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part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA.

[CGD13-95-008, 60 FR 61480, Nov. 30, 1995, as amended by CGD 13-96-028, 61 FR 47824, Sept. 11, 1996]

§ 165.1305 Commencement Bay, Tacoma, WA.

(a) *Location.* The following area is a safety zone: All portions of Commencement Bay bounded by the following coordinates: Latitude 47°17'34" N, Longitude 122°28'36" W; thence to Latitude 47°17'06" N, Longitude 122°27'40" W; thence to Latitude 47°16'42" N, Longitude 122°28'06" W; thence to Latitude 47°17'10" W, Longitude 122°29'02" W; thence returning to the origin. This safety zone resembles a rectangle lying adjacent to the shoreline along Ruston Way. Floating markers will be placed by the sponsor of the event to delineate the boundaries of the safety zone. [Datum: NAD 1983].

(b) *Effective dates.* This section is effective annually on July the fourth from 2 p.m. to 12:30 a.m. July the fifth unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA.

[CGD13-95-009, 60 FR 61481, Nov. 30, 1995]

§ 165.1306 Lake Union, Seattle, WA.

(a) *Location.* The following area is a safety zone: All portions of the waters of Lake Union bounded by the following coordinates: Latitude 47°38'32" N, Longitude 122°20'34" W; thence to Latitude 47°38'32" N, Longitude 122°19'48" W; thence to Latitude 47°38'10" N, Longitude 122°19'45" W; thence to Latitude 47°38'10" N, Longitude 122°20'24" W; thence returning to the origin. This safety zone begins 1,000 feet south of Gas Works Park and encompasses all waters from east to west for 2,500 feet. Floating markers will be placed by the sponsor of the fireworks demonstration to delineate the boundaries of the safety zone. [Datum: NAD 1983]

(b) *Effective dates.* This section is effective annually on July fourth from 9:30 p.m. to 11 p.m. unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into the safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA. The Captain of the Port may establish transit lanes along the east and west shorelines of Lake Union and may allow boaters to transit north and south through the safety zone in these lanes. If established, these transit lanes will remain open until 10 p.m. and then be closed until the end of the fireworks display (approximately 30 minutes).

[CGD13-95-010, 60 FR 61483, Nov. 30, 1995]

§ 165.1307 Elliott Bay, Seattle, WA.

(a) *Location.* The following area is a safety zone: All portions of Elliott Bay bounded by the following coordinates: Latitude 47°37'22" N, Longitude 122°22'06" W; thence to Latitude 47°37'06" N, Longitude 122°21'45" W; thence to Latitude 47°36'54" N, Longitude 122°22'05" W; thence to Latitude 47°37'08" N, Longitude 122°22'27" W; thence returning to the origin. This safety zone resembles a square centered around the barge from which the fireworks will be launched and begins 100 yards from the shoreline of Myrtle Edwards Park. Floating markers will be placed by the sponsor of the fireworks display to delineate the boundaries of the safety zone [Datum NAD 1983].

(b) *Effective dates.* This section is effective annually on July fourth from 9:30 p.m. to 11 p.m. unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Puget Sound, Seattle, WA.

[CGD13-95-007, 60 FR 61482, Nov. 30, 1995, as amended by CGD13-97-015, 62 FR 39445, July 23, 1997]

§ 165.1308 Columbia River, Vancouver, WA.

(a) *Location.* The following area is a safety zone: All waters of the Columbia

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River at Vancouver, Washington, bounded by a line commencing at the northern base of the Interstate 5 highway bridge at latitude 45°37'17" N, longitude 122°40'22" W; thence south along the Interstate 5 highway bridge to latitude 45°37'03" N, longitude 122°40'32" W; thence to latitude 45°36'28" N, longitude 122°38'35" W; thence to Ryan's Point at latitude 45°36'42" N, longitude 122°38'35" W; thence along the Washington shoreline to the point of origin. [Datum: NAD 83].

(b) *Effective dates.* This section is effective annually on July fourth from 9 p.m. to 11 p.m. (PDT) unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Portland, Oregon.

[CGD13-95-055, 61 FR 18949, Apr. 30, 1996]

§ 165.1309 Eagle Harbor, Bainbridge Island, WA.

(a) *Regulated area.* A regulated navigation area is established on that portion of Eagle Harbor bounded by a line beginning at: 47°36'56" N, 122°30'36" W; thence to 47°37'11" N, 122°30'36" W; thence to 47°37'25" N, 122°30'17" W; thence to 47°37'24" N, 122°30'02" W; thence to 47°37'16" N, 122°29'55" W; thence to 47°37'03" N, 122°30'027sec; W; thence returning along the shoreline to point of origin. [Datum NAD 1983].

(b) *Regulations.* All vessels and persons are prohibited from anchoring, dredging, laying cable, dragging, seining, bottom fishing, conducting salvage operations, or any other activity which could potentially disturb the seabed in the designated area. Vessels may otherwise transit or navigate within this area without reservation.

(c) *Waiver.* The Captain of the Port, Puget Sound, upon advice from the U.S. EPA Project Manager and the Washington State Department of Natural Resources, may, upon written request, authorize a waiver from this section if it is determined that the proposed operation supports USEPA remedial objectives, or can be performed in a manner that ensures the integrity of the sediment cap. A written request must describe the intended operation, state the need, and describe the pro-

posed precautionary measures. Requests should be submitted in triplicate, to facilitate review by U.S. EPA, Coast Guard, and Washington State Agencies. USEPA managed remedial design, remedial action, habitat mitigation, or monitoring activities associated with the Wyckoff/Eagle Harbor Superfund Site are excluded from the waiver requirement. USEPA is required, however, to alert the Coast Guard in advance concerning any of the above-mentioned activities that may, or will, take place in the Regulated Area.

[CGD 13-98-004, 64 FR 72561, Dec. 28, 1999]

§ 165.1310 Strait of Juan de Fuca and adjacent coastal waters of Northwest Washington; Makah Whale Hunting—Regulated Navigation Area.

(a) The following area is a Regulated Navigation Area (RNA): From 48°02.25' N, 124°42.1' W northward along the mainland shoreline of Washington State to Cape Flattery and thence eastward along the mainland shoreline of Washington State to 48°22' N, 124°34' W; thence due north to 48°24.55' N, 124°34' W; thence northwesterly to 48°27.1' N, 124°41.7' W; thence due west to 48°27.1' N, 124°45.5' W; thence southwesterly to 48°20.55' N, 124°51.05' W, thence west south west to 48°18.0' N 124°59.0' W, thence due south to 48°02.25' N, 124°59.0' W) thence due east back to the shoreline of Washington at 48°02.25' N, 124°42.1' W. Datum: NAD 1983.

(b) During a whale hunt, while the international numeral pennant five (5) is flown by a Makah whale hunt vessel, the following area within the RNA is a Moving Exclusion Zone: The column of water from the surface to the seabed with a radius of 500 yards centered on the Makah whale hunt vessel displaying international numeral pennant five (5). This Moving Exclusionary Zone is activated only when surface visibility exceeds one nautical mile, between sunrise and sunset, and the Makah whale hunt vessel displays the international numeral pennant five (5). The Moving Exclusionary Zone is deactivated upon sunset, visibility is reduced to less than one nautical mile, or when the Makah hunt vessel strikes international numeral pennant five (5).