

Coast Guard, DHS

§ 100.15

Rowes Wharf, is the only permitted area for anchoring. All other anchoring within this special local regulation area, including in Anchorage Area #1, is prohibited.

(ii) This special local regulation area is designed to restrict vessel traffic, including all non-motorized vessels, except as may be permitted by the COTP Boston or the designated on-scene representative.

(iii) Within this area all vessels will transit at the minimum speed necessary to maintain headway without creating a wake.

(iv) Due to the waterway area restriction and the expected increase in recreational vessels in the area, vessel operators of all vessels 65 feet in length or greater desiring to enter or operate within the special local regulation area shall contact the COTP or the designated on-scene representative at least five hours prior to the desired transit time to obtain permission to do so. Permission to enter the special local regulation area will be considered on a case by case basis at the discretion of the COTP and vessels may be escorted through the area if the COTP deems it necessary for safe transit. Failure to provide notification of entry at least five hours prior to transit may result in a denial of entry into the regulated area during the enforcement period. Vessel operators given permission to enter the area must comply with all directions given to them by the COTP or the designated on-scene representative.

(2) The following restrictions apply to the area identified as the race area in section (a)(2) of this regulation. This area is closed to all vessel traffic, with the exception of vessels involved directly with the event such as: sailboat race participants, event safety vessels, on-scene patrol and law enforcement vessels.

(c) *Effective Period.* This regulation is effective from 1 p.m. on June 30, 2011, to 6 p.m. on July 4, 2011. This regulation will also be enforced daily from 1 p.m. until 6 p.m., June 30, 2011 through July 4, 2011.

EFFECTIVE DATE NOTE: By USCG-2011-0103, 76 FR 36313, June 22, 2011, §100.T01-0103 was added, effective from 1 p.m. on June 30, 2011, to 6 p.m. on July 4, 2011.

§ 100.05 Definition of terms used in this part.

(a) *Regatta or marine parade* means an organized water event of limited duration which is conducted according to a prearranged schedule.

(b) [Reserved]

(c) *District Commander* means the Commander of the Coast Guard District in which the regatta or marine parade is intended to be held. (See Part 3 of this chapter for the geographical boundaries of Coast Guard Districts.)

(d) *State authority* means any official or agency of a State having power under the law of such State to regulate regattas or marine parades on waters over which such State has jurisdiction.

(e) *Navigable waters of the United States* means those waters described in §2.36(a) of this chapter, specifically including the waters described in §2.22(a)(2) of this chapter.

[CGFR 63-22, 28 FR 5155, May 23, 1963, as amended by CGD 75-098, 40 FR 49327, Oct. 22, 1975; USCG-2001-9044, 68 FR 42602, July 18, 2003]

§ 100.10 Coast Guard-State agreements.

(a) The District Commander is authorized to enter into agreements with State authorities permitting, regulation by the State of such classes of regatta or marine parade on the navigable waters of the United States as, in the opinion of the District Commander, the State is able to regulate in such a manner as to insure safety of life. All such agreements shall reserve to the District Commander the right to regulate any particular regatta or marine parade when he or she deems such action to be in the public interest.

[CGFR 63-22, 28 FR 5155, May 23, 1963, as amended by USCG-2003-15404, 68 FR 37740, June 25, 2003]

§ 100.15 Submission of application.

(a) An individual or organization planning to hold a regatta or marine parade which, by its nature, circumstances or location, will introduce extra or unusual hazards to the safety of life on the navigable waters of the United States, shall submit an application to the Coast Guard District Commander having cognizance of the area

§ 100.20

where it is intended to hold such regatta or marine parade. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include but are not limited to: An inherently hazardous competition, the customary presence of commercial or pleasure craft in the area, any obstruction of navigable channel which may reasonably be expected to result, and the expected accumulation of spectator craft.

(b) Where such events are to be held regularly or repeatedly in a single area by an individual or organization, the Commandant or the District Commander may, subject to conditions set from time to time by him or her, grant a permit for such series of events for a fixed period of time, not to exceed one year.

(c) The application must be submitted no less than 135 days before the start of the proposed event. However, if all of the following criteria are met, the application must be submitted no less than 60 days before the start of the proposed event:

(1) The sponsor submitted an application for the event in the year immediately preceding.

(2) The nature, location, scheduling, and other relevant information contained in the previous application are essentially the same.

(3) The Coast Guard received no objection to the previous application.

(4) The Coast Guard did not promulgate special local regulations for the previous event.

(5) The Coast Guard approved the previous event.

(d) The application shall include the following details:

(1) Name and address of sponsoring organization.

(2) Name, address, and telephone of person or persons in charge of the event.

(3) Nature and purpose of the event.

(4) Information as to general public interest.

(5) Estimated number and types of watercraft participating in the event.

(6) Estimated number and types of spectator watercraft.

(7) Number of boats being furnished by sponsoring organizations to patrol event.

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

(8) A time schedule and description of events.

(9) A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials, and spectator craft.

[CGFR 63-22, 28 FR 5155, May 23, 1963 as amended by CGD 95-054, 66 FR 1582, Jan. 9, 2001; CGD 95-059, 66 FR 9659, Feb. 9, 2001; USCG-2003-15404, 68 FR 37740, June 25, 2003]

§ 100.20 Action on application for event assigned to State regulation by Coast Guard-State agreement.

(a) Upon receipt of an application for a regatta or marine parade of a type assigned to a State for regulation under a Coast Guard-State agreement, the District Commander will forward the application to the State authority having cognizance of the event. Further processing and decision upon such an application shall be conducted by the State.

(b) [Reserved]

§ 100.25 Action on application for event not assigned to State regulation by Coast Guard-State agreement.

(a) Where an event is one of a type not assigned to the State for regulation under a Coast Guard-State agreement (or where no such agreement has been entered), the Commander of a Coast Guard District who receives an application for a proposed regatta or marine parade to be held upon the navigable waters of the United States within his or her district shall take the following action:

(1) He or she shall determine whether the proposed regatta or marine parade may be held in the proposed location with safety of life. To assist in his or her determination, he or she may, if he or she deems it necessary, hold a public hearing to obtain the views of all persons interested in, or who will be affected by, the regatta or marine parade.

(2) He or she will notify the individual or organization which submitted the application:

(i) That the application is approved, and the nature of the special local regulations, if any, which he or she will promulgate pursuant to § 100.35; or