

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
First Coast Guard District

408 Atlantic Avenue
Boston, MA. 02110
Staff Symbol: dpw-1
Phone: (617) 223-8347
Fax: (617) 223-8073
Email: Steve.R.Pothier@uscg.mil

10500
22 Apr 2013

MEMORANDUM

From: M. B. STUCK STUCK.
CGD ONE (dpw-1) MATTHEW.
B.1011790069

Digitally signed by STUCKMATTHEW
B.1011790069
DN: c=US, o=U.S. Government,
ou=DOD, ou=PPG, ou=USCG,
cn=STUCKMATTHEW B.1011790069
Date: 2013.04.23 15:35:40 -0400

Reply to (dpw-1)
Attn of: Mr. Steven Pothier

To: First District Sector Waterways Managers
First District Aids to Navigation Officers in Charge

Subj: CHANGE TO FIRST DISTRICT ATON STANDARD OPERATING PROCEDURES

1. Chapter 13 of the D1 AtoN SOP, Private Aids to Navigation, has been revised. Significant changes include: addition of the Sector PAtON Checklist, having all verifications completed by 31 December, vice 30 September, and increased emphasis placed on the web-based D1 PAtON Database located at USHarbormaster.com.

2. Please review the updated PAtON SOP and share with those in your command who have PAtON management responsibilities. If you have any questions, please contact Mr. Steve Pothier at (617) 223-8347.

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Enclosure: D1 Aids to Navigation SOP, Chapter 13 – Private Aids to Navigation

FIRST COAST GUARD DISTRICT (DPW) STANDARD OPERATING
PROCEDURES

CHAPTER THIRTEEN
(revised 19 April 2013)

PRIVATE AIDS TO NAVIGATION

- REFERENCES:
- (a) 33 CFR Part 66
 - (b) COMDTINST M16500.7 (series), Aids to Navigation Manual, Administration
 - (c) 14 U.S.C. Part 83
 - (d) COMDTINST 16500.16A, Coast Guard Auxiliary Aids to Navigation Program

13. General. Any signal placed on the navigable waters of the United States by any person or institution other than the U.S. Coast Guard or another branch of the Armed Forces is a private aid to navigation. At Coast Guard direction, some private aids are placed by the owner to mark wrecks, platforms, or other man-made obstructions to navigation. Others are placed for the convenience of the owner.

(a). Authority. In accordance with subpart 66 of reference (a), no person, public body or instrumentality not under the control of the Commandant, exclusive of the Armed Forces, shall establish and maintain, discontinue, change, or transfer ownership of any private aid to maritime navigation without first obtaining permission to do so from Commandant. This authority has been delegated to district commanders. Within the First District, the Private Aids to Navigation Program (PATON) is managed by CCGDONE (dpw).

13.1. Establishing a Private Aid to Navigation

(a). Application. Application to establish a private aid to navigation (PATON) is found on the following website: WWW.USHARBOMASTER.COM and is the primary submission method in the First District for all proposed PATON, vice the Private Aids to Navigation Application form (CG-2554).

(b). Coastal Zone Management (CZM)/Department of Environmental Management (DEM) Approval. Except in states that expressly waive this requirement applications for private aids to navigation must be approved by the appropriate state's CZM/DEM office prior to any Coast Guard review. The applicant shall forward a copy of the state's CZM/DEM approval to the Coast Guard. Applications submitted to First District (dpw) without CZM/DEM certification shall be held pending approval.

(c) Corps of Engineers Approval. Before any aid to navigation consisting of a fixed structure is placed on the navigable waters of the United States, authorization to erect such structure must be obtained from the District Engineer, U. S. Army Corps of Engineers (USACOE). A copy of the Corps of Engineers permit, or letter stating that a permit will not be required shall be submitted with the application for a private aid. All online applications require a USACE permit number any new fix aid.

13.2. District Responsibilities. Pursuant to the authority in reference (a), the Commandant has delegated to the District Commander the authority to grant permission to establish and maintain, discontinue, change or transfer ownership of private aids to maritime navigation and administer the requirements in accordance with Part 66 of reference (a). All Private Aids to Navigation Applications should be submitted using the online/web based PAtON program (www.usharbormaster.com).

