The regulations.* Persons and vessels not operating under supervision of the local military or naval authority or public vessels of the United States, shall not enter this area except by specific permission of the Commanding Officer, Naval Supply Center.

[26 FR 11201, Nov. 28, 1961, as amended at 42 FR 17120, Mar. 31, 1977. Redesignated at 50 FR 42696, Oct. 22, 1985; 51 FR 25198, July 11, 1986, as amended at 62 FR 17558, Apr. 10, 1997]

§ 334.1100 San Pablo Bay, Carquinez Strait, and Mare Island Strait in vicinity of U.S. Naval Shipyard, Mare Island; restricted area.

(a) *The area.* The waters of San Pablo Bay, Carquinez Strait, and Mare Island Strait, within 100 yards of the shore of that part of the Navy Yard, Mare Island, south of the causeway between

§ 334.1110

the City of Vallejo and Mare Island and extending continuously therefrom southeasterly, southwesterly, and northwesterly around the Navy Yard to its northwesterly limit on the waters of San Pablo Bay, and the waters within 50 yards of any part of the berthing piers at the Navy Yard.

(b) *The regulations.* No persons shall enter this area and no vessels or other craft, except vessels of the U.S. Government or vessels duly authorized by the Commander, Mare Island Naval Shipyard, Vallejo, California, shall navigate, anchor or moor in this area.

[26 FR 11201, Nov. 28, 1961, as amended at 27 FR 10484, Oct. 27, 1962. Redesignated at 50 FR 42696, Oct. 22, 1985; 51 FR 25198, July 11, 1986, as amended at 62 FR 17558, Apr. 10, 1997]

§ 334.1110 Suisun Bay at Naval Weapons Station, Concord; restricted area.

(a) *The area.* Beginning at a point on the shore and on the easterly side of the mouth of a small slough (known as Hastings Slough) bearing 189°, 2,412 yards from Tripon at Preston Point on Roe Island; thence 340°30', 400 yards, to the shore line of the westerly of the two Seal Islands; thence 60°30', 940 yards; thence 75°, 1,650 yards; thence 102°, 1,850 yards; thence 99°, 1,880 yards; thence 180°, 435 yards, to the shore line; thence following the high water shore line in a general westerly direction to the point of beginning.

(b) *The regulations.* (1) No person, vessel, watercraft, conveyance or device shall enter or cause to enter or remain in this area. No person shall refuse or fail to remove any person or property in his custody or under his control from this area upon the request of the Commanding Officer of the Naval Weapons Station Concord or his/her authorized representative.

(2) The regulations in this section shall be enforced by the Commanding Officer, Naval Weapons Station Concord, and such agencies as he/she shall designate.

[26 FR 11201, Nov. 28, 1961, as amended at 42 FR 17120, Mar. 31, 1977. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 61 FR 43970, Aug. 27, 1996]

33 CFR Ch. II (7-1-11 Edition)

§ 334.1120 Pacific Ocean in the vicinity of Point Mugu, Calif.; naval small arms firing range.

(a) *The danger zone.* A triangular area extending westerly into the waters of the Pacific Ocean from a point on the beach north of Point Mugu, California, described as follows: Beginning at latitude 34°05'32", longitude 119°03'57"; thence southwesterly approximately 4,000 yards to latitude 34°04'22", longitude 119°05'55"; thence northwesterly approximately 1,500 yards to latitude 34°05'01", longitude 119°06'17"; thence northeasterly to the point of beginning.

(b) *The regulations.* (1) Range firing will normally take place between 6 a.m. and 6 p.m., Thursday through Monday, and between 6 a.m. and 11:30 p.m., Tuesday and Wednesday of each week. Within the above periods, firing will be conducted as determined by the Commanding Officer, U.S. Naval Construction Battalion Center, Port Hueneme, Calif.

(2) Except as otherwise provided in this section, the danger zone will be open to fishing and general navigation.

(3) The Commanding Officer, U.S. Naval Construction Battalion Center, Port Hueneme, California, will announce firing schedules. Each week, public notices will be issued giving advance firing schedules. Such notices will appear in the local newspapers and in local "Notice to Mariners," and "Notice to Airmen." For the benefit of fishermen and smallcraft operators, announcements will be made on the marine radio.

(4) When a scheduled firing is about to be undertaken or is in progress, a large red flag will be displayed from the control tower situated at latitude 34°05'32", longitude 119°03'57", so as to be clearly visible for a distance of at least three (3) miles offshore. Safety observers will be on duty at all times when the warning flag is being displayed from the tower. Upon completion of firing, or if the scheduled firing is canceled for any reason, fishermen and small-boat operators will be notified as far in advance as possible by Marine Radio Broadcast.

(5) Persons, vessels or other craft shall not enter or remain in the danger zone when the warning flag is being

displayed unless authorized to do so by the range officer in the control tower.

(6) The regulations in this section shall be enforced by the Commandant, Eleventh Naval District, San Diego, California, and such agencies as he may designate.

[28 FR 4785, May 14, 1963; 29 FR 1318, Jan. 25, 1964, as amended at 32 FR 5834, Apr. 12, 1967. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17558, Apr. 10, 1997]

§ 334.1125 Pacific Ocean Naval Air Weapons Station, Point Mugu, Small Arms Range, Ventura County, California; danger zone.

(a) *The area.* A triangular area extending southerly into the waters of the Pacific Ocean from a point on the beach north of Point Mugu, California, as follows:

| Station | Latitude | Longitude |
|---------|-------------------|---------------|
| 1 | 34°05'48" N | 119°07'03" W. |
| 2 | 34°03'20" N | 119°08'16" W. |
| 3 | 34°03'11" N | 119°07'39" W. |
| 4 | 34°05'42" N | 119°06'59" W. |
| 5 | 34°05'41" N | 119°06'51" W. |
| 6 | 34°05'45" N | 119°06'52" W. |

(b) *The regulations.* (1) Range firing will normally take place between 7 a.m. and 5 p.m. Monday through Friday.

(2) The danger zone may be used at all times for navigation and fishing, except when advance notice of intention to use this area has been given by the enforcing agency by one or more of the following means:

(i) Notice published in Ventura County daily newspaper, at least two days in advance of the date of said use and in the local "Notice to Mariners."

(ii) Display of red flag from the tower at 34°05'53" N., 119°06'59" W; or display of red flashing beacons in the case of night firing.

(iii) Radio broadcast on VHF-FM channel 16.

(iv) Notice to individual craft by visit of United States vessel.

(v) Telephone advice to such fisherman's organizations as may request, in writing, that such advice be given.

(3) Safety observers will be on duty at all times when the range is in use. Upon completion of firings, or if the scheduled firing is canceled for any reason, fishermen and small boat oper-

ators will be notified as far in advance as possible by Marine Radio Broadcast.

(4) Persons, vessels or other craft shall not enter or remain in the danger zone when the warning flag or beacon is being displayed unless authorized to do so by the range officer in the control tower.

(5) The regulations in this section shall be enforced by personnel attached to the Naval Air Weapons Station, Point Mugu, California, and by such other agencies as the Commandant, Eleventh Naval District, San Diego, California, may designate.

[62 FR 40278, July 28, 1997]

§ 334.1126 Naval Base Ventura County, Point Mugu, California; restricted area.

(a) *The area.* The restricted area at Naval Base Ventura County Point Mugu incorporates its shoreline and connects the following points: latitude 34°7'9.9", longitude 119°9'35.6" (up-coast shoreline point); latitude 34°7'0.0", longitude 119°9'46.7" latitude 34°6'44.9", longitude 119°9'22.5"; latitude 34°6'30.2", longitude 119°8'59.0"; latitude 34°6'20.5", longitude 119°8'46.7"; latitude 34°6'8.4", longitude 119°8'25.2"; latitude 34°5'53.7", longitude 119°7'59.5"; latitude 34°5'45.9", longitude 119°7'41.5"; latitude 34°5'40.1", longitude 119°7'21.0"; latitude 34°5'33.6", longitude 119°6'58.1"; latitude 34°5'31.2", longitude 119°6'37.9"; latitude 34°5'31.0", longitude 119°6'22.2"; latitude 34°5'32.9", longitude 119°6'14.4"; latitude; 34°5'44.7", longitude 119°5'54.0"; latitude 34°5'45.2", longitude 119°5'43.5"; latitude 34°5'41.0", longitude 119°5'21.2"; latitude 34°5'42.2", longitude 119°5'13.3"; latitude 34°5'27.8", longitude 119°4'49.5"; latitude 34°5'17.9", longitude 119°4'27.9"; latitude 34°5'5.7", longitude 119°3'59.90"; latitude; 34°5'17.9", longitude 119°3'55.4" (down-coast shoreline point).

(b) *The regulation.* No vessels may enter the restricted area unless permission is obtained in advance from the Commanding Officer of Naval Base Ventura County. Contact Naval Base Ventura County Security at (805) 989-7907.

(c) *Enforcement.* The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the Commanding Officer of Naval Base Ventura

§ 334.1127

County, and such agencies or persons as he/she may designate.

[69 FR 20546, Apr. 16, 2004]

§ 334.1127 Naval Base Ventura County, Port Hueneme, California; restricted area.

(a) *The area.* The waters within Port Hueneme Harbor, beginning at the seaward ends of the two Port Hueneme Harbor entrance jetties, with the northwestern entrance jetty end occurring at latitude 34°8'37.0" N., longitude 119°12'58.8" W. and the southeastern entrance jetty occurring at latitude 34°8'34.8" N., longitude 119°12'43.2" W., and extending northeasterly to the shoreline.

(b) *The regulation.* No vessels or persons may enter the restricted area unless permission is obtained in advance from the Commanding Officer of Naval Base Ventura County. Commercial vessels that are required to make Advanced Notifications of Arrival shall continue to do so. All vessels must obtain clearance from "Control 1" over marine radio channel 06 VHF-FM prior to crossing the COLREGS (Collision Regulations) demarcation line. Vessels without marine radio capability must obtain clearance in advance by contacting "Control 1" via telephone at (805) 982-3938 prior to crossing the COLREGS demarcation line. The COLREGS demarcation line is defined as a line approximately 1,500 feet in length connecting the seaward limits or ends of the two Port Hueneme Harbor entrance jetties, with the northwestern jetty end occurring at latitude 34°8'37.0" N., longitude 119°12'58.8" W., and the southeastern entrance jetty occurring at latitude 34°8'34.8" N., longitude 119°12'43.2" W. (NAD83).

(c) *Enforcement.* The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the Commanding Officer of Naval Base Ventura County, and such agencies or persons as he/she may designate.

[69 FR 20545, Apr. 16, 2004]

33 CFR Ch. II (7-1-11 Edition)

§ 334.1130 Pacific Ocean, Western Space and Missile Center (WSMC), Vandenberg AFB, Calif.; danger zones.

