

## § 70.05-1

each offense, and each day during which such violation shall continue shall be considered a new offense.

[CGFR 52-15, 18 FR 12, Jan. 1, 1953]

### Subpart 70.05—Collision With or Damage to Aids to Navigation

SOURCE: CGFR 52-15, 18 FR 12, Jan. 1, 1953, unless otherwise noted.

#### § 70.05-1 General provisions.

No person shall take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any aid to navigation established and maintained by the United States.

#### § 70.05-5 Penalty.

Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of § 70.05-1 shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of up to \$25,000 per day, or by imprisonment (in case of a natural person) for not less than thirty days nor more than one year, or both, one half of such fine to be paid to the person or persons giving information which shall lead to conviction.

[CGFR 52-15, 18 FR 12, Jan. 1, 1953, as amended by USCG-2009-0416, 74 FR 27438, June 10, 2009]

#### § 70.05-10 Revocation of merchant mariner credential officer endorsement or license.

Every master, pilot, and engineer, or person or persons acting in such capacity, respectively, on board any boat or vessel who shall willfully injure or destroy an aid to navigation established and maintained by the United States shall be deemed guilty of violating the provisions of § 70.05-1 and shall upon conviction be punished as provided in § 70.05-5 and shall also have his merchant mariner credential officer endorsement or license revoked or sus-

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pending for a term to be fixed by the judge before whom tried and convicted.

[CGFR 52-15, 18 FR 12, Jan. 1, 1953, as amended by USCG-2006-24371, 74 FR 11211, Mar. 16, 2009]

#### § 70.05-15 Liability for damages.

Any boat, vessel, scow, raft or other craft used or employed in violating any of the provisions of § 70.05-1 shall be liable for the pecuniary penalties specified in § 70.05-5, and in addition thereto for the amount of damage done by said boat, vessel, scow, raft or other craft, which may be proceeded against summarily by way of libel in any district court of the United States having jurisdiction thereof.

#### § 70.05-20 Report required.

Whenever any vessel collides with an aid to navigation established and maintained by the United States or any private aid to navigation established or maintained in accordance with Part 64, 66, 67, or 68 of this subchapter, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection, in accordance with 46 CFR 4.

[CGFR 58-17, 23 FR 3383, May 20, 1958, as amended by CGFR 61-55, 26 FR 12572, Dec. 28, 1961; CGD 97-023, 62 FR 33362, June 19, 1997]

## PART 72—MARINE INFORMATION

### Subpart 72.01—Notices to Mariners

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AUTHORITY: 14 U.S.C. 85, 633; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1.

### Subpart 72.01—Notices to Mariners

#### § 72.01–1 Purpose.

The Coast Guard issues information concerning the establishment of aids to maritime navigation and the changes, discontinuances, and deficiencies, except temporary deficiencies that are easily correctable, of aids to maritime navigation maintained and operated by or under the authority of the Coast Guard in documents and marine broadcasts having the general title of “Notice to Mariners.” This subpart describes the publications and the marine broadcasts.

[CGD 70–147R, 37 FR 10669, May 26, 1972]

#### § 72.01–5 Local Notice to Mariners.

(a) “Local Notice to Mariners” reports changes to and deficiencies in aids to navigation that are established or maintained and operated by or under the authority of the Coast Guard, and any other information pertaining to the waterways within each Coast Guard district that is of interest to the mariner.

(b) “Local Notice to Mariners” is published weekly by each Coast Guard district or more often if there is a need to notify mariners of local waterway information. Local Notice to Mariners is available for viewing on the Coast Guard Navigation Center Web site (<http://www.navcen.uscg.gov/?pageName=lnmMain>).

(c) Any person may apply to the Coast Guard Navigation Center to receive automatic notices via email when new editions of the Local Notice to Mariners are available. Register at <http://www.navcen.uscg.gov/?pageName=LNmListRegistration>.

[CGD 70–147R, 37 FR 10669, May 26, 1972, as amended by USCG–2001–10714, 69 FR 24984, May 5, 2004; USCG–2013–0397, 78 FR 39170, July 1, 2013]

#### § 72.01–10 Notice to Mariners.

(a) “Notice to Mariners” is intended to advise mariners of new hydrographic discoveries, changes in channels and navigational aids, and information concerning the safety of navigation. “Notice to Mariners” also contains information—

(1) Useful in updating the latest editions of charts and publications of the National Geospatial-Intelligence Agency, National Ocean Service, U.S. Army Corps of Engineers, and Coast Guard;

(2) Selected from the “Local Notice to Mariners” issued and published by the 1<sup>st</sup>, 5<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 11<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, and 17<sup>th</sup> Coast Guard districts; and

(3) Compiled from foreign notices to mariners, ship reports, and similar cooperating observer reports.

