

## Coast Guard, DHS

## § 66.05-40

right of appeal on the part of the State Administrator to the Commandant.

(b) A Coast Guard-State agreement shall become effective when both parties have signed the agreements. In lieu of the procedure prescribed in §66.01-5, the agreement shall constitute blanket approval by the Commandant, of the State aids to navigation, including regulatory markers, established or to be established in State waters for private aids to navigation designated or to be designated by the Commandant.

(c) In addition to the matters set forth in paragraph (a) of this section, Coast Guard-State agreements shall cover the following points, together with such other matters as the parties find it desirable to include:

(1) A description, in sufficient detail for publication in Notices to Mariners, of all aids to navigations under State jurisdiction in navigable waters of the United States in existence prior to the effective date of the agreement which have not been previously approved under procedures of §66.01-5.

(2) Procedures for use by the State administrator to notify the District Commander of changes made in State aids to navigation, as required by §66.05-25.

(3) If prior to December 21, 2003, specification of the marking system to be used, whether the U.S. Aids to Navigation System or the Uniform State Waterway Marking System.

(4) Specification of standards as to minimum size and shape of markers, the use of identifying letters, the use of reflectors or retroreflective materials, and any other similar standards so as to enable Coast Guard inspectors to determine compliance with Statewide standards.

[CGD 86-031, 52 FR 42645, Nov. 6, 1987, as amended by CGD 97-018, 63 FR 33573, June 19, 1998]

### § 66.05-25 Change and modification of State aids to navigation.

Wherever a State Administrator determines the need for change in State aids to navigation, he or she must inform the District Commander of the nature and extent of the changes, as

soon as possible, but not less than 30 days in advance of making the changes.

[USCG-2001-10714, 69 FR 24982, May 5, 2004]

### § 66.05-30 Notice to Mariners.

(a) To improve public safety, the District Commander may publish information concerning State aids to navigation, including regulatory markers, in the Coast Guard Local Notices to Mariners.

(b) Notices to Mariners which concern the establishment, disestablishment, or change of State aids to navigation, including regulatory markers, may be published whenever the aids to navigation concerned are covered by navigational charts or maps issued by the National Ocean Service or the U.S. Army Corps of Engineers.

[CGFR 66-32, 31 FR 10320, July 30, 1966, as amended by USCG-2000-7223, 65 FR 40055, June 29, 2000; USCG-2001-9286, 66 FR 33640, June 25, 2001; USCG-2001-10714, 69 FR 24982, May 5, 2004]

### § 66.05-35 Private aids to navigation other than State owned.

(a) No person, public body or other instrumentality not under control of the Commandant or the State Administrator, exclusive of the Armed Forces of the United States, shall establish, erect or maintain in State waters for private aids to navigation any aid to navigation without first obtaining permission to do so from the State Administrator. Discontinuance of any State aids to navigation may be effected by order of the State Administrator.

### § 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

**§ 66.05-100**

**33 CFR Ch. I (7-1-05 Edition)**

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]

**§ 66.10-5 [Reserved]**

**§ 66.10-10 [Reserved]**

**§ 66.10-15 Aids to navigation.**

(a) USWMS aids to navigation may have lateral or cardinal meaning.

(b) On a well defined channel including a river or other relatively narrow natural or improved waterway, an aid to navigation shall normally be a solid colored buoy. A buoy which marks the left side of the channel viewed looking upstream or toward the head of navigation shall be colored all black. A buoy which marks the right side of the channel viewed looking upstream or toward