(a) *The Area.* (1) The waters of the Pacific Ocean in an area extending seaward from the shoreline a distance of about three nautical miles and basically outlined as follows:

| Station | Latitude | Longitude |
|-----------|-----------|------------|
| Point Sal | 34°54'08" | 120°40'15" |
| 1 | 34°54'08" | 120°44'00" |
| 2 | 34°52'48" | 120°44'00" |
| 3 | 34°50'00" | 120°40'30" |
| 4 | 34°44'50" | 120°42'15" |
| 5 | 34°41'50" | 120°40'12" |
| 6 | 34°35'12" | 120°42'45" |
| 7 | 34°33'00" | 120°41'05" |
| 8 | 34°30'40" | 120°37'29" |
| 9 | 34°24'18" | 120°30'00" |
| 10 | 34°23'34" | 120°27'05" |
| 11 | 34°24'21" | 120°24'40" |
| 12 | 34°27'20" | 120°24'40" |
| Point Sal | 34°54'08" | 120°40'15" |

(2) The danger area described in paragraph (a)(1) of this section will be divided into zones in order that certain firing tests and operations, whose characteristics as to range and reliability permit, may be conducted without requiring complete evacuation of the entire area. These zones are described as follows:

(i) *Zone 1.* An area extending seaward about three nautical miles from the shoreline beginning at Point Sal, latitude 34°54'08", longitude 120°40'15"; thence due west to latitude 34°54'08", longitude 120°44'00"; thence to latitude 34°52'48", longitude 120°44'00"; thence to latitude 34°50'00", longitude 120°40'30"; thence due east to the shoreline at latitude 34°50'00", longitude 120°36'30".

(ii) *Zone 2.* An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°50'00", longitude 120°36'30"; thence due west to latitude 34°50'00", longitude 120°40'30", thence to latitude 34°45'28", longitude 120°42'05"; thence due east to the shoreline at Purisima Point, latitude 34°45'28", longitude 120°38'15".

(iii) *Zone 3.* An area extending seaward about three nautical miles from the shoreline beginning at Purisima Point latitude 34°45'28", longitude 120°38'15"; thence due west to latitude 34°45'28", longitude 120°42'05"; thence to latitude 34°44'50", longitude 120°42'15"; thence to latitude 34°41'50", longitude

120°40'12"; thence due east to the shoreline at the mouth of the Santa Ynez River, latitude 34°41'50", longitude 120°36'20".

(iv) *Zone 4.* An area extending seaward about three nautical miles from the shoreline beginning at the mouth of the Santa Ynez River latitude 34°41'50", longitude 120°36'20"; thence due west to latitude 34°41'50", longitude 120°40'12"; thence to latitude 34°35'12", longitude 120°42'45"; thence latitude 34°34'32", longitude 120°42'15", thence due east to the shoreline at Point Arguello, latitude 34°34'32", longitude 120°39'03".

(v) *Zone 5.* An area extending seaward about three nautical miles from the shoreline beginning at Point Arguello, latitude 34°34'32", longitude 120°39'03"; thence due west to latitude 34°34'32", longitude 120°42'15"; thence to latitude 34°33'00", longitude 120°41'05"; thence to latitude 34°30'40", longitude 120°37'29"; thence due north to the shoreline at latitude 34°33'15", longitude 120°37'29".

(vi) *Zone 6.* An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°33'15", longitude 120°37'29"; thence due south to latitude 34°30'40", longitude 120°37'29"; thence due east to the shoreline at latitude 34°30'40", longitude 120°30'10".

(vii) *Zone 7.* An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°30'40", longitude 120°30'10"; thence due west to latitude 34°30'40", longitude 120°37'29"; thence to latitude 34°26'56", longitude 120°33'06"; thence due east to the shoreline at Point Conception, latitude 34°26'56", longitude 120°28'10".

(viii) *Zone 8.* An area extending seaward about three nautical miles from the shoreline beginning at Point Conception, latitude 34°26'56", longitude 120°28'10"; thence due west to latitude 34°26'56", longitude 120°33'06"; thence to latitude 34°24'18", longitude 120°30'00"; thence to latitude 34°23'34", longitude 120°27'05"; thence shoreward to Point Conception, latitude 34°26'56", longitude 120°28'10".

(ix) *Zone 9.* An area extending seaward about three nautical miles from the shoreline beginning at Point Conception, latitude 34°26'56", longitude 120°28'10"; thence seaward to latitude 34°23'34", longitude 120°27'05"; thence to

latitude 34°24'21", longitude 120°24'40"; thence due north to the shoreline at latitude 34°27'20", longitude 120°24'40".

(b) *The regulations.* (1) Except as prescribed in this section or in other regulations, the danger zone will be open to fishing, location of fixed or movable oil drilling platforms and general navigation without restrictions.

(2) The stopping or loitering by any person or vessel is expressly prohibited within Danger Zone 4, between the mouth of the Santa Ynez River and Point Arguello, unless prior permission is obtained from the Commander, Western Space and Missile Center (WSMC) at Vandenberg AFB, California.

(3) The impacting of missile debris from launch operations will take place in any one or any group of zones in the danger areas at frequent and irregular intervals throughout the year. The Commander, WSMC, will announce in advance, the closure of zones hazarded by missile debris impact. Such advance announcements will appear in the weekly "Notice to Mariners." For the benefit of fishermen, small craft operators and drilling platform operators, announcements will also be made on radio frequency 2182 kc, 2638 kc, VHF channel 6 (156.30 MHz), VHF channel 12 (156.60 MHz), and VHF channel 16 (156.80 MHz) for daily announcements. Additionally, information will be posted on notice boards located outside Port Control Offices (Harbormasters) at Morro Bay, Port San Luis, Santa Barbara, Ventura, Channel Islands, and Port Hueneme Harbors, and any established harbor of refuge between Santa Barbara and Morro Bay.

(4) All fishing boats, other small craft, drilling platforms and shipping vessels with radios are requested to monitor radio frequency 2182 kc, 2638 kc, VHF channel 6 (156.30 MHz), VHF channel 12 (156.60 MHz), or channel 16 (156.80 MHz) while in these zones for daily announcements of zone closures.

(5) When a scheduled launch operation is about to begin, radio broadcast notifications will be made periodically, starting at least 24 hours in advance. Additional contact may be made by surface patrol boats or aircraft equipped with a loudspeaker system. When so notified, all persons and all

§ 334.1140

vessels shall leave the specified zone or zones immediately by the shortest route.

(6) The Commander, WSMC, will extend full cooperation relating to the public use of the danger area and will fully consider every reasonable request for its use in light of requirements for national security and safety of persons and property.

(7) Where an established harbor of refuge exists, small craft may take shelter for the duration of zone closure.

(8) Fixed or movable oil drilling platforms located in zones identified as hazardous and closed in accordance with this regulation shall cease operations for the duration of the zone closure. The zones shall be closed continuously no longer than 72 hours at any one time. Such notice to evacuate personnel shall be accomplished in accordance with procedures as established by the Commander, WSMC, the U.S. Department of the Interior, Minerals Management Service and the oil industry in the adjacent waters of the outer continental shelf.

(9) No seaplanes, other than those approved by the Commander, WSMC, may enter the danger zones during launch closure periods.

(10) The regulations in this section shall be enforced by personnel attached to WSMC and by such other agencies as may be designated by the Commander, WSMC.

(11) The regulations in this section shall be in effect until further notice. They shall be reviewed again during August 1994.

(33 U.S.C. 1, 3)

[48 FR 19025, Apr. 27, 1983. Redesignated at 50 FR 42696, Oct. 22, 1985, and amended at 54 FR 31142, July 26, 1989; 62 FR 17558, Apr. 10, 1997]

§ 334.1140 Pacific Ocean at San Miguel Island, Calif.; naval danger zone.

(a) *The area.* The waters around San Miguel Island, extending about 3 miles seaward from the shoreline within the following points:

| | Latitude (N) | Longitude (W) |
|---------|--------------|---------------|
| Point A | 34°01'32" | 120°23'17" |
| Point B | 33°58'48" | 120°23'17" |
| Point C | 33°58'48" | 120°15'00" |
| Point D | 34°02'50" | 120°15'00" |
| Point E | 34°05'45" | 120°17'25" |
| Point F | 34°07'00" | 120°20'05" |

33 CFR Ch. II (7-1-11 Edition)

| | Latitude (N) | Longitude (W) |
|---------|--------------|---------------|
| Point G | 34°09'18" | 120°23'17" |
| Point H | 34°03'09" | 120°23'17" |

(b) *Markers.* Range markers, as delineated below, are installed at points A and H for navigational purposes for both surface vessels and aircraft:

(1) At point A two triangular markers are installed facing southward, 10 feet in length on each side, with red and white diagonal stripes, each marker mounted atop 80-foot poles spaced 100 yards apart, each pole being placed on the line of longitude 120°23'17" W. and near the southerly shoreline at latitude 34°01'32" N. The southernmost marker is 20 feet below the other.

(2) At point H two triangular markers are installed facing true north 10 feet in length on each side, with red and white diagonal stripes, each marker mounted atop 80-foot poles spaced 100 yards apart, each pole being placed on the line of longitude 120°23'17" W. and near the northwesterly shoreline at latitude 34°03'09" N. The northernmost marker is 20 feet below the other.

(c) *The regulations.* (1) Except as prescribed in this section or in other regulations, the danger zone will be open to fishing and general navigation. Bomb drops between designated hours are expected to be intermittent, and when safe to do so, commercial fishing boats and other small craft will be granted permission to proceed through the danger zone. All vessels permitted to enter the zone during a scheduled bomb drop period, other than those owned or operated by the U.S. Government, shall proceed across the zone by the most direct route and clear the area as soon as possible. When bomb drops are not scheduled, the zone may be occupied without restriction.

(2) The anchoring, stopping or loitering by any person, vessel, fishing boat or recreational craft within the danger zone during scheduled firing/drop hours is expressly prohibited.

(3) The bomb drops will take place in the danger zone at frequent and irregular intervals throughout the year. Danger zone usage demands are identified in the Eleventh Coast Guard District, "Local Notice of Mariners." Announcements will also be made on marine radio channel 16, at 0800 local

time, 1200 local time and/or 1 hour prior to bomb drop operations. Status of the zone and/or permission to enter, may be requested by calling "Plead Control" on marine channel 16 or by calling the Pacific Missile Test Center (PMTC) on telephone number (805) 982-8280 or 982-8841.

(4) The Commander, PMTC will extend full cooperation relating to the public use of the danger zone area and will fully consider every reasonable request for its use in light of requirements for national security and safety of persons and property.

(5) No seaplanes, other than those approved for entry by the Commander, PMTC, may enter the danger zone during firing periods.

(6) Landing by any vessel or going ashore by any person on San Miguel Island is specifically prohibited without prior permission of the Superintendent, Channel Islands National Park. Applications for such permission should be made to: Superintendent, Channel Islands National Park, 1699 Anchors Way Drive, Ventura, California 93003.

(7) The regulations in this section shall be enforced by personnel attached to the Pacific Missile Test Center, Point Mugu, California, and by such other agencies as the Commandant, 11th Naval District, San Diego, California, may designate.

(8) The regulations in this section shall be in effect until further notice. They shall be reviewed in 1986.

(Sec. 7, 40 Stat. 266, Chap. XIX, 40 Stat. 892; 33 U.S.C. 1, 3)

[31 FR 816, Jan. 21, 1966, as amended at 47 FR 4990, Feb. 3, 1982. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17558, Apr. 10, 1997]

§ 334.1150 Monterey Bay, Calif.