(b) “Notice to Mariners” is published weekly by the National Geospatial-Intelligence Agency. The “Notice to Mariners” is prepared jointly by the:

(1) Coast Guard;

(2) National Ocean Service; and

(3) National Geospatial-Intelligence Agency.

(c) This notice may be accessed through the National Geospatial-Intelligence Agency’s Web site (<http://msi.nga.mil/NGAPortal/MSI.portal>); look for “Notice to Mariners”.

[CGD 97–023, 62 FR 33362, June 19, 1997, as amended by USCG–2001–9286, 66 FR 33640, June 25, 2001; USCG–2001–10714, 69 FR 24984, May 5, 2004; USCG–2009–0416, 74 FR 27438, June 10, 2009; USCG–2013–0397, 78 FR 39170, July 1, 2013]

#### §§ 72.01–15—72.01–20 [Reserved]

#### § 72.01–25 Marine broadcast notice to mariners.

(a) The Coast Guard broadcasts notices to mariners on its own or U.S. Navy radio stations to report navigational warnings containing information of importance to the safety of navigation of vessels, such as the position of ice and derelicts, defects, and changes to aids to navigation, and drifting mines. Radio stations broadcasting marine information are listed in “Radio Navigational Aids” (National Geospatial-Intelligence Agency Publication 117) and United States Coast Pilots.

(b) Any person may view or download “Radio Navigational Aids” from the National Geospatial-Intelligence Agency’s Web site (<http://msi.nga.mil/NGAPortal/MSI.portal>); look for “Publications.”

(c) Any person may purchase *United States Coast Pilots* from an authorized agent listed at <http://aeronav.faa.gov/>

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*agents.asp* or authorized Print-on-Demand agent listed at <http://www.nauticalcharts.noaa.gov/staff/charts.htm>. Free on-line versions, as well as weekly updates, are available directly from NOAA at <http://www.nauticalcharts.noaa.gov/nsd/cpdownload.htm>.

[CGD 97–023, 62 FR 33362, June 19, 1997; USCG–2001–9286, 66 FR 33640, June 25, 2001; USCG–2006–25150, 71 FR 39208, July 12, 2006; USCG–2009–0416, 74 FR 27438, June 10, 2009; USCG–2013–0397, 78 FR 39171, July 1, 2013]

### § 72.01–30 Temporary deficiencies.

Temporary deficiencies in aids to navigation are not published in Notices to Mariners when it is known that the defects will be corrected promptly.

[CGFR 52–15, 18 FR 13, Jan. 1, 1953]

### § 72.01–35 [Reserved]

### § 72.01–40 Single copies.

Single copies of the “Notice to Mariners” described in § 72.01–10 may be obtained or consulted at:

- (a) Coast Guard District Commanders’ Offices;
- (b) National Ocean Service Field Offices;
- (c) The National Geospatial-Intelligence Agency; and
- (d) Custom Houses.

[CGD 97–023, 62 FR 33362, June 19, 1997, as amended by USCG–2013–0397, 78 FR 39171, July 1, 2013]

## Subpart 72.05—Light Lists

### § 72.05–1 Purpose.

(a) The Coast Guard publishes the following Light Lists annually, with the exception of Volume V, which is published biennially, covering the waters of the United States, its territories and possessions:

(1) Volume I, Atlantic Coast, from St. Croix River, Maine, to Shrewsbury River, New Jersey.

(2) Volume II, Atlantic Coast, from Shrewsbury River, New Jersey, to Little River, South Carolina.

(3) Volume III, Atlantic and Gulf Coasts, from Little River, South Carolina, to Econfina River, Florida, including Puerto Rico and the U.S. Virgin Islands.

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(4) Volume IV, Gulf of Mexico, from Econfina River, Florida to Rio Grande, Texas.

(5) Volume V, Mississippi River System.

(6) Volume VI, Pacific Coast and Pacific Islands.

(7) Volume VII, Great Lakes.

(b) The Light Lists contain the official name, location, characteristics, and general description of federal, state, and private aids to navigation maintained by or under authority of the U.S. Coast Guard, which are placed in navigable waters used by general navigation. The Light Lists do not contain information concerning private aids to navigation maintained under the authority of the U.S. Coast Guard, which are placed in navigable waters not used by general navigation; nor do they contain information concerning mooring buoys and some special marks having no lateral significance such as fish net, dredging, and racing buoys.

