

## § 165.125 Regulated Navigation Area; EPA Superfund Site, New Bedford Harbor, Massachusetts.

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(a) *Location.* The regulated navigation area encompasses all waters bounded by a line beginning at 41°37'22.5" N, 070°54'34.1" W; thence to 41°37'14.4" N, 070°54'19.6" W; thence to 41°36'58.5" N, 070°54'08.1" W; thence to 41°36'45.0" N, 070°54'26.9" W; thence along the shoreline and south side of the hurricane barrier to the beginning point.

(b) *Regulations.* (1) All vessels and persons are prohibited from activities that would disturb the seabed within the regulated navigation area, including but not limited to anchoring, dragging, trawling, and spudding. Vessels may otherwise transit or navigate within this area without reservation.

(2) The prohibition described in paragraph (b)(1) of this section shall not apply to vessels or persons engaged in activities associated with remediation efforts in the New Bedford Harbor Superfund Site, provided that the Coast Guard Captain of the Port (COTP) Southeastern New England, is given advance notice of those activities by the U.S. Environmental Protection Agency (EPA).

(c) *Waivers.* The Captain of the Port (COTP) Southeastern New England may, in consultation with the U.S. EPA, authorize a waiver from this section if he or she determines that the proposed activity can be performed without undue risk to environmental remediation efforts. Requests for waivers should be submitted in writing to Commander, U.S. Coast Guard Sector Southeastern New England, 1 Little Harbor Road, Woods Hole, MA, 02543, with a copy to the U.S. Environmental Protection Agency, Region 1, New Bedford Harbor Remedial Project Manager, 5 Post Office Square, Suite 100 (OSRR07), Boston, MA 02109, to facilitate review by the EPA and U.S. Coast Guard.

[USCG-2010-1119, 76 FR 35744, June 20, 2011]