(a) *Firing range, Fort Ord, Calif.*—(1) *The danger zone.* (i) A rectangular area in Monterey Bay, the southerly limit of which is an extension seaward of the southerly line of the Fort Ord Military Reservation boundary and bears 307° true, 8,000 yards from a point on the shore at latitude 36°37'47", longitude 121°50'28", and the northerly limit of which is a line bearing 307° true, 8,000 yards, from a point on the shore at latitude 36°41'57", longitude 121°48'30", opposite Marina, Monterey County,

California. The seaward boundary is a straight line joining the outer ends of the southerly and the northerly boundaries at the 8,000 yard range and is approximately parallel to the shore.

(ii) The danger zone is divided into a short range area, extending seaward from the shore a distance of 5,000 yards measured along the southerly and northerly boundaries, and a long range area embracing the entire danger zone.

(2) *The regulations.* (i) The 5,000 yard short range is prohibited to all persons, vessels and craft, except those authorized by the enforcing agency, each week, between dawn and midnight from Monday through Friday and between dawn and dusk on Saturday and Sunday.

(ii) The area between the 5,000 yard short range and the 8,000 yard seaward boundary of the danger zone may be used at all times for navigation and fishing, except when advance notice of intention to use this area has been given by the enforcing agency by one or more of the following means.

(a) Notice published in Monterey County and Santa Cruz County daily newspapers, at least two days in advance of the date of said use.

(b) Display of red flags at Indian Head Beach and near the Point Pinos Lighthouse.

(c) Radio Broadcast.

(d) Notice to individual craft by a visit of a U.S. vessel.

(e) Telephone advice to such fishermen's organizations as may request, in writing, that such advice be given.

(iii) The regulations in this paragraph will be enforced by the Commanding General, Fort Ord, California.

(b) *Navy mining operations area*—(1) *The danger zone.* Shoreward of a line beginning at the stack at about latitude 36°58'06", longitude 121°54'06"; thence 230° true, 6.0 miles; thence 140° true, 7.5 miles; thence 50° true to the shore.

(2) *The regulations.* The danger zone will be used for training in various phases of mine warfare operations. During the period from August 1 to February 15, inclusive, each year, no operations will be carried on which will involve placing any obstructions in the water nor will any operations be carried on at night. During the period

§ 334.1160

from February 16 to July 31, inclusive, each year, operations may be carried on which will involve laying exercise mines and other moored or bottom obstructions. In each case when moored or bottom obstructions are laid a notice to mariners will be issued giving notice of their approximate location within the danger zone and all persons and vessels shall keep clear.

[13 FR 8301, Dec. 24, 1948. Redesignated at 14 FR 4904, Aug. 9, 1949, and amended at 17 FR 4665, May 22, 1952; 19 FR 96, Jan. 7, 1954. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17558, Apr. 10, 1997]

§ 334.1160 San Pablo Bay, Calif.; target practice area, Mare Island Naval Shipyard, Vallejo.

(a) *The danger zone.* A sector in San Pablo Bay adjacent to the westerly shore of Mare Island with a radius of 4,700 yards, centered at a point bearing 316° true, 3,605 yards, from Mare Island Strait Light 1, with limiting true bearings from that center of 266°30' and 222°.

(b) *The regulations.* The Commander, Mare Island Naval Shipyard, Vallejo, California, will conduct target practice in the area at intervals of which the public will be duly notified. At such times all persons and vessels shall stay clear.

[13 FR 8302, Dec. 24, 1948. Redesignated at 14 FR 4904, Aug. 9, 1949, and amended at 27 FR 10484, Oct. 27, 1962; 37 FR 9995, May 18, 1972. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17558, Apr. 10, 1997]

§ 334.1170 San Pablo Bay, Calif.; gunnery range, Naval Inshore Operations Training Center, Mare Island, Vallejo.

(a) *The Danger Zone.* A sector in San Pablo Bay delineated by lines joining the following points:

| Latitude | Longitude |
|-----------|------------|
| 38°02'08" | 122°25'17" |
| 38°02'21" | 122°22'55" |
| 38°05'48" | 122°19'34" |
| 38°07'46" | 122°23'23" |

NOTE: The danger zone shall be used until September 30, 1982, after which it shall be subject to review to determine the further need thereof.

(b) *The regulations.* The Commanding Officer, Coastal River Division Eleven, Department of the Navy, Mare Island, Vallejo, California, will conduct gun-

33 CFR Ch. II (7-1-11 Edition)

nery practice in the area during the period April 1 through September 30, between the hours of 10 a.m. and 3 p.m. on the first Wednesday of each month and the third full weekend (Saturday and Sunday) of June. No persons or vessels shall enter or remain in the danger zone during the above stated periods except those persons and vessels connected with the gunnery practice operations. All firing will be from the southerly portion of the danger zone in a northerly direction, and only during good visibility. The public will be notified prior to each firing by a Notice to Mariners issued by the U.S. Coast Guard and the area will be patrolled by boat and searched by radar to insure a clear range. A safety officer will always be aboard the firing boat to guarantee that all safety precautions are observed. The regulations in this section will be enforced by the Commandant, 12th Naval District and such agencies as he may designate.

[31 FR 13992, Nov. 2, 1966, as amended at 34 FR 5723, Mar. 27, 1969; 35 FR 9279, June 13, 1970; 42 FR 40196, Aug. 9, 1977. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17558, Apr. 10, 1997]

§ 334.1180 Strait of Juan de Fuca, Wash.; air-to-surface weapon range, restricted area.

(a) *The restricted area.* A circular area immediately west of Smith Island with a radius of 1.25 nautical miles having its center at latitude 48°19'11" North and longitude 122°54'12" West. In the center of the area will be located a lighted and radar reflective buoy to serve as a navigational aid to mariners. The area will be used for air-to-surface target practice using non-explosive training devices.

(b) *The regulations.* (1) No person, vessel or other watercraft shall enter or remain within the designated restricted area between 0700 and 1200 hours daily, local time except as authorized by the enforcing agency and as follows: The area will be open to commercial gill net fishing during scheduled fishing periods from June 15 to October 15 annually. The October 15 closure date will be extended by the enforcing agency if determined as advantageous to the commercial gill net

fishing by the Washington State Department of Fisheries.

(2) Prior to each target practice operation the restricted area will be patrolled by naval aircraft. Those persons and vessels found within the restricted area will be overflown by the aircraft at an altitude of not less than 300' in the direction in which the unauthorized person and vessel are to proceed to clear the area.

(c) The regulations in this section shall be enforced by the Commandant, Thirteenth Naval District, Seattle, Washington, and such agencies as he may designate.

(Sec. 7, 40 Stat. 266, Chap. XIX)

[39 FR 44753, Dec. 27, 1974; 40 FR 6502, Feb. 12, 1975. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17558, Apr. 10, 1997]

§ 334.1190 Hood Canal and Dabob Bay, Wash.; naval non-explosive torpedo testing area.

(a) *Hood Canal in vicinity of Bangor*—(1) *The area.* All waters of Hood Canal between latitude 47°46'00" and latitude 47°42'00", exclusive of navigation lanes one-fourth nautical mile wide along the west shore and along the east shore south from the town of Bangor (latitude 47°43'28").

(2) *The regulations.* (i) The area will be used intermittently by the Navy for non-explosive torpedo ranging. Launching will be conducted only between 8:00 a.m., and sunset on days other than Saturdays, Sundays, and holidays. At no time will the navigation lanes generally paralleling the shore be closed to navigation.

(ii) Navigation will be permitted within the area at all times except when naval exercises are in progress. No vessel shall enter or remain in the area when such exercises are in progress. Prior to commencement of an exercise, the Navy will make an aerial or surface reconnaissance of the area. Vessels under way and laying a course through the area will not be interfered with, but they shall not delay their progress. Vessels anchored or cruising in the area and vessels unobserved by the Navy reconnaissance which enter or are about to enter the area while a torpedo is in the water will be contacted by a Navy patrol boat and advised to steer clear. Torpedos will be

tested only when all vessels or other craft have cleared the area.

(iii) When operations are in progress, use of the area will be indicated by the presence of Naval vessels flying a "Baker" (red) flag.

(iv) Notices of temporary suspension and revival of operations will be published in local newspapers and in Notice to Mariners published by the U.S. Coast Guard.

(b) *Dabob Bay in the vicinity of Quilcene*—(1) *The area.* All waters of Dabob Bay beginning at latitude 47°39'27", longitude 122°52'22"; thence northeasterly to latitude 47°40'19", longitude 122°50'10"; thence northeasterly to a point on the mean high water line at Takutsko Pt.; thence northerly along the mean high water line to latitude 47°48'00"; thence west on latitude 47°48'00" to the mean high water line on the Bolton Peninsula; thence southwesterly along the mean high water line of the Bolton Peninsula to a point on longitude 122°51'06"; thence south on longitude 122°51'06" to the mean high water line at Whitney Pt.; thence along the mean water line to a point on longitude 122°51'15"; thence southwesterly to the point of beginning.

(2) *The regulations.* (i) Propeller-driven or other noise-generating craft shall not work their screws or otherwise generate other than incidental noise in the area during periods of actual testing, which will be indicated by flashing red beacons at strategic locations, and all craft shall keep well clear of vessels engaged in such testing.

(ii) No vessel shall trawl or drag in the area.

(iii) No vessel shall anchor in the area except between the shore and the 10-fathom depth line.

(iv) Operations will normally be confined to the period from about 9:30 a.m., to 2:30 p.m., on Mondays through Fridays, and will normally consist of intermittent tests of less than 30 minutes duration, with boat passage permitted between tests. Transits of log-tows and other slow-moving traffic will be arranged on a mutually satisfactory individual basis as appropriate. Emergencies or high-priority projects may occasionally cause operations outside the periods specified above. No operations will be conducted on Sundays.

§ 334.1200

(c) The regulations in this section shall be enforced by the Commandant, Thirteenth Naval District, and such agencies as he may designate.

[26 FR 6515, July 20, 1961. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.1200 Strait of Juan de Fuca, eastern end; off the westerly shore of Whidbey Island; naval restricted areas.

(a) Area No. 1. Bounded by a line commencing at latitude 48°20'57" N., longitude 122°40'39" W.; thence to latitude 48°20'40" N., longitude 122°42'59" W.; thence to latitude 48°21'19" N., longitude 122°43'02" W.; thence to latitude 48°21'13" N., longitude 122°40'26" W.; and thence along the shore line to the point of beginning.

(b) Area No. 2. Bounded by a line commencing at latitude 48°21'53" N., longitude 122°40'00" W.; thence to latitude 48°23'12" N., longitude 122°41'17" W.; thence to latitude 48°23'29" N., longitude 122°40'22" W.; thence to latitude 48°22'21" N., longitude 122°39'50" W.; and thence along the shore line to the point of beginning.

(c) The regulations. (1) Persons and vessels shall not enter these areas except at their own risk.

(2) All persons and vessels entering these areas shall be obliged to comply with orders received from naval sources pertaining to their movements while in the areas.

(3) The regulations in this paragraph shall be enforced by the Commander, Naval Base, Seattle, and such agencies as he/she may designate.

