

## § 2.38

(ii) A governmental or non-governmental body, having expertise in waterway improvement, determines to be capable of improvement at a reasonable cost (a favorable balance between cost and need) to provide, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce.

(b) *Navigable waters of the United States* and *navigable waters*, as used in sections 311 and 312 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1321 and 1322, mean:

(1) Navigable waters of the United States as defined in paragraph (a) of this section and all waters within the United States tributary thereto; and

(2) Other waters over which the Federal Government may exercise Constitutional authority.

### § 2.38 Waters subject to the jurisdiction of the United States; waters over which the United States has jurisdiction.

*Waters subject to the jurisdiction of the United States* and *waters over which the United States has jurisdiction* mean the following waters—

(a) Navigable waters of the United States, as defined in § 2.36(a).

(b) Waters, other than those under paragraph (a) of this section, that are located on lands for which the United States has acquired title or controls and—

(1) Has accepted jurisdiction according to 40 U.S.C. 255; or

(2) Has retained concurrent or exclusive jurisdiction from the date that the State in which the lands are located entered the Union.

(c) Waters made subject to the jurisdiction of the United States by operation of the international agreements and statutes relating to the former Trust Territory of the Pacific Islands, and waters within the territories and possessions of the United States.

### Subpart C—Availability of Jurisdictional Decisions

#### § 2.40 Maintenance of decisions.

(a) From time to time, the Coast Guard makes navigability determinations of specific waterways, or portions thereof, in order to determine its juris-

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diction on those waterways. Copies of these determinations are maintained by the District Commander in whose district the waterway is located.

(b) If the district includes portions of the territorial sea, charts reflecting Coast Guard decisions as to the location of the territorial sea baseline for the purposes of Coast Guard jurisdiction are maintained by the District Commander in whose district the portion of the territorial sea is located.

### § 2.45 Decisions subject to change or modification and availability of lists and charts.

The determinations referred to in § 2.40 are subject to change or modification. The determinations are made for Coast Guard use at the request of Coast Guard officials. Determinations made or subsequently changed are available to the public under § 1.10-5(b) of this chapter. Inquiries concerning whether a determination has been made for specific waters, for the purposes of Coast Guard jurisdiction, should be directed to the District Commander of the district in which the waters are located.

## PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT ZONES

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3.25-1 Fifth district.

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- 3.25-05 Philadelphia Marine Inspection Zone and Captain of the Port Zone.
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- 3.35-1 Seventh district.
- 3.35-10 Miami Marine Inspection Zone and Captain of the Port Zone.
- 3.35-15 Charleston Marine Inspection Zone and Captain of the Port Zone.
- 3.35-20 Jacksonville Marine Inspection Zone and Captain of the Port Zone.
- 3.35-25 San Juan Marine Inspection Zone and Captain of the Port Zone.
- 3.35-30 Savannah Marine Inspection Zone and Captain of the Port Zone.
- 3.35-35 Tampa Marine Inspection Zone and Captain of the Port Zone.

### Subpart 3.40—Eighth Coast Guard District

- 3.40-1 Eighth district.
- 3.40-10 Mobile Marine Inspection Zone and Captain of the Port Zone.
- 3.40-15 New Orleans Marine Inspection Zone and Captain of the Port Zone.
- 3.40-17 Morgan City Marine Inspection Zone and Captain of the Port Zone.
- 3.40-20 Port Arthur Marine Inspection Zone and Captain of the Port Zone.
- 3.40-28 Houston-Galveston Marine Inspection Zone and Captain of the Port Zone.
- 3.40-35 Corpus Christi Marine Inspection Zone and Captain of the Port Zone.
- 3.40-40 St. Louis Marine Inspection Zone and Captain of the Port Zone.
- 3.40-45 Paducah Marine Inspection Zone and Captain of the Port Zone.
- 3.40-50 Huntington Marine Inspection Zone and Captain of the Port Zone.
- 3.40-55 Louisville Marine Inspection Zone and Captain of the Port Zone.
- 3.40-60 Memphis Marine Inspection Zone and Captain of the Port Zone.
- 3.40-65 Pittsburgh Marine Inspection Zone and Captain of the Port Zone.

### Subpart 3.45—Ninth Coast Guard District

- 3.45-1 Ninth district.
- 3.45-5 Cleveland Marine Inspection Zone and Captain of the Port Zone.
- 3.45-10 Buffalo Marine Inspection Zone and Captain of the Port Zone.
- 3.45-15 Chicago Marine Inspection Zone and Captain of the Port Zone.
- 3.45-20 Detroit Marine Inspection Zone and Captain of the Port Zone.
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### Subpart 3.55—Eleventh Coast Guard District

- 3.55-1 Eleventh district.
- 3.55-10 Los Angeles-Long Beach Marine Inspection Zone and Captain of the Port Zone.
- 3.55-15 San Diego Marine Inspection Zone and Captain of the Port Zone.
- 3.55-20 San Francisco Bay Marine Inspection Zone and Captain of the Port Zone.

