

**§ 66.05-40**

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

**§ 66.05-40 Corps of Engineers' approval.**

(a) In each instance where a regulatory marker is to be established in navigable waters of the United States which have been designated by the Commandant as State waters for private aids to navigation, the State Administrator is responsible for obtaining prior permission from the District Engineer, U.S. Army Corps of Engineers concerned, authorizing the State to regulate the water area involved, or a statement that there is no objection to the proposed regulation of the water area. A copy of the Corps of Engineers permit or letter of authority shall be provided by the Administrator to the District Commander upon request.

(b) Similarly, where an aid to navigation is to be placed on a fixed structure or a mooring buoy is to be established in State waters for private aids to navigation, the State Administrator shall assure that prior permission or a statement of no objection to the structures or mooring buoys proposed is obtained from the District Engineer concerned. A copy of the permit or letter is not required by the District Commander.

**§ 66.05-100 Designation of navigable waters as State waters for private aids to navigation.**

In accordance with the procedures contained in § 66.05-10(d), the following navigable waters listed by the State in which they are located, are designated as State waters for private aids to navigation:

(a) *Arizona*. The portion of Lake Havasu within the State, except that portion within Havasu Lake National Wildlife Refuge.

(b) *Louisiana*. The portion of Toledo Bend Reservoir within the State.

(c) *Missouri*. Teach water within the State except the:

- (1) Mississippi River; and
- (2) Missouri River.

(d) *Montana*. The portion of Missouri River between the U.S. Highway 287 bridge near Townsend and Great Falls including the following impoundments:

- (1) Black Eagle Dam Reservoir.
- (2) Canyon Ferry Reservoir.
- (3) Hauser Lake.
- (4) Holter Lake.

(5) Rainbow Dam Reservoir.

(e) *North Carolina*. Navigable waters within the State not marked with Coast Guard aids to navigation on June 1, 1973.

(f) *Pennsylvania*. The portion of Youghiogheny River Reservoir within the State.

(f-1) *South Carolina*. (1) The portion of Lake Wylie within the State; (2) Lake Marion; (3) Lake Moultrie; and (4) Lake Murray.

(g) *Texas*. The portion of Toledo Bend Reservoir within the State.

(h) *Virginia*. (1) Claytor Lake, on the New River in Pulaski County.

(2) Leesville Lake, on the Roanoke River below Smith Mountain Dam.

(3) The portions of the following reservoirs within the State:

- (i) Gaston.
- (ii) Holston.
- (iii) John H. Kerr.
- (iv) Philpott.

(i) *Wisconsin*. Navigable waters within the State not marked with Coast Guard aids to navigation as of May 1, 1996.

[CGD 72-154R, 38 FR 33473, Dec. 5, 1973, as amended by CGD 76-015, 41 FR 12879, Mar. 29, 1976; CGD 80-132, 46 FR 27643, May 21, 1981; CGD 98-3604, 63 FR 55947, Oct. 20, 1998; USCG-2001-10714, 69 FR 24982, May 5, 2004]

**Subpart 66.10—Uniform State Waterway Marking System**

**§ 66.10-1 General.**

(a) Until December 31, 2003, the Uniform State Waterway Marking System's (USWMS) aids to navigation provisions for marking channels and obstructions may be used in those navigable waters of the U.S. that have been designated as state waters for private aids to navigation and in those internal waters that are non-navigable waters of the U.S. All other provisions for the use of regulatory markers and other aids to navigation shall be in accordance with United States Aid to Navigation System, described in part 62 of this subchapter.

(b) The USATONS may be used in all U.S. waters under state jurisdiction, including non-navigable state waters.

[CGD 97-018, 63 FR 33574, June 19, 1998]