[26 FR 11203, Nov. 28, 1961. Redesignated at 50 FR 42696, Oct. 22, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 334.1200, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 334.1210 Admiralty Inlet, entrance; naval restricted area.

(a) Admiralty Inlet, entrance; naval restricted area—(1) The area. Beginning at Point Wilson Light thence southwesterly along the coast line to latitude 48°07' N.; thence northwesterly to a point at latitude 48°15' N. longitude 123°00' W.; thence due east to Whidbey Island; thence southerly along the

33 CFR Ch. II (7-1-11 Edition)

coast line to latitude 48°12.5' N.; thence southerly to the point of beginning.

(2) The regulations. (i) Use of any equipment such as anchors, fishing gear, grapnels, etc., which may foul underwater installations within the restricted area, is prohibited. Dumping of any non-buoyant objects in this area is prohibited.

(ii) The regulations in this paragraph shall be enforced by the Commander, Naval Base, Seattle, and such agencies as he/she may designate.

[26 FR 11203, Nov. 28, 1961. Redesignated at 50 FR 42696, Oct. 22, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 334.1210, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 334.1215 Port Gardner, Everett Naval Base, naval restricted area, Everett, Washington.

(a) The area. The waters of Port Gardner and East Waterway surrounding Naval Station Everett beginning at Point 1, a point near the northwest corner of Naval Station Everett at latitude 47°59'40" North, longitude 122°13'23.5" West and thence to latitude 47°59'40" North, longitude 122°13'30" West (Point 2); thence to latitude 47°59'20" North, longitude 122°13'33" West (Point 3); thence to latitude 47°59'13" North, longitude 122°13'38" West (Point 4); thence to latitude 47°59'05.5" North, longitude 122°13'48.5" West (Point 5); thence to latitude 47°58'51" North, longitude 122°14'04" West (Point 6); thence to latitude 47°58'45.5" North, longitude 122°13'53" West (Point 7); thence to latitude 47°58'45.5" North, longitude 122°13'44" West (Point 8); thence to latitude 47°58'48" North, longitude 122°13'40" West (Point 9); thence to latitude 47°58'59" North, longitude 122°13'30" West (Point 10); thence to latitude 47°59'14" North, longitude 122°13'18" West (Point 11); thence to latitude 47°59'13" North, longitude 122°13'12" West (Point 12); thence to latitude 47°59'20" North, longitude 122°13'08" West (Point 13); thence to latitude 47°59'20" North, longitude 122°13'02.5" West (Point 14), a point upon the Naval Station's shore in the northeast corner of East Waterway.

(b) The regulation. (1) All persons and vessels are prohibited from entering

the waters within the restricted area for any reason without prior written permission from the Commanding Officer of the Naval Station Everett.

(2) Mooring, anchoring, fishing and/or recreational boating shall not be allowed within the restricted area without prior written permission from the Commanding Officer, Naval Station Everett.

(c) *Enforcement.* The regulation in this section, promulgated by the United States Army Corps of Engineers, shall be enforced by the Commanding Officer, Naval Station Everett and such agencies and persons as he/she shall designate.

[67 FR 36525, May 24, 2002]

§ 334.1220 Hood Canal, Bangor; naval restricted areas.

(a) *Hood Canal, Bangor; Naval restricted areas*—(1) *Area No. 1.* That area bounded by a line commencing on the east shore of Hood Canal at latitude 47 deg.46'18" N, longitude 122 deg.42'18" W; thence latitude 47 deg.46'32" N, longitude 122 deg.42'20" W; thence to latitude 47 deg.46'38" N, longitude 122 deg.42'52" W; thence to latitude 47 deg.44'15" N, longitude 122 deg.44'50" W; thence to latitude 47 deg.43'53" N, longitude 122 deg.44'58" W; thence to latitude 47 deg.43'17" N, longitude 122 deg.44'49" W.

(2) *Area No. 2.* Waters of Hood Canal within a circle of 1,000 yards diameter centered on a point located at latitude 47 deg.46'26" N, longitude 122 deg.42'49" W.

(3) *The regulations*—(i) *Area No. 1.* No person or vessel shall enter this area without permission from the Commander, Naval Submarine Base Bangor, or his/her authorized representative.

(ii) *Area No. 2.* (A) The area will be used intermittently by the Navy for magnetic silencing operations.

(B) Use of any equipment such as anchors, grapnels, etc., which may foul underwater installations within the restricted area, is prohibited at all times.

(C) Dumping of any nonbuoyant objects in this area is prohibited.

(D) Navigation will be permitted within that portion of this circular area not lying within Area No. 1 at all

times except when magnetic silencing operations are in progress.

(E) When magnetic silencing operations are in progress, use of the area will be indicated by display of quick flashing red beacons on the pier located in the southeast quadrant of the area.

(4) *Enforcement.* The regulations in this subsection shall be enforced by the Commander, Naval Submarine Base Bangor, or his/her authorized representative.

[69 FR 272, Jan. 5, 2004]

§ 334.1230 Port Orchard; naval restricted area.

(a) *Port Orchard; naval restricted area*—(1) *The area.* Shoreward of a line beginning at a point on the west shoreline of Port Orchard bearing 90° from stack (at latitude 47°42'01", longitude 122°36'54"); thence 90°, approximately 190 yards, to a point 350 yards from stack; thence 165°, 6,000 yards, to a point bearing 179°, 1,280 yards, from Battle Point Light; thence westerly to the shoreline at latitude 47°39'08" (approximate location of the Brownsville Pier).

(2) *The regulations.* (i) No vessel shall, at any time, anchor or tow a drag of any kind in this area.

(ii) The regulations in this paragraph shall be enforced by the Commander, Naval base, Seattle, and such agencies as he/she may designate.

[26 FR 11203, Nov. 28, 1961. Redesignated at 50 FR 42696, Oct. 22, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 334.1230, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 334.1240 Sinclair Inlet; naval restricted areas.

(a) *Sinclair Inlet; naval restricted areas*—(1) *Area No. 1.* All the waters of Sinclair Inlet westerly of a line drawn from the Bremerton Ferry Landing at latitude 47°33'48" North, longitude 122°37'23" West on the north shore of Sinclair Inlet; and latitude 47°32'52" North, longitude 122°36'58" West, on the south shore of Sinclair Inlet.

(2) *Area No. 2.* That area of Sinclair Inlet to the north and west of an area bounded by a line commencing at latitude 47°33'40" North, longitude 122°37'32"

§ 334.1244

West (Point A); thence south to latitude 47°33'36" North, longitude 122°37'30" West (Point B); thence southwest to latitude 47°33'23" North, longitude 122°37'45" West (Point C); thence southwest to latitude 47°33'19" North, longitude 122°38'12" West (Point D); thence southwest to latitude 47°33'10" North, longitude 122°38'19" West (Point E); thence southwest to latitude 47°33'07" North, longitude 122°38'29" West (Point F); thence southwest to latitude 47°33'04" North, longitude 122°39'07" West (Point G); thence west to the north shore of Sinclair Inlet at latitude 47°33'04.11" North, longitude 122°39'41.92" West (Point H).

(3) *The regulations.* (i) *Area No. 1.* No vessel of more than, or equal to, 100 gross tons shall enter the area or navigate therein without permission from the enforcing agency, except Washington State Ferries on established routes.

(ii) *Area No. 2.* This area is for the exclusive use of the United States Navy. No person, vessel, craft, article or thing, except those under supervision of military or naval authority shall enter this area without permission from the enforcing agency.

(b) *Enforcement.* The regulation in this section shall be enforced by the Commander, Navy Region Northwest, and such agencies and persons as he/she shall designate.

[73 FR 78635, Dec. 23, 2008]

§ 334.1244 Puget Sound, Manchester Fuel Depot, Manchester, Washington; naval restricted area.

(a) *The area.* The waters of Puget Sound surrounding the Manchester Fuel Depot Point A, a point along the northern shoreline of the Manchester Fuel Depot at latitude 47°33'55" North, longitude 122°31'55", West; thence to latitude 47°33'37" North, longitude 122°31'50", West (Point B); thence to latitude 47°33'32" North, longitude 122°32'06", West (Point C); thence to latitude 47°33'45.9" North, longitude 122°32'16.04", West (Point D), a point in Puget Sound on the southern shoreline of the Manchester Fuel Depot.

(b) *The regulations.* No person, vessel, craft, article or thing except those under the supervision of the military or naval authority shall enter the area

33 CFR Ch. II (7-1-11 Edition)

without the permission of the enforcing agency or his/her designees. The restriction shall apply during periods when a ship is loading and/or pier operations preclude safe entry. The restricted periods will be identified by the use of quick-flashing beacon lights, which are mounted on poles at the end of the main fuel pier on the south side of Orchard Point at the entrance of Rich Passage. Entry into the area is prohibited when the quick-flashing beacons are in a flashing mode.

(c) *Enforcement.* The regulation in this section shall be enforced by the Commander, Navy Region Northwest, and such agencies and persons as he/she shall designate.

[73 FR 78636, Dec. 23, 2008]

§ 334.1250 Carr Inlet, naval restricted areas.

(a) *Carr Inlet, naval restricted areas—*

(1) *The area.* The Waters of Carr Inlet bounded on the southeast by a line running from Gibson Point on Fox Island to Hyde Point on McNeil Island, on the northwest by a line running from Green Point (at latitude 47°16'54" N, longitude 122°41'33" W) to Penrose Point; plus that portion of Pitt Passage extending from Carr Inlet to Pitt Island, and that portion of Hale Passage extending from Carr Inlet southeasterly to a line drawn perpendicular to the channel 500 yards northwesterly of the Fox Island Bridge.

(2) *The regulations.* (i) The area shall be used as an acoustic range for research studies and special noise trials. No explosive shall be used.

(ii) No marine craft of any type shall at anytime approach or remain within one hundred yards of the hydrophone buoys. The hydrophone buoys will be anchored in Carr Inlet on a line perpendicular to the course line opposite Ketner's Point, and about one mile from the Fox Island shore. The course line, or range, will bear 134°38'21" (314°38'21") true, and will be marked by range beacons erected near the shoreline approximately one mile north-northeast of of Steilacoom and approximately two miles north-northeast of Home.

(iii) *Buoy Testing Area.* No vessel shall, at anytime, anchor or tow a drag

of any kind within 1,000 yards of the buoy testing area.

(iv) The remainder of the area shall be open to navigation at all times except when the range is in use or when hydrophones are being calibrated. When the range is in use or hydrophones are being calibrated, quick flashing beacon lights will be displayed on signal towers located at Gibson Point, Green Point, Penrose Point, Pitt Island and Hyde Point. These beacon lights will be either red or green. The beacon lights will show quick flashing every two seconds. The ranging of vessels or calibration of hydrophones requiring retrictions will be conducted 24 hours per day for up to 5 days consecutively, and will total approximately 150 days spread throughout the year. Shutting off of beacon lights will indicate termination of use of the range. Insofar as possible, the schedule of operations giving the days the range will be in use for each forthcoming month will be published in local newspapers and in the local U.S. Coast Guart Notice to Mariners.

(v) When the red beacon lights are displayed, indicating that the range is in use or hydrophones are being calibrated, navigation within the area will be restricted as follows:

(a) As used in this section, the words "operate, power vessel, and non-power vessel" are defined as follows:

(1) "Operate": To be physically present in the designated area.