(Dpw) shall:

- (a). Review the Private Aids to Navigation Application and any attachments for completeness.
- (b). Chart the proposed position(s) for accuracy and verify that the proposed aid does not conflict with federal aids.
- (c). Verify that the characteristic of the proposed or required private aid conforms to the U.S. Aids to Navigation System (IALA B) described in Part 62 Subpart B of reference (b).
- (d). Assign the aid one of the classifications I, II, or III. Light list numbers will be assigned to Class I and Class II, and those Class III aids that are lighted or mark charted hazards.
- (e). Approve or disapprove the application based on the above requirements and input from the assigned ANT.
- (f). Notify the applicant with determinations as follows:
 - (1) The application has been approved. Final approval will include an explanation of their responsibilities as PATON owners and list any modifications to their permit that are prerequisites to approval (characteristic changes, etc.).
 - (2) The application has been disapproved with reason(s) for disapproval.
 - (3) The application has been reviewed and PATON is not required (i.e. a Letter of No Objection is issued). In the event that the nature of the original application changes, the need for PATON permitting may be revisited.

(g). After approval by District and notification by the owner that the aid has been established:

- (1) Post the approved application via the online website. .
- (2) Enter the aid into the IATONIS database. Make all applicable chart and Light List entries.
- (3) Advertise the aid(s) in all applicable sections of the Local Notice to Mariners.

(h). Maintain the master PATON database.

13.3. Sector Responsibilities. Sector Commanders shall oversee the operations and administration of their respective ANT(s) PATON Program. Sector Commanders shall:

- (a). Monitor a list of all PATON within their AOR as per the PATON Database. Use the Sector Checklist included in this chapter as a guide.
- (b). Monitor annual inspections of Class I PATON by CG ANT personnel.
- (c). Monitor inspections of Class II and III Private ATON. One third of the Sector's aids shall be inspected by 31 December annually, ensuring that each aid is verified every three years.
- (d). Maintain oversight of the CG Auxiliary Aids to Navigation Program. PATON may be verified while the Auxiliarist is on patrol orders from a CG Station for SAR or on patrol orders issued by an ANT strictly for PATON.
- (e). Issue a Broadcast Notice to Mariners for all Class I and II PATON discrepancies and any Class III PATON listed in the Light List.
- (f). Track all reported non permitted aids.

13.4. Primary ATON Unit Responsibilities. The Primary ATON units are responsible for verifying all established and changed Private Aids to Navigation and verifying all discontinued aids. Specific duties include:

- (a). When primary ATON units receive notification that a private aid has been established they shall:

(1) Contact the owner/operator of the private aid to schedule an inspection. Whenever possible, the owner/operator should be present at the inspection. Any discrepancies noted shall be pointed out to the owner in a courteous manner. Unit personnel shall not make any repairs, changes, or service to the aid, nor shall they relocate it.

(2) After the establishment inspection, they shall update IATONIS, specifically page 4 of the Private Aid Record under verification/inspection dates and results.

(3) All CG-7054 Inspection reports shall be recorded via the PATON website.

(b). Class I private aids will be inspected by active duty personnel by 1 July annually. Inspections of Class I private aids by the primary unit will be conducted in accordance with the following guidelines:

(1) Print out the Private Aid Information Document (PID) for each aid to be inspected.

(2) Inspect each aid to ensure that it is being operated in accordance with the PID. In addition, ensure that the private aid conforms with IALA B standards, verify that the Light List and charted positions are accurate, verify that the permit is accurate, and check the aid's position.

(3) After the inspection, the primary AtoN unit shall update IATONIS, specifically page 4 of the Private Aid Record under Verification/Inspection Results. In addition, if there were any administrative discrepancies with the permit, PID, Light List, etc., note them on page 5 of the Private Aid Record under Unit Remarks. Issue a BNM if applicable.

(c). Class II and III PATON will be verified once every 3 years (one third will be verified each year). Inspections of Class II PATON shall be conducted in accordance with the following guidelines:

(1) For tri-annual inspections of Class II and III private aids, the primary Unit will work with the CG Auxiliary.

(2) Contact the Auxiliary Aid Verifiers (AV) to conduct inspections. Ascertain which private aids they will not be able to verify.