(14 U.S.C. 93; 49 U.S.C. 108; 49 CFR 1.46)

[CGFR 60–63, 25 FR 8949, Sept. 17, 1960, as amended by CGFR 63–48, 28 FR 10379, Sept. 25, 1963; CGD 85–042, 50 FR 50904, Dec. 13, 1985; CGD 88–105, 54 FR 12612, Mar. 28, 1989; USCG–2001–9286, 66 FR 33640, June 25, 2001]

### § 72.05–5 Sales agencies.

Each volume of the Light List is for sale by the Superintendent of Documents, Government Printing Office, and can be ordered online from the U.S. Government Online Bookstore at <http://bookstore.gpo.gov>, by Fax at 202–512–2104, or by telephone at 202–512–1800. Send mail orders including payment to U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197–9000. Notification of publication of a new edition of the Light List is published in the “Local Notices to Mariners” and “Notice to Mariners” for the particular area that is covered as soon as the edition is available for distribution.

[USCG–2001–9286, 66 FR 33640, June 25, 2001, as amended by USCG–2006–25150, 71 FR 39208, July 12, 2006; USCG–2013–0397, 78 FR 39171, July 1, 2013]

### § 72.05–10 Free distribution.

Official copies are distributed free of charge to Federal, State, and foreign

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governments, municipalities, libraries and other public institutions.

NOTE TO §72.05-10: You may also access Coast Guard Light List data through the Coast Guard Navigation Center's Web site: (<http://www.navcen.uscg.gov/?pageName=lightLists>).

(R.S. 501, as amended, sec. 5, 38 Stat. 75; 44 U.S.C. 82, 84)

[CGFR 51-15, 18 FR 13, Jan. 1, 1953, as amended by USCG-2001-10714, 69 FR 24984, May 5, 2004; USCG-2013-0397, 78 FR 39171, July 1, 2013]

### PART 74—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

#### Subpart 74.01—Charges to the Public

Sec.

74.01-1 Claim for damage, destruction, or displacement.

74.01-10 Charges invoiced to owner for marking sunken wrecks and other obstructions to navigation.

74.01-15 Charges for placement of temporary aids.

74.01-20 Deposit of payment in special account.

#### Subpart 74.20—Aids to Navigation Costs

74.20-1 Buoy and vessel use costs.

AUTHORITY: 14 U.S.C. 81, 85, 86, 92, 93, 141, 633, 642, 647; 49 CFR 1.46 (b).

SOURCE: CGFR 58-50, 24 FR 5608, July 11, 1959, unless otherwise noted.

#### Subpart 74.01—Charges to the Public

##### § 74.01-1 Claim for damage, destruction, or displacement.

Whenever an aid to navigation is damaged, destroyed, or displaced from its station, a claim shall be made on behalf of the United States in accordance with Part 25 of this title.

[CGFR 70-7, 35 FR 4048, Mar. 4, 1970]

##### § 74.01-10 Charges invoiced to owner for marking sunken wrecks and other obstructions to navigation.

Charges for the establishment, maintenance, and replacement by the Coast Guard of an aid, either permanent or temporary, to mark a sunken wreck or other obstruction to navigation are calculated to recover the Coast Guard

costs involved in, or associated with, the marking process. These charges will be invoiced to the owner of the obstruction. Charges for the removal of aids to navigation established by the Coast Guard will be invoiced to the owner unless the District Engineer requests the continued marking of the obstruction. All charges will be assessed in accordance with Subpart 74.20 of this part.

[CGD 81-051, 48 FR 15468, Apr. 11, 1983]

##### § 74.01-15 Charges for placement of temporary aids.

Charges for placement of temporary aids will be reimbursable and in accordance with Subpart 74.20 of this part. Where the placement of temporary aids other than those specified is made, a reasonable equivalence will be determined, and charges made accordingly.

##### § 74.01-20 Deposit of payment in special account.

Whenever an aid to navigation or other property belonging to the Coast Guard is damaged or destroyed by a private person, such person shall pay to the satisfaction of the Coast Guard the cost of repair or replacement of such property. The Coast Guard will accept and deposit such payment in a special account in the Treasury for payment therefrom of the cost of repairing or replacing the damaged property. Funds collected in excess of the cost to make repairs or replacements shall be refunded.

#### Subpart 74.20—Aids to Navigation Costs

##### § 74.20-1 Buoy and vessel use costs.

(a) The buoy and vessel use costs for establishing, maintaining, repairing, replacing, or removing an aid to navigation under the requirements of this part are contained in COMDTINST 7310 (series) which is available from the District Budget Office of the appropriate Coast Guard District Commander.

(b) Buoy and vessel use charges under this part are made for the cost or value of time, in hours, consumed by the Government vessel, including ship's