(2) "Power vessel": A vessel propelled principally by a mechanical propulsion system (*i.e.*, gasoline, diesel, steam or electric drive to a propeller, pump jet, paddle wheel or other device), and being propelled by that means.

(3) "Non-power vessel": A vessel not equipped with a mechanical propulsion system, such as a rowboat, canoe, or sailboat propelled by oars, paddles, or sails, respectively.

(b) Power vessels shall not operate within the area, except that traffic in either direction between Hale Passage and upper Carr Inlet, within 200 yards of the low water mark off Green Point, will be cleared by signal for approximately 15 minutes total time within this area at the termination of individual ranging runs, while the vessel being ranged takes position for the

next run. Clearance to traverse the area around Green Point will be indicated by extinguishing the red flashing beacon lights and displaying the green flashing beacon lights on all signal towers.

(c) Non-powered marine craft shall not operate within one mile of the course line bearing 134°38'21" (314°38'21") true, and within two miles to the southeast and two miles to the northwest of the hydrophone buoys situated in Carr Inlet opposite Ketner's Point; provided, however, non-powered craft may operate within four hundred yards of the low water mark on the northeast side of McNeil Island, within two hundred yards of the low water mark at Green Point, and within two hundred yards of the low water mark on the southwest shore of Fox Island.

(d) Towboats shall have free access and egress to designated tow havens within Carr Inlet, as follows: The Navy will establish and maintain suitable mooring buoys for the use of tugs and their tows at the following points: (1) approximately 1,500 yards northwest of Gibson Point Light and approximately 400 yards offshore from the low water mark on the Fox Island shore; (2) approximately 1,500 yards northwest of Hyde Point, and approximately 400 yards offshore from the low water mark on McNeil Island shore; and (3) approximately 1,500 yards east of Wyckoff Shoal. Towboats will signal by radio (Marine Band Channel 14, 13, 12, or 6) or telephone as far in advance as possible of the time they enter the tow haven, such signals to be directed to "Carr Inlet Range Control" at the range instrument laboratory building located on Fox Island. The Navy shall promptly suspend operations when necessary to permit the access and egress of such tow traffic, and Carr Inlet Range Control shall signal the tows when the area is clear.

(e) Through commercial traffic, including tows, to points within Carr Inlet, and through Carr Inlet, Pitt Passage, and Hale Passage to adjacent waters will be permitted free access and egress, as follows: Such traffic will signal by radio (Marine Band Channel 14, 13, 12, or 6) or telephone as far in advance as possible of the time they

§ 334.1260

enter the area, such signals to be directed to "Carr Inlet Range Control" at the range instrument laboratory located on Fox Island. The Navy shall promptly suspend operations when necessary to permit the passage of such traffic, and Carr Inlet Range Control shall signal when the area is clear for passage.

(f) The Warden of the McNeil Island penitentiary and his authorized representatives shall be permitted to operate within the area at any time, as may be necessary, for the patrol and search of escaped convicts.

(g) Red or green signal flags will be displayed on the signal towers in case of failure of the red or green beacon lights. The display or the signal flags at the top of the flag masts will have the same significance as the beacon lights.

(3) The regulations in this paragraph shall be enforced by the Commander, Naval Base, Seattle, and such agencies as he/she may designate.

(b) [Reserved]

[26 FR 11203, Nov. 28, 1961. Redesignated at 50 FR 42696, Oct. 22, 1985]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 334.1250, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 334.1260 Dabob Bay, Whitney Point; naval restricted area.

(a) *Dabob Bay, Whitney Point, naval restricted area*—(1) *The area*. Beginning at the high water line along the westerly shore of Dabob Bay, 100 yards northerly of the Naval control building located at approximately N. latitude 47°45'36" and W. longitude 122°51'00", thence S. 89°59' E. 2000 yards, thence to S. 00°01' W. 200 yards, thence N. 89°59' W. approximately 2000 yards to the high water line 100 yards southerly of the control building.

(2) *The regulations*. (i) No vessel shall, at any time, anchor or tow a drag of any kind in this area.

(ii) The regulations in this paragraph shall be enforced by the Commander, Naval Base, Seattle, or his/her authorized representative.

(b) [Reserved]

[26 FR 11203, Nov. 28, 1961. Redesignated at 50 FR 42696, Oct. 22, 1985]

33 CFR Ch. II (7-1-11 Edition)

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 334.1260, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 334.1270 Port Townsend, Indian Island, Walan Point; naval restricted area.

(a) *The area*. The waters of Port Townsend Bay bounded by a line commencing on the north shore of Walan Point at latitude 48°04'42" North, longitude 122°44'30" West (Point A); thence to latitude 48°04'50" North, longitude 122°44'38" West (Point B); thence to latitude 48°04'52" North, longitude 122°44'57" West (Point C); thence to latitude 48°04'44" North, longitude 122°45'12" West (Point D); thence to latitude 48°04'26" North, longitude 122°45'21" West (Point E); thence to latitude 48°04'10" North, longitude 122°45'15" West (Point F); thence to latitude 48°04'07" North, longitude 122°44'49" West (Point G); thence to a point on the Walan Point shoreline at latitude 48°04'16" North, longitude 122°44'37" West (Point H).

(b) *The regulations*. This area is for the exclusive use of the U.S. Navy. No person, vessel, craft, article or thing shall enter the area without permission from the enforcing agency. The restriction shall apply during periods when ship loading and/or pier operations preclude safe entry. The periods will be identified by flying a red flag from the ship and/or pier.

(c) *Enforcement*. The regulation in this section shall be enforced by Commander, Navy Region Northwest and such agencies and persons as he/she shall designate.

[73 FR 78634, Dec. 23, 2008]

§ 334.1275 West Arm Behm Canal, Ketchikan, Alaska, restricted areas.

(a) *The area*—*Area No. 1*. The waters of Behm Canal bounded by a circle 2,000 yards in diameter, centered on 55°36' N latitude, 131°49.2' W longitude.

Area No. 2. The waters of Behm Canal bounded by a circle 2,000 yards in diameter, centered at 55°34' N latitude, 131°48' W longitude.

Area No. 3. The waters of Behm Canal excluding those areas designated as areas Nos. 1 and 2 above, bounded by an irregular polygon beginning at the

shoreline on Back Island near 55°32.63' N latitude, 131°45.18' W longitude, then bearing about 350° T to 55°38.06' N latitude, 131°46.75' W longitude then bearing about 300° T to 55°38.52' N latitude, 131°48.15' W longitude, then bearing about 203° T to 55°33.59' N latitude, 131°51.54' W longitude, then bearing about 112° T to the intersection of the shoreline at Back Island near 55°32.53' N latitude, 131°45.77' W longitude, then northeast along the shoreline to the point of beginning.

Area No. 4. The waters of Clover Passage bounded by an irregular polygon beginning at the shoreline on Back Island near 55°32.63' N latitude, 131°45.18' W longitude, then bearing 150° T. to the intersection of the shoreline on Revillagegedo Island near 55°30.64' N latitude, 131°43.64' W longitude, then southwest along the shoreline to near 55°30.51' N latitude, 131°43.88' W longitude, then bearing 330° T to the intersection of the shoreline on Back Island near 55°32.16' N. latitude, 131°45.20' W longitude, and from there northeast along the shoreline to the point of beginning.

Area No. 5. The waters of Behm Canal bounded to the north by a line starting from Point Francis on the Cleveland Peninsula to Escape Point on Revillagegedo Island then south along the shoreline to Indian Point, then south to the Grant Island Light at 55°33.3' N latitude, 131°43.62' W longitude then bearing 218° T. to the south end of Back Island and continuing to the intersection of the shoreline on Betton Island at about 55°31.55' N latitude, 131°45.98' W longitude, then north along the shoreline of Betton Island to the western side below Betton Head at about 55°30.83' N latitude, 131°50' W longitude, then bearing 283° T. across Behm Canal to the intersection of shoreline near the point which forms the southeast entrance of Bond Bay at about 55°31.60' N latitude, 131°56.58' W longitude, then northeast to Helm Point on the Cleveland Peninsula, then northeast along the shoreline to the point of beginning at Point Francis.

(b) *The regulations*—(1) *Area No. 1.* Vessels are allowed to transit the area at any time. No vessel may anchor within the restricted area or tow a

drag of any kind, deploy a net or dump any material within the area.

(2) *Area No. 2.* Vessels are allowed to transit the area at any time. No vessel may anchor within the restricted area or tow a drag of any kind, deploy a net or dump any material within the area. Vessels are also prohibited from mooring or tying up to, loitering alongside or in the immediate vicinity of naval equipment and barges in the restricted area.

(3) *Area No. 3.* Vessels are allowed to transit the area at any time. Due to the presence of underwater cables and instrumentation, anchoring is prohibited and the towing of a drag or any object within 100 feet of the bottom is also prohibited. Anchoring is allowed within 100 yards of the shore of Back Island except within 100 yards of each side of the area where electrical and other cables are brought ashore. The termination location of the cables on the land is marked with a warning sign that is visible from the water.

(4) *Area No. 4.* Due to the presence of communication and power cables crossing from Revillagegedo Island to Back Island no anchoring or towing of a drag is allowed. Anchoring is allowed within 100 yards of the shore of Back Island except within 100 yards of each side of the area where the cables are brought ashore. The termination location of the cables on the land is marked with a warning sign that is visible from the water.

(5) *Area No. 5.* (i) The area will be open unless the Navy is actually conducting operations. To ensure safe and timely passage through the restricted area vessel operators are required to notify the Range Operations Officer of their expected time of arrival, speed and intentions. For vessels not equipped with radio equipment, the Navy shall signal with flashing beacon lights whether passage is prohibited and when it is safe to pass through the area. A flashing green beacon indicates that vessels may proceed through the area. A flashing red beacon means that the area is closed to all vessels and to await a green clear signal. Each closure of the area by the Navy will normally not exceed 20 minutes.

(ii) Small craft may operate within 500 yards of the shoreline at speeds no

§ 334.1280

33 CFR Ch. II (7-1-11 Edition)

greater than 5 knots in accordance with the restrictions in effect in area No. 3.

(iii) During the period May 1 through September 15 annually, the Navy will only conduct acoustic measurement tests which will result in transitory restrictions in Area #5 for a total of no more than 15 days.

(iv) Transitory restrictions in Area #5 will not be enforced during daylight hours when Navy testing coincides with pre-scheduled special events in Behm Canal. Special events are defined as summer holidays or celebrations, competitions, or economic endeavors scheduled by an agency or organization, and typically occurring every year for the utilization of natural resources of Behm Canal. Special events include commercial emergency seine fishery openings from July 25 through September 15, historic salmon derbies lasting eight days or less, Memorial Day, Labor Day, Independence Day or any nationally recognized three day weekend to celebrate these holidays.

(v) Public notification that the Navy will be conducting operations in Behm Canal will be given at least 72 hours in advance to the following Ketchikan contacts: U.S. Coast Guard, Ketchikan Gateway Borough Planning Department, Harbor Master, Alaska Department of Fish and Game, KRBD Radio, KTKN Radio, and the Ketchikan Daily News.