Note: Private aids may be verified while the Auxiliarist is on patrol orders from a CG Station for SAR or on patrol orders issued by the ANT strictly for PATON.

(3) After assigning the AVs their list of private aids, print the Private Aid Verification Worksheet from the PATON website, for each private aid that the AV will verify, and provide it to each AV.

(4) If necessary, the primary AtoN unit will issue Auxiliary Patrol Orders to the AVs performing the verifications.

(5) After the verification, the Primary AtoN unit shall update IATONIS using the Aid Verifier worksheet.

(d). If the CG Auxiliary is unable to inspect Class II and III private aids, they shall be inspected by the primary ATON unit.

(e). Any qualified active duty CG personnel or any CG appointed AV may train Auxiliarists in aid verification duties utilizing the AV Auxiliary Qualification Standard as per reference (d).

(f). Track and monitor all private aid discrepancies and verifications.

(g). Maintain a permanent record of all private aids including all applicable paperwork until discontinued.

13.5. Discrepancies and Corrections. The Sector Commander/Officer-in-Charge of the inspecting unit will keep track of private aid discrepancies, contacting aid owners to ensure they are making timely progress in repairing their aids.

(a). Repair or replacement of discrepancies to private aids shall not be unreasonably delayed.

(b). The justification for any delay in repairing or replacing lost or damaged aids shall be measured by the circumstances prevailing in the area at the time. Factors to be considered include, but are not limited to:

(1) The classification of the aid. Class I private aids should be held to the highest standards of reliability.

(2) The hazard to the mariner experienced due to the interruption or impairment in service.

(3) The length of time the aid has been out of service or impaired in service. A delay of a few days or even weeks in repairing a Class II aid may well be reasonable.

(4) Whether the delay is due to severe weather, ice, flooding, or similar conditions beyond the owner's control.

(5) Delays in obtaining parts.

(c). When repair is unreasonably delayed, the Sector Commander/Officer in Charge of the inspecting unit may request, in writing, that CCGDONE revoke the owner's authorization to operate private aids and to order the removal of the aids.

(1) Such request shall be made by letter to the First District via the Sector Commander. The letter shall explain why the Sector Commander/ Officer in Charge believes repair has been unreasonably delayed, what measures he has taken to persuade or compel the owner to meet his obligations under federal law, and why the Sector Commander/Officer in Charge believes further efforts of this nature to be futile.

13.6. Protection of Private Aids. Coast Guard authorized private aids warrant the same degree of protection against interference or obstruction afforded to federal aids as per reference (c). If interference, including damage by collision or vandalism occurs, a prompt report containing all available evidence shall be made to (dpw).

13.7. Changes to Private Aids. To change the ownership, location, or characteristic of a private aid, the owner must contact the PATON Manager. No changes may be made until the application is reviewed, approved by the PATON Manager, returned, and acknowledged by the new permittee.

13.8. Unauthorized Private Aids. An aid placed without the prior approval of (dpw) is unauthorized. The fact that the aid is not charted or found in the light list does not make it unauthorized. Many private aids are not required to be charted or advertised. If an aid is not listed in the master PATON database, and neither the unit nor (dpw) has a copy of an approved Private Aid Application for the aid, it shall be considered unauthorized.

(a). Units shall make every effort to determine the name and address of the owner of an unauthorized aid. Contact the local harbormaster, state marine patrol, and other state and municipal officials who deal with the waterfront. Marina operators, Coast Guard Auxiliaries, Power Squadron members and other boaters may have knowledge regarding a particular aid. When an aid is obviously associated with a certain piece of waterfront property, the City Assessor's office can give you the owner's name and mailing address.

(b). Many unauthorized private aids serve important purposes, often marking hazards or providing other important information to local mariners. Such aids would ordinarily be approved, if only the owner had bothered to apply for approval. The goal should be to convince or compel the owner to comply with the federal regulations rather than requiring the owner to cease and desist operation.

(c). Unauthorized aids shall be reported by ROUTINE message to (dpw). This message should describe the aid, its position, and owner's name and address.

(d). If an unauthorized aid is itself an obstruction to navigation or so confusing as to cause the mariner to stand into danger, report the fact and actions taken to identify the owner by PRIORITY message to the appropriate Sector Commander and request a Broadcast Notice to Mariners.