### Subpart 3.65—Thirteenth Coast Guard District

- 3.65-1 Thirteenth district.
- 3.65-10 Puget Sound Marine Inspection Zone and Captain of the Port Zone.
- 3.65-15 Portland, Oregon, Marine Inspection Zone and Captain of the Port Zone.

### Subpart 3.70—Fourteenth Coast Guard District

- 3.70-1 Fourteenth district.
- 3.70-10 Honolulu Marine Inspection Zone and Captain of the Port Zone.
- 3.70-15 Guam Marine Inspection Zone and Captain of the Port Zone.

### Subpart 3.85—Seventeenth Coast Guard District

- 3.85-1 Seventeenth district.
- 3.85-10 Southeast Alaska Marine Inspection Zone and Captain of the Port Zone.
- 3.85-15 Western Alaska Marine Inspection Zone and Captain of the Port Zone.
- 3.85-20 Prince William Sound Marine Inspection Zone and Captain of the Port Zone.

AUTHORITY: 14 U.S.C. 633; Pub. L. 107-296, 116 Stat. 2135; Department of Homeland Security Delegation No. 0170.

## Subpart 3.01—General Provisions

### § 3.01-1 General description.

(a) The structure of the Coast Guard's general organization for the performance of its assigned functions and duties consists of the Commandant, assisted by the Headquarters staff, two Area Offices to act as intermediate echelons of operational command, and District Offices to provide regional direction and coordination. The District Offices operate within defined geographical areas of the United

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States, its territories, and possessions, including portions of the high seas adjacent thereto. The description of the districts is established by the Commandant.

(b) The two Coast Guard Areas are the Atlantic Area (see §3.04-1) and the Pacific Area (see §3.04-3). The Coast Guard Area Commander is in command of a Coast Guard Area; the offices are referred to as a Coast Guard Area Office. The office of the Commander, Atlantic Area, is located in the Fifth Coast Guard District and the Commander, Atlantic Area, also serves as the Fifth District Commander. The office of the Commander, Pacific Area, is located in the Eleventh Coast Guard District and the Commander, Pacific Area, also serves as the Eleventh District Commander. Area Commanders have the responsibility of determining when operational matters require the coordination of forces and facilities of more than one district.

(c) The Coast Guard District Commander is in command of a Coast Guard District and his office may be referred to as a Coast Guard District Office. (See §1.01-1 of this subchapter.)

(d) An Officer in Charge, Marine Inspection, is in command of a Marine Inspection Zone and his office may be referred to as a Coast Guard Marine Inspection Office. (See §1.01-20 of this subchapter.)

(e) The Captain of the Port is in command of a Captain of the Port Area and his office may be referred to as a Captain of the Port Office. (See §1.01-30 of this subchapter.)

(f) Each Captain of the Port Area and each Marine Inspection Zone described in this part also includes the United States territorial seas adjacent to the described Area or Zone for the purpose of enforcing or acting pursuant to a statute effective in the United States territorial seas. Each Captain of the Port Area and each Marine Inspection Zone described in this part also includes the Contiguous Zone adjacent to the Area or Zone for the purpose of enforcing or acting pursuant to a statute effective in the Contiguous Zone. (See §§2.05-5 and 2.05-15.) Each Captain of the Port Zone and each Marine Inspection Zone described in this part also includes the Exclusive Economic Zone

(EEZ) adjacent to the area for the purpose of enforcing or acting pursuant to a statute effective in the EEZ.

(g) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGFR 70-150, 36 FR 909, Jan. 20, 1971, as amended by CGD 77-091, 42 FR 48022, Sept. 22, 1977; CGD 87-008, 52 FR 13083, Apr. 21, 1987; CGD 87-008b, 52 FR 25217, July 6, 1987; CGD 86-082, 52 FR 33810, Sept. 8, 1987; CGD 93-020, 58 FR 51726, Oct. 4, 1993; CGD 96-025, 61 FR 29959, June 13, 1996; USCG-2003-14505, 68 FR 9534, Feb. 28, 2003]

#### §3.01-5 Assignment of functions.

Section 888 of Pub. L. 107-296, 116 Stat. 2135, authorizes the Commandant of the Coast Guard to exercise certain functions, powers, and duties vested in the Secretary of Homeland Security by law. The general statements of policy in the rules describing Coast Guard organization are prescribed pursuant to 5 U.S.C. 552 (80 Stat. 383, as amended) and 14 U.S.C. 633 (63 Stat. 545).

[CGFR 70-150, 36 FR 910, Jan. 20, 1971, as amended by USCG-2003-14505, 68 FR 9534, Feb. 28, 2003]

## Subpart 3.04—Coast Guard Areas

### §3.04-1 Atlantic Area.

(a) The Area Office is in Portsmouth, VA.

(b) The Atlantic Area is comprised of the land areas and U.S. navigable waters of the First, Fifth, Seventh, Eighth and Ninth Coast Guard Districts and the ocean areas lying east of a line extending from the North Pole south along 95° W. longitude to the North American land mass; thence along the east coast of the North, Central, and South American land mass to the intersection with 70° W. longitude; thence due south to the South Pole.