(c) Vessels will be allowed to transit Restricted Area #5 within 20 minutes of marine radio or telephone notification to the Navy Range Operations Officer.

(d) *Enforcement.* The regulations in this section shall be enforced by the Commander, David Taylor Research Center and such agencies he/she may designate.

[55 FR 2586, Jan. 25, 1990, as amended at 55 FR 10237, Mar. 20, 1990; 58 FR 6718, Feb. 2, 1993]

§ 334.1280 **Bristol Bay, Alaska; air-to-air weapon range, Alaskan Air Command, U.S. Air Force.**

(a) *The danger zone.* An area in Bristol Bay beginning at latitude 58°24' N., longitude 159°10' W.; thence to latitude 57°58' N., longitude 158°30' W.; thence to latitude 57°07' N., longitude 160°20' W.; thence to latitude 58°02' N., longitude

161°40' W.; and thence to the point of beginning.

(b) *The regulations.* (1) Intermittent firing will be conducted over two to three day periods about 2 hours a day between the hours of 10:00 a.m. and 4:00 p.m. during the months of May through August.

(2) The fact that practice firing is to take place over the designated area shall be advertised to the public 72 hours in advance through the usual media for the dissemination of such information. Notice to the U.S. Coast Guard and NOTAM shall be issued at least 48 hours before firing is to be conducted on the range. Information as to the dates, time, and characteristics of the firing shall be advertised in advance of each session of firing.

(3) Prior to conducting each practice firing, the danger zone shall be patrolled by aircraft to note the location of all vessels within the area. The practice firing exercise shall be conducted in the portion of the danger zone not occupied by surface craft.

(4) This section shall be enforced by the Commander, Alaskan Air Command, U.S. Air Force, Seattle, Washington, or such agencies as he may designate.

[29 FR 5947, May 6, 1964, as amended at 36 FR 6422, Apr. 3, 1971. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.1290 **In Bering Sea, Shemya Island Area, Alaska; meteorological rocket launching facility, Alaskan Air Command, U.S. Air Force.**

(a) *The danger zone.* An arc of a circle with a 45-nautical-mile radius of the launch point centered at latitude 52°43'30" N., longitude 174°06'05" E extending clockwise from 110° true bearing to 200° true bearing.

(b) *The regulation.* (1) Rockets will normally be launched one each day Monday through Friday between 9 a.m. and 3 p.m. Rocket hardware will discharge into the sea 22.5 to 37.5 nautical miles off the launchsite. The instrument package with parachute will impact about 1½ hours later at an undetermined area, depending on weather conditions.

(2) All mariners entering the area will do so at their own risk and are

cautioned to take evasive action as necessary.

(3) The regulation in this section shall be enforced by the Department of the Air Force, Headquarters 6th Weather Wing (MAC), Andrews Air Force Base, Washington, D.C. 20331.

(40 Stat. 266 (33 U.S.C. 1))

[36 FR 19079, Sept. 28, 1971, as amended at 42 FR 46520, Sept. 16, 1977. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.1300 Blying Sound area, Gulf of Alaska, Alaska; air-to-air gunnery practice area, Alaskan Air Command, U.S. Air Force.

(a) *The danger zone.* A rhomboidal area beginning at latitude 59°51'30" N., longitude 148°42'00" W.; thence to latitude 59°22'30" N., longitude 147°00'00" W.; thence to latitude 58°52'00" N., longitude 148°03'00" W.; thence to latitude 59°20'00" N., longitude 149°45'00" W., and thence to point of beginning.

(b) *The regulations.* (1) 20-mm. cannon will be fired at towed targets in the air. One firing mission will be conducted every 2 weeks during daylight hours only and weather permitting.

(2) The fact that practice firing is to take place over the designated area shall be advertised to the public 7 days in advance through the usual media for the dissemination of such information. Notice to the U.S. Coast Guard and NOTAM shall be issued at least 48 hours before firing is to be conducted on the range. Information as to the dates, time, and characteristics of the firing shall be advertised in advance of each session of firing.

(3) Prior to conducting each practice firing, the danger zone shall be patrolled by aircraft to note the location of all vessels within the area. The practice firing exercise shall be conducted in the portion of the danger zone not occupied by surface craft.

(4) The regulations in this section shall be enforced by the Commander, Alaskan Air Command, U.S. Air Force, Anchorage, Alaska, or such agencies as he may designate.

(Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

[37 FR 527, Jan. 13, 1972. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.1310 Lutak Inlet, Alaska; restricted areas.

(a) *The areas*—(1) *Army POL dock restricted area.* (i) The waters of Lutak Inlet bounded as follows: Beginning at the water's edge 900 feet northwest of the centerline of the landward end of the POL dock; thence 800 feet, 51° true; thence 1,400 feet, 113° true; thence 450 feet, 211° true to the water's edge at a point approximately 720 feet from the most southwest corner of the seaward end of the POL dock; thence along the water's edge to the point of beginning.

(ii) The area will be marked at points approximately 200 feet apart along the shore by white signs containing the word "Warning." The signs will not be lighted.

(2) *Dry Cargo dock mooring area.* (i) The waters within 60 feet off the face of the dock.

(b) *The regulations.* (1) No person, vessel or other watercraft shall enter or remain in the Army POL dock restricted area when tankers are engaged in discharging oil at the dock.

(2) The dropping and dragging of anchors, weights, or other ground tackle within the Dry Cargo dock mooring area is prohibited.

(3) The regulations in this section shall be enforced by the District Engineer, U.S. Army Engineer District, Anchorage, Alaska, and such agencies as he may designate.

[33 FR 7723, May 25, 1968. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17559, Apr. 10, 1997]

§ 334.1320 Kuluk Bay, Adak, Alaska; naval restricted area.

(a) *The area.* The northwest portion of Kuluk Bay bounded as follows: Beginning on shore at latitude 51°55'00" N, longitude 176°33'09" W; thence due east to latitude 51°55'00" N, longitude 176°33'09" W; thence due south to latitude 51°51'55" N longitude 176°31'09" W; thence due west to the shore at latitude 51°51'00" N, longitude 176°37'43" W; thence along the shoreline to the point of beginning.

(b) *The regulations.* (1) Except in great emergency, no vessel shall anchor in the restricted area described above.

(2) The dragging of anchors in or across the restricted area is prohibited

§ 334.1325

and no object attached to a vessel shall be placed on or near the bottom.

(3) Fishing and trawling activities in the restricted area are prohibited.

(4) The regulation of this restricted area shall be enforced by the Commander, Patrol Wing, U.S. Pacific Fleet, Naval Air Station Moffett Field, California, and such agencies and he/she may designate.

[58 FR 26046, Apr. 29, 1993]

§ 334.1325 United States Army Restricted Area, Kuluk Bay, Adak, Alaska.

(a) *The area.* The area within a radius 1,000 yards around the Sea Base Radar mooring site in all directions from latitude 51°53'05.4" N, longitude 176°33'47.4" W (NAD 83).

(b) *The regulation.* (1) No vessel, person, or other craft shall enter or remain in the restricted area except as may be authorized by the enforcing agency.

(2) A ring of eight lighted and marked navigation buoys marking the perimeter of the mooring anchor system will provide a visible distance reference at a radius of approximately 800 yards from latitude 51°53'05.4" N, longitude 176°33'47.4" W (NAD 83). Each buoy has a white light, flashing at 3 second intervals with a 2 nautical mile range. Vessels, persons or other craft must stay at least 200 yards outside the buoys.

(3) The regulation in this section shall be enforced by personnel attached to the Missile Defense Agency and/or by such other agencies as the Director, MDA-AK, Fort Richardson, Alaska, may designate.

[72 FR 65669, Nov. 23, 2007]

§ 334.1330 Bering Strait, Alaska; naval restricted area off Cape Prince of Wales.

(a) *The area.* An area 2,000 feet wide extending from a point on Cape Prince of Wales marked by a triangular cable marker located approximately midway between the village of Wales and Cape Prince of Wales Light to a point four statute miles due west of the cable marker with the axis of the area passing through the two points.

33 CFR Ch. II (7-1-11 Edition)

(b) *The regulations.* (1) No vessel shall anchor in the restricted area described in paragraph (a) of this section.

(2) Dragging of anchors in or across the restricted area is prohibited and no object attached to a vessel shall be placed on or near the bottom.

(3) The regulations in this section shall be enforced by the Commander, Third Fleet, Pearl Harbor, Hawaii and such agencies as he may designate.

[18 FR 8117, Dec. 10, 1953, as amended at 33 FR 5875, Apr. 17, 1968; 42 FR 58519, Nov. 10, 1977. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.1340 Pacific Ocean, Hawaii; danger zones.

(a) *Danger zones—*(1) *Aerial bombing and strafing target surrounding Kaula Rock, Hawaii.* The waters within a circular area with a radius of three (3) miles having its center on Kaula Rock at latitude 21°39'30", longitude 160°32'30".

(2) *Submerged unexploded ordnance danger zone, Kahoolawe Island, Hawaii.* The waters adjacent to Kahoolawe Island within the area encompassed by the following coordinates beginning at latitude 20°37'30", longitude 156°32'48"; thence to latitude 20°34'48", longitude 156°30'24"; thence to latitude 20°28'54", longitude 156°30'30"; thence to latitude 20°28'06", longitude 156°41'48"; thence to latitude 20°30'30", longitude 156°44'12"; thence to latitude 20°33'12", longitude 156°44'30"; thence to latitude 20°37'30", longitude 156°36'24"; thence to the beginning coordinates.

(b) *The regulations.* No person, vessel or other craft shall enter or remain in any of the areas at any time except as authorized by the enforcing agency.

(c) *Enforcing agency.* The regulations in this section shall be enforced by Commander, Naval Base, Pearl Harbor, Hawaii 96860-5020, and such agencies as he/she may designate.

[20 FR 4129, June 11, 1955, as amended at 25 FR 4749, May 28, 1960; 31 FR 14255, Nov. 4, 1966; 45 FR 57126, Aug. 27, 1980. Redesignated at 50 FR 42696, Oct. 22, 1985, and amended at 58 FR 53427, Oct. 15, 1993; 61 FR 34733, July 3, 1996; 62 FR 17559, Apr. 10, 1997]

§ 334.1350 Pacific Ocean, Island of Oahu, Hawaii; danger zone.

(a) *The danger zone.* Beginning at point of origin at Kaena Point Light in

latitude 21°34'42" N., longitude 158°16'54" W.; thence on a bearing of 282°30' True to latitude 21°38' N., longitude 158°33' W.; thence along the arc of a circle centered at Kaena Point Light to latitude 21°42'30" N., longitude 158°03' W.; thence on a bearing of 228° true to latitude 21°35'33" N., longitude 158°11'30" W.; thence to point of origin.

(b) *The regulations.* (1) The area will be closed to the public and all shipping on specific dates to be designated for actual firing and no person, vessel or other craft shall enter or remain in the area during the times designated for firing except as may be authorized by the enforcing agency. Notification to maritime interests of specific dates of firing will be disseminated through the U.S. Coast Guard media of the Local Notice to Mariners and the NOTAMS published by the Corps of Engineers. On dates not specified for firing, the area will be open to normal maritime traffic.

