§ 165.1336 Regulated Navigation Area; Pacific Sound Resources and Lockheed Shipyard Superfund Sites, Elliott Bay, Seattle, WA.

(a) Regulated areas. The following areas are regulated navigation areas:

(1) All waters inside an area beginning at a point on the shore at 47°35′02.7″ N 122°22′23.00″ W; thence north to 47°35′26.00″ N 122°22′23.00″ W; thence east to 47°35′26.00″ N 122°21′32.50″ W; thence south to 47°35′10.80″ N 122°21′32.50″ W; thence southwest to a point on the shoreline at 47°35′05.9″ N 122°21′58.00″ W. [Datum: NAD 1983].

(2) All waters inside an area beginning at 47°34′52.16″ N 122°21′27.11″ W; thence to 47°34′53.46″ N 122°21′30.42″ W; thence to 47°34′37.02″ N 122°21′30.51″ W; thence to 47°34′37.02″ N 122°21′27.43″ W. [Datum: NAD 1983].

(b) Regulations. (1) All vessels and persons are prohibited from activities that would disturb the seabed, such as anchoring, dragging, trawling, plowing, or other activities that involve disrupting the integrity of the sediment caps installed in the designated area. Pursuant to the remediation efforts of the U.S. Environmental Protection Agency (EPA) and others in the Pacific Sound Resources and Lockheed Shipyard EPA superfund sites, vessels may otherwise transit or navigate within this area without reservation.

(2) The prohibition described in paragraph (b)(1) of this section does not apply to vessels or persons engaged in activities associated with remediation efforts in the superfund sites, provided that the Captain of the Port, Puget Sound (COTP), is given advance notice of those activities by the EPA.

(3) Nothing in this section is intended to conflict with treaty fishing rights of the Muckleshoot and Suquamish tribes, and they are not restricted from any type of fishing in the described area.

(c) Waivers. Upon written request stating the need and proposed conditions of the waiver, and any proposed precautionary measures, the COTP may authorize a waiver from this section if the COTP determines that the activity for which the waiver is sought can take place without undue risk to the remediation efforts described in paragraph (b)(1) of this section. The COTP will consult with EPA in making this determination when necessary and practicable.

§ 165.1337 Regulated Navigation Area, Zidell Waterfront Property, Willamette River, OR.

(a) Regulated navigation area. The following area is a regulated navigation area: All waters within the area bounded by the following points: 45°29′55.12″ N 122°40′2.19″ W; thence continuing to 45°29′55.14″ N 122°39′59.36″ W; thence continuing to 45°29′56.30″ N 122°39′59.09″ W; thence continuing to 45°29′57.51″ N 122°39′59.64″ W; thence continuing to 45°29′58.72″ N 122°39′59.64″ W; thence continuing to 45°29′57.51″ N 122°39′59.64″ W; thence continuing to 45°30′0.52″ N 122°39′59.94″ W; thence continuing to 45°30′1.95″ N...