PRIVATE ATON CLASS DECISION GUIDE

NAME OF PRIVATE AID: _____

DATE: _____

Factor	Weight		
	x1	x3	x5
1. Is the private ATON going to be placed on an artificial structure i.e. PWI crib, breakwater in the navigable waters of the U.S? If yes, is it required as a condition of ACOE permit? a. Yes?- STOP HERE, aid is automatically a Class I Private Aid to Navigation b. No			XX X
2. Will this private aid mark an obstruction or wreck? If yes is it required by the CG? a. Yes?- STOP HERE, aid is automatically a Class I Private Aid to Navigation. b. No.			X
3. Does the Private ATON create an obstruction or hazard in and of itself? a. Foam or Plastic Buoy? b. Steel buoy?	X		X
4. Average depth of water within 100 feet of aid? <i>Answer only if a vessel can navigate 360 degrees around the aid.</i> a. Less than 6 feet? b. 6 to 12 feet? c. Greater than 12 feet?	X	X	X
5. Amount of commercial traffic that transit within 1nm of private aid? a. less than 5 vessels monthly? b. 5 to 25 vessels monthly? c. Greater than 25 vessels monthly?	X	X	X
6. Amount of recreational vessels that transit within 1nm of private aid? a. less than 25 daily? b. 25 to 100 daily? c. Greater than 100 daily?	X	X	X
7. Amount of nighttime recreational vessel traffic? a. Light? b. Moderate? c. Heavy?	X	X	X
8. If depth of water is greater than 10 feet, amount of federal aids within 1nm.	X		

a. 2 or more? b. 1? c. None?		X	X
9. Is the private aid a commercial mooring buoy?			X
10. Is the private aid going to be placed on the end of a private or public dock? <i>If you circled #1, leave this question blank.</i> a. dock extends up to 100 feet b. dock extends from 100 to 300 feet c. dock extends greater than 300 feet	X	X	X
11. Is there a U.S. Army Corps of Engineers maintained project in the vicinity of the private aid?		X	
12. Type of facility or area that the Private aid will be marking. (marina, boat ramp etc.) a. Commercial? b. Private? c. Public?	X	X	X
13. Is visibility often restricted? If yes then circle		X	
14. Will these private aids mark a channel to a marina, boat launch, harbor etc? <i>If you circled #1 leave this question blank.</i>			X
Sum of X's			
Multiply By	x1	x3	x5
Total			

Grand Total

Class I = Greater than 29 Points

Class II= 23 to 28

Class III= 17 to 22

No Objection Letter = 0 to 16

Sector PATON Checklist

- Ensure each aid has an aid folder.
- Ensure each aid folder contains:
 - Copy of all CG 5474's, most recent on top
 - Current PID
 - Current owner/POC information
 - Message traffic (if any)
 - Correspondence (CG 2554's, Email, etc.)
 - Picture of aid
- Ensure all Class I aids are inspected annually by the CG and each inspection is recorded via CG 5474 on the PATON website. In addition, ensure each aid has been inspected as per D1 SOP:
 - Class I yearly by CG Unit (NLT 01 Sep as per D1 SOP)
 - Class II every 3 years
 - Class III every 3 years
- Assist the AUX with PATON inspections on those aids outside their offshore platform limits.
- Upon each inspection, ensure every PATON Database record contains (verified at each inspection):
 - Current owner
 - POC name
 - Owner Email
 - Owner/POC phone information
 - Position of aid (DD-MM-SS.SS)
 - Correct Class of aid (I, II or III)
 - Correct ANT assigned
 - Aid is assigned to City/Town or Company
- Ensure each aid is:
Chartered accurately (Class I and II, certain Class III's)
Listed correctly in the Light List
- Ensure all inspection discrepancies are addressed with the owner via documented contact and if necessary First Notification and/or Warning letters are sent.
Note – D1 will send all Final letters concerning fines or permit revocation.
- Forward all required corrections to the D1 PATON Manager.
- Aid has been inspected and recorded (CG 5474) via the PATON website within the proper inspection cycle.

(INTENTIONALLY BLANK)