(2) The regulations of this section shall be enforced by the Commanding General, U.S. Army, Hawaii/25th Infantry Division, APO 957, and such agencies as he may designate.

[24 FR 5999, July 28, 1959. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17559, Apr. 10, 1997]

§ 334.1360 Pacific Ocean at Barber's Point, Island of Oahu, Hawaii; danger zone.

(a) *The danger zone.* The waters within a rectangular area beginning at a point in latitude 21°17'56" N., longitude 158°05'21" W., thence to latitude 21°17'30" N., longitude 158°05'21" W.; thence to latitude 21°17'58" N., longitude 158°02'49" W., thence to latitude 21°18'24" N., longitude 158°02'49" W.; thence along the shoreline at the highwater mark along the southerly boundary of Naval Air Station, Barber's Point, to the point of beginning.

(b) *The regulations.* (1) The area is closed to all surface craft, swimmers, divers and fishermen except to craft and personnel authorized by the enforcing agency.

(2) The regulations in this section shall be enforced by the Commanding Officer, Naval Air Station, Barber's

Point, Hawaii, 96862, and such agencies as he/she may designate.

[31 FR 8129, June 9, 1966, as amended at 45 FR 57126, Aug. 27, 1980. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.1370 Pacific Ocean at Keahi Point, Island of Oahu, Hawaii; danger zone.

(a) *The danger zone.* The waters within an area beginning at a point in latitude 21°18'21.4" N., longitude 157°59'14.2" W.; thence to latitude 21°18'11" N., longitude 158°00'17.5" W.; thence to latitude 21°17'11.8" N., longitude 158°00'06.5" W.; and thence to latitude 21°17'22.5" N., longitude 157°59'03.1" W.

(b) *The regulations.* (1) The area is closed to all surface craft, swimmers, divers, and fishermen except to craft and personnel authorized by the enforcing agency.

(2) The regulations in this section shall be enforced by the Commanding Officer, Explosive Ordnance Disposal Training and Evaluation Unit One, Barbers Point, Hawaii 96862-5600.

[31 FR 12437, Sept. 20, 1966, as amended at 45 FR 57126, Aug. 27, 1980. Redesignated at 50 FR 42696, Oct. 22, 1985, and amended at 58 FR 53427, Oct. 15, 1993]

§ 334.1380 Marine Corps Base Hawaii (MCBH), Kaneohe Bay, Island of Oahu, Hawaii—Ulupau Crater Weapons Training Range; danger zone.

(a) *The danger zone.* The area within a sector extending seaward a distance of 3.8 nautical miles between radial lines bearing 357.1° true and 124.9° true, respectively, from a starting point on Mokapu Peninsula at latitude 21°27'11.84" N, longitude 157°43'53.83" W, and overlapping the existing 500-yard wide prohibited area. The danger zone is defined as a pie-shaped area bounded by the landward starting point on Mokapu Peninsula and the three seaward points forming an arc with a 3.8 nautical-mile radius at its center (Point B) with a radial line bearing 56.9° true. The three seaward points have the following coordinates:

Point A: Latitude 21°30'59.66" N, Longitude 157°44'05.97" W

Point B: Latitude 21°29'16.58" N, Longitude 157°40'30.19" W

Point C: Latitude 21°25'01.79" N, Longitude 157°40'33.70" W

§ 334.1390

(b) *The regulations.* (1) Weapons firing at the Ulupau Crater Weapons Training Range may occur at any time between 6 a.m. and 11 p.m., Monday through Sunday. Specific dates and hours for weapons firing, along with information regarding onshore warning signals, will be promulgated by the U.S. Coast Guard's Local Notice to Mariners. Information on weapons firing schedules may also be obtained by calling the MCBH Range Manager, AC/S G-3 (telephone number 808-257-8816/17).

(2) Whenever live firing is in progress during daylight hours, two large red triangular warning pennants will be flown at each of two highly visible and widely separated locations on the shore at Ulupau Crater.

(3) Whenever any weapons firing is scheduled and in progress during periods of darkness, flashing red warning beacons will be displayed on the shore at Ulupau Crater.

(4) Boaters will have complete access to the danger zone whenever there is no weapons firing scheduled, which will be indicated by the absence of any warning flags, pennants, or beacons displayed ashore.

(5) The danger zone is not considered safe for boaters whenever weapons firing is in progress. Boaters shall expeditiously vacate the danger zone at best speed and by the most direct route whenever weapons firing is scheduled. Passage of vessels through the danger zone when weapons firing is in progress will be permitted, but boaters shall proceed directly through the area at best speed. Weapons firing will be suspended as long as there is a vessel in the danger zone. Whenever a boater disregards the publicized warning signals that hazardous weapons firing is scheduled, the boater will be personally requested to expeditiously vacate the danger zone by MCBH Kaneohe Bay military personnel utilizing by hailing the vessel on VHF channel 16 or contacting directly by U.S. Navy surface craft.

(6) Observation posts will be manned whenever any weapons firing is scheduled and in progress. Visibility will be sufficient to maintain visual surveillance of the entire danger zone and for an additional distance of 5 miles in all

33 CFR Ch. II (7-1-11 Edition)

directions whenever weapons firing is in progress.

(c) *The enforcing agency.* The regulations shall be enforced by the Commanding Officer, MCB Hawaii, Kaneohe Bay and such agencies as he/she may designate.

[74 FR 58848, Nov. 16, 2009]

§ 334.1390 Pacific Ocean at Barking Sands, Island of Kauai, Hawaii; missile range facility.

(a) *The danger zone.* The waters within an area beginning at latitude 22°03'15" N., longitude 159°47'15" W.; thence southerly along the shoreline to latitude 22°02'45" N., longitude 159°47'18" W.; thence westerly to latitude 22°02'30" N., longitude 159°51'30" W.; thence northeasterly to latitude 22°06'30" N., longitude 159°49'30" W.; and thence southeasterly to point of beginning.

(b) *Markers.* (1) Range markers at the control point at latitude 22°03'17.4" N., longitude 159°47'12.2" W., are separated 300 feet (one pole 95.5 feet northwest and the other pole 334.5 feet southeast of this point) along a line bearing 327°10' True.

(2) Range markers at the control point at latitude 22°02'44.5" N., longitude 159°47'16.4" W., are separated 300 feet (one pole 75 feet west and the other pole 225 feet east of this point) along a line bearing 266°20' True.

(3) The range marker poles seaward from each control point are 25 feet in height above ground level. The other two poles are 45 feet above ground level.

(4) Each range marker consists of a 10-foot equilateral triangle with alternate red and white diagonal stripes.

(c) *The regulations.* Entry into the area by any person, boat, vessel or other craft is prohibited at all times. Special permission for transit through the area by the most direct route may be obtainable on an individual basis, by prior arrangement with the Commanding Officer, Pacific Missile Range Facility, Hawaiian Area, Barking Sands, Kauai, Hawaii.

[34 FR 7575, May 10, 1969. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.1400 Pacific Ocean, at Barbers Point, Island of Oahu, Hawaii; restricted area.

(a) *The area.* That portion of the Pacific Ocean lying offshore of Oahu between Ewa Beach and Barbers Point, basically outlined as follows:

| Station | Latitude | Longitude |
|---------------|-----------|------------|
| A (shoreline) | 21°18'06" | 158°04'24" |
| B | 21°17'00" | 158°03'30" |
| C | 21°15'00" | 158°03'18" |
| D | 21°15'36" | 158°01'06" |
| E (shoreline) | 21°18'30" | 158°02'00" |

(b) *The regulations.* (1) Vessels shall not anchor within the area at any time.

(2) Dredging, dragging, seining, or other fishing operations which might foul underwater installations within the area are prohibited.

(3) Use of the restricted area for boating, fishing (except as prohibited in paragraph (b)(2) of this section) and other surface activities is authorized.

(4) The regulations in this section shall be enforced by the Officer in Charge, Fleet Area Control and Surveillance Facility, Pearl Harbor, Hawaii 96860-7625, and such agencies as he/she may designate.

(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

[36 FR 14186, July 31, 1971, as amended at 45 FR 57126, Aug. 27, 1980. Redesignated at 50 FR 42696, Oct. 22, 1985, and amended at 58 FR 53427, Oct. 15, 1993]

§ 334.1410 Pacific Ocean, at Makapuu Point, Waimanalo, Island of Oahu, Hawaii, Makai Undersea Test Range.

(a) *The restricted area.* The waters within an area beginning at a point in latitude 21°18'50" N., longitude 157°39'07" W.; thence to latitude 21°20'33" N., longitude 157°38'00" W.; thence to latitude 21°22'02" N., longitude 157°39'07" W.; and thence to latitude 21°19'35" N., longitude 157°40'46" W.

(b) *The regulations.* (1) During critical testing phases of surface and submerged units, the operating officials of the Makai Test Range will mark in a conspicuous manner the location of the equipment which might be subject to damage from navigation and fishing activities or might represent a hazard to persons or property in the vicinity. During the display of signals in the re-

stricted area, all persons and surface craft will remain away from the area until such time as the signals are withdrawn. At all other times the area is open to unrestricted fishing, boating and general navigation.

(2) Operating officers and personnel of the Makai Test Range will be responsible for marking in a conspicuous manner the location of surface and underwater equipment which is subject to damage from navigation and fishing activities in the vicinity or represents a hazard to persons or property in the vicinity, and the location of the work area during critical testing phases. Surface communication by boat will be provided by the Makai Test Range during testing phases.

[34 FR 7964, May 21, 1969. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17559, Apr. 10, 1997; 62 FR 24034, May 2, 1997]

§ 334.1420 Pacific Ocean off Orote Point, Apra Harbor, Island of Guam, Marianas Islands; small arms firing range.

(a) *The danger zone.* The waters within an area delineated by a line joining the following positions:

| Latitude | Longitude |
|-------------|--------------|
| 13°26'03.9" | 144°37'38.3" |
| 13°25'26.0" | 144°36'14.2" |
| 13°24'51.2" | 144°36'31.9" |
| 13°25'28.7" | 144°37'59.1" |
| 13°25'43.2" | 144°38'09.5" |

(b) *The regulations.* (1) The danger zone shall be closed to the public and shipping on specific dates to be designated for actual firing and no person, vessel or other craft shall enter or remain in the danger zone designated for firing except as may be authorized by the enforcing agency. Notification to maritime interests of specific dates of firing will be disseminated by the enforcing agency. On dates not specified for firing, the danger zone shall be open to normal maritime traffic.

(2) The regulations in this section shall be enforced by the Commanding Officer, U.S. Naval Station, Guam, Marianas Islands and such agencies as he may designate.

[28 FR 5377, May 30 1963. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17559, Apr. 10, 1997]

§ 334.1430

§ 334.1430 Apra Inner Harbor, Island of Guam; restricted area.

(a) *The restricted area.* The waters within Apra Inner Harbor and adjacent waters of Apra Outer Harbor inclosed by a line beginning at the northeast corner of a pier at latitude 13°26'32.1" N., longitude 144°39'02.8" E.; thence to the northern tip of a small island at latitude 13°26'40.2" N., longitude 144°39'28.1" E., and thence to the northwest corner of the point of land at latitude 13°26'28.1" N., longitude 144°39'52.5" E.

