

§ 334.440

33 CFR Ch. II (7–1–23 Edition)

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 paragraph (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

§ 334.450

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 connecting 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

33 CFR Ch. II (7–1–23 Edition)

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.

(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°58'01", 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