(b) *The regulations.* (1) All swimmers and all vessels and craft except public vessels of the United States are prohibited from entering this area without prior permission of the enforcing agency.

(2) The regulations in this section shall be enforced by Commander Naval Forces Marianas and such agencies as he may designate.

(3) The water areas of the outer boundaries of the restricted area will not be marked but signs will be posted at the designated boundary coordinates to warn against trespassing in the restricted area.

[37 FR 8525, Apr. 28, 1972, as amended at 37 FR 11058, June 2, 1972. Redesignated at 50 FR 42696, Oct. 22, 1985]

§ 334.1440 Pacific Ocean at Kwajalein Atoll, Marshall Islands; missile testing area.

(a) *The warning area.* The waters within a circular area with a radius of 200 nautical miles having its center at latitude 8°43'00" N., longitude 167°43'00" E. Intermittent hazardous missile operations will be conducted within the area 24 hours daily, on a permanent basis.

(b) *Advisory instructions.* (1) Kwajalein Test Site will coordinate safe passage of surface shipping through the area.

(2) All ships are advised to contact Kwajalein Control (2716 KC for voice, 500 KC for CW initial contact, and 468 KC for CW working) before entering the area.

[31 FR 9850, July 21, 1966. Redesignated at 50 FR 42696, Oct. 22, 1985]

33 CFR Ch. II (7-1-11 Edition)

§ 334.1450 Atlantic Ocean off north coast of Puerto Rico; practice firing areas, U.S. Army Forces Antilles.

(a) *The danger zones*—(1) *Westerly small-arms range.* The waters within the sector of a circle bounded by radii of 10,000 yards bearing 279° and 315° respectively, from latitude 18°28'31", longitude 66°25'37", and the included arc.

NOTE: All bearings in this section are referred to true meridian.

(2) *Camp Tortuguero artillery range.* The waters within the quadrant of a circle bounded by radii of 20,000 yards bearing 315° and 45°, respectively, from latitude 18°28'31", longitude 66°25'37", and the included arc.

(3) *Easterly small-arms range.* The waters within the sector of a circle bounded by radii of 7,210 yards bearing 45° and 70°, respectively, from a point on the southeast boundary of the artillery range 2,790 yards from its southerly end, and the included arc.

NOTE: The outer boundaries of the danger zones will not be marked, but signs will be posted along shore to warn against trespassing in the firing areas.

(b) *The regulations.* (1) The danger zones shall be open to navigation at all times except when practice firing is being conducted. When practice firing is being conducted, no person, vessel or other craft except those engaged in towing targets or patrolling the area shall enter or remain within the danger zones: Provided, that any vessel propelled by mechanical power at a speed greater than five knots may proceed through the Camp Tortuguero artillery range at any time to and from points beyond, but not from one point to another in the danger zone between latitudes 18°31' and 18°32', at its regular rate of speed without stopping or altering its course, except when notified to the contrary.

(2) The fact that practice firing is to take place over the designated area will be advertised to the public through the usual media for the dissemination of such information. Factual information as to the dates, time, and characteristics of the firing will be advertised in advance of each session of firing but in no case less than one week nor more than four weeks before such firing is scheduled to take place.

(3) Prior to conducting each practice firing, the entire danger zone will be patrolled by aircraft or surface vessels to insure that no watercraft are within the danger zone. Any watercraft in the vicinity will be warned that practice firing is about to take place. Any such watercraft shall, upon being so warned, leave the danger zone immediately and shall not return until such practice shall have been terminated and notification to that effect shall have been given by the patrol craft, except that vessels proceeding on a regular course through the area will be allowed to proceed out of the area without warning, and firing will not commence until such vessels are clear of the area.

(4) This section shall be enforced by the Commanding General, U.S. Army Forces Antilles, and such agencies as he may designate.

[14 FR 4552, July 21, 1949. Redesignated at 14 FR 5593, Sept. 13, 1949, and amended at 15 FR 6758, Oct. 6, 1950. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17559, Apr. 10, 1997; 62 FR 24034, May 2, 1997]

§ 334.1460 Atlantic Ocean and Vieques Sound, in vicinity of Culebra Island; bombing and gunnery target area.

(a) *The danger zone.* From Punta Resaca on the north coast of Culebra at latitude 18°20'12", longitude 65°17'29" to latitude 18°25'07", longitude 65°12'07"; thence to latitude 18°26'31", longitude 65°16'45"; thence to latitude 18°23'00", longitude 65°24'30"; thence to the charted position of nun buoy "2" at latitude 18°20'19", longitude 65°24'51"; thence to latitude 18°18'47", longitude 65°24'35"; thence to latitude 18°15'30", longitude 65°21'30"; thence to a point on the southeast coast of Cayo de Luis Pena at latitude 18°17'51", longitude 65°19'41"; and thence to Punta Tamarindo on the west coast of Culebra at latitude 18°19'12" longitude 65°19'22".

(b) *The regulations.* (1) The danger zone is subject to use as a target area for bombing and gunnery practice. It will be open to navigation at all times except when firing is being conducted. At such times, no person or surface vessels, except those patrolling the area, shall enter or remain within the danger area. Prior to conducting each firing or dropping of ordnance the dan-

ger area will be patrolled to insure that no watercraft are within the danger area. Any watercraft in the vicinity will be warned that practice firing is about to take place and advised to vacate the area.

(2) The regulations in this section shall be enforced by the Commander, Caribbean Sea Frontier, San Juan, Puerto Rico, and such agencies as he may designate.

(Sec. 7, 40 Stat. 266, (33 U.S.C. 1))

[13 FR 9530, Dec. 31, 1948. Redesignated at 14 FR 4904, Aug. 9, 1949, and amended at 28 FR 349, Jan. 12, 1963; 39 FR 27133, July 25, 1974; 44 FR 69298, Dec. 3, 1979. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17559, Apr. 10, 1997]

§ 334.1470 Caribbean Sea and Vieques Sound, in vicinity of Eastern Vieques; bombing and gunnery target area.

(a) *The danger zone.* From Punta Conejo on the south coast of Vieques at latitude 18°06'30", longitude 65°22'33"; thence to latitude 18°03'00", longitude 65°21'00"; thence to latitude 18°03'00", longitude 65°15'30"; thence to latitude 18°11'30", longitude 65°14'30"; thence to latitude 18°12'00", longitude 65°20'00"; and thence to Cabellos Colorados on the north coast of Vieques at latitude 18°09'49", longitude 65°23'27".

(b) *Regulations.* (1) It will be open to navigation at all times except when firing is being conducted. At such times, no persons or surface vessels, except those patrolling the area, shall enter or remain within the danger area. Prior to conducting each firing or dropping of ordnance the danger area will be patrolled to insure that no watercraft are within the danger area. Any watercraft in the vicinity will be warned that practice firing is about to take place and advised to vacate the area.

(2) The regulations will be enforced by the Commander, U.S. Naval Forces Caribbean, U.S. Naval Station, Roosevelt Roads, Puerto Rico, and such agencies and subordinate commands as he/she may designate.

(Sec. 7, 40 Stat. 266, (33 U.S.C. 1))

[39 FR 27133, July 25, 1974, as amended at 46 FR 29935, June 4, 1981. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17559, Apr. 10, 1997]

§ 334.1480

33 CFR Ch. II (7-1-11 Edition)

§ 334.1480 Vieques Passage and Atlantic Ocean, off east coast of Puerto Rico and coast of Vieques Island; naval restricted areas.

(a) *The restricted areas.* (1) A strip, 1,500 yards wide, off the naval reservation shoreline along the east coast of Puerto Rico extending from Point Figuera south to Point Puerca, and thence west to Point Cascajo and the mouth of the Daguada River.

(2) A strip, 1,500 yards wide, off the naval reservation shoreline along the west end of Vieques Island extending from Caballo Point on the north shore, west around the breakwater to Point Arenas, and thence south and east to a point on the shoreline one mile east of the site of the abandoned central at Playa Grande.

(3) A strip, 1,500 yards wide, off the south coast of Vieques Island extending from the entrance to Port Mosquito east to Conejo Point.

(4) An area inclosed by an arc with a radius of 3,000 yards centered on Cabras Island Lighthouse and extending from Point Puerca to Point Cascajo.

(b) *The regulations.* No person or vessel shall enter or remain within the restricted areas at any time unless on official business. Fishing vessels are permitted to anchor in Playa Blanca, passing through the restricted area described in paragraph (a)(1) of this section, to and from anchorage on as near a north-south course as sailing conditions permit. Under no conditions will swimming, diving, snorkeling, other water related activities or fishing, be permitted in the restricted area.

[13 FR 9564, Dec. 31, 1948. Redesignated at 50 FR 42696, Oct. 22, 1985, as amended at 62 FR 17559, Apr. 10, 1997]

§ 334.1490 Caribbean Sea, at St. Croix, V.I.; restricted areas.

(a) *The areas*—(1) *Area “A”*. A triangular area bounded by the following coordinates:

| Latitude | Longitude |
|--------------|--------------|
| 17°44'42" N. | 64°54'18" W. |
| 17°43'06" N. | 64°54'18" W. |
| 17°44'30" N. | 64°53'30" W. |

(2) *Area “B”*. A rectangular area bounded by the following coordinates:

| Latitude | Longitude |
|--------------|--------------|
| 17°41'42" N. | 64°54'00" W. |
| 17°41'42" N. | 64°54'18" W. |
| 17°41'18" N. | 64°54'00" W. |
| 17°41'18" N. | 64°54'18" W. |

(b) *The regulations.* (1) Anchoring in the restricted areas is prohibited with the exception of U.S. Government owned vessels and private vessels that have been specifically authorized to do so by the Commanding Officer, Atlantic Fleet Range Support Facility.

(2) The regulations in this paragraph shall be enforced by the Commanding Officer, Atlantic Fleet Range Support Facility, Roosevelt Roads, P.R., and such agencies as he may designate.

[34 FR 19030, Nov. 29, 1969. Redesignated at 50 FR 42696, Oct. 22, 1985]

PART 335—OPERATION AND MAINTENANCE OF ARMY CORPS OF ENGINEERS CIVIL WORKS PROJECTS INVOLVING THE DISCHARGE OF DREDGED OR FILL MATERIAL INTO WATERS OF THE U.S. OR OCEAN WATERS

- Sec.
- 335.1 Purpose.
- 335.2 Authority.
- 335.3 Applicability.
- 335.4 Policy.
- 335.5 Applicable laws.
- 335.6 Related laws and Executive Orders.
- 335.7 Definitions.

AUTHORITY: 33 U.S.C. 1344; 33 U.S.C. 1413.

SOURCE: 53 FR 14911, Apr. 26, 1988, unless otherwise noted.

§ 335.1 Purpose.

This regulation prescribes the practices and procedures to be followed by the Corps of Engineers to ensure compliance with the specific statutes governing Army Civil Works operations and maintenance projects involving the discharge of dredged or fill material into waters of the U.S. or the transportation of dredged material for the purpose of disposal into ocean waters. These practices and procedures should be employed throughout the decision/management process concerning methodologies and alternatives to be used to ensure prudent operation and maintenance activities.