



COMDTINST M16465.43  
APRIL 5, 1996

COMMANDANT INSTRUCTION M16465.43

Subj: ABANDONED VESSELS

Ref: (a) Marine Safety Manual Volume VI, Chapter 7, Pollution Response, COMDTINST M16000.11  
(b) Marine Safety Manual Volume VI, Chapter 5, Pollution Investigation, COMDTINST M16000.11  
(c) Civil Penalty Procedures and Administration, COMDTINST 16200.3A  
(d) Policy Guidance for Intervention in Ship-Related Marine Pollution Incidents on the High Seas and on the Navigable Waters of the U.S., COMDTINST 16451.5A

1. PURPOSE. This instruction provides policy and guidance to districts and field units on actions to locate, inspect, inventory, and, when necessary, remove abandoned vessels. This instruction also provides policy and guidance for the enforcement of the Abandoned Barge Act of 1992.
2. ACTION. Area and District Commanders, commanders of Maintenance and Logistics Commands, and commanding officers of headquarters units shall ensure compliance with this instruction.
3. DIRECTIVES AFFECTED. This instruction augments guidance in references (a) and (b) regarding specific action to be taken with respect to abandoned vessels and will be incorporated into the next revision of these references. This instruction also augments reference (c) by providing guidance for civil penalties issued under the Abandoned Barge Act. Applicable provisions of this instruction will be incorporated into the next revision of reference (c).

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4. FORMS AVAILABILITY. CG-5600 (Abandoned Vessel Inventory Form) and CG-5600A(Abandoned Vessels Summary Report) should be locally reproduced.

/s/

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ENCLOSURES

- (1) The Abandoned Barge Act of 1992, Pub. L. 102-587,  
Title V, Sec. 5302-05, Nov. 4 1992, 106 Stat. 5081
- (2) Abandoned Vessel Flow Chart

ENCLOSURES (cont.)

- (3) Abandoned Vessel Inventory Form (CG-5600)
- (4) Abandoned Vessels Summary Report (CG-5600A)
- (5) Sample Letter: Acknowledgment of Notification of Non-Abandonment
- (6) Sample Letter: Letter to Owner of Property Where Abandoned Barge is Located
- (7) Sample Letter: Notification to Owner or Operator of a Suspected Abandoned Barge
- (8) Sample Notices: Local Notice to Mariners and Official Journal Announcement
- (9) Memorandum of Agreement Between the Department of the Army and the U.S. Coast Guard - Responses to Marking and Removal of Sunken Vessels and Other Obstructions to Navigation

## CHAPTER 1. INTRODUCTION

### A. Background.

1. From January 1988 to September 1991, the Coast Guard spent an estimated \$4.4 million to clean up pollutants from abandoned vessels. Approximately 15 percent of these pollution incidents were attributable to abandoned barges.
2. In July 1992, the United States General Accounting Office (GAO) submitted a report to Congress on the extent of problems posed by abandoned vessels (Coast Guard: Abandoned Vessels Are Polluting the Waterway, GAO/T-RCED- 92-54, July 21, 1992). The GAO found that:
  - a. Abandoned vessels have been and are likely to continue to be sources of pollution and illegal dumping sites for hazardous materials and, as a result, costly to the federal government.
  - b. Federal laws and regulations dealing with abandoned barges are inadequate.
  - c. No federal law makes abandonment of any vessel illegal nor establishes penalties to deter it.
  - d. It is often difficult to find the owner of an abandoned barge because no law requires barge owners to register their barges with the Coast Guard.
3. The GAO also identified a discrepancy between Army Corps of Engineers and Coast Guard estimates of the number of abandoned vessels. In 1991 Marine Safety Offices (MSOs) conducted surveys to estimate the number of abandoned vessels on the navigable waters, identifying approximately 1,300 abandoned vessels. Corps of Engineers' data on abandoned vessels provided at the same time indicated that approximately 4,000 vessels lie abandoned on the nation's waterways. The GAO recommended that the Coast Guard work with the Corps of Engineers to develop an accurate inventory of abandoned vessels and their locations to facilitate the capability of both agencies to address the problems posed by such vessels.
4. In 1992 Congress enacted the Abandoned Barge Act (enclosure (1)) to prevent future marine pollution from abandoned barges. This Act gives the Coast Guard additional authority to take law enforcement action with respect to abandoned barges over 100 gross tons (see Chapter 3).

B. Format of this Instruction.

1. Chapter 2 provides guidance on action to be taken with respect to all abandoned vessels (including abandoned barges).
2. Because of the authority provided by the Abandoned Barge Act, Chapter 3 provides guidance for additional actions to be taken with respect to abandoned vessels that can be classified as "abandoned barges" within the meaning of the Abandoned Barge Act.
3. Enclosure (2) is an abandoned vessel flow chart that provides an overview of this instruction.

## CHAPTER 2. ABANDONED VESSELS

- A. Applicability. The procedures in this chapter should be followed for all abandoned vessels (including abandoned barges) on or adjacent to the navigable waters of the United States that pose a substantial pollution threat, hazard to navigation, or other significant safety or health threat, or are likely to pose such a threat in the future.
- B. Definition of "Abandoned Vessels". For the purpose of this instruction, "abandoned vessel" means any craft designed for navigation that has been moored, stranded, wrecked, sunk, or left unattended for longer than 45 days. A vessel is not abandoned if it is on private property with the permission of the owner. The Coast Guard's characterization of a vessel as an "abandoned vessel" under this instruction should not be construed as affecting any legal rights or liabilities with respect to the vessel.
- C. Locating & Assessing the Condition of Abandoned Vessels.
  - 1. District Commanders and Commanding Officers of Groups and Marine Safety Offices (MSOs) shall ensure that all units report to the cognizant Captain of the Port (COTP) the location of abandoned vessels identified during ongoing operations.
  - 2. COTPs should establish liaison with the local U.S. Army Corps of Engineers district office to identify additional abandoned vessels, and to compare an update each agency's inventory of abandoned vessels. Procedures for identifying vessels posing a hazard to navigation should also be discussed.
  - 3. Following receipt of an initial report of an abandoned vessel, the COTP should complete an inventory form (enclosure (3)). Where the COTP has reason to believe that the vessel may pose a substantial pollution threat, hazard to navigation, or other significant safety or health threat, the COTP shall conduct an on-site assessment to determine the condition of the vessel and the level of threat posed.
- D. Maintaining an Abandoned Vessel Inventory.
  - 1. Each COTP shall maintain an inventory of abandoned vessels that pose or are likely to pose a substantial pollution threat, hazard to navigation, or other significant safety or health threat. This inventory should include location, ownership and identification information, description, and an assessment of the threat posed by each abandoned vessel. Enclosure (3) contains an Abandoned Vessel Inventory Form (CG-5600) and instructions for completing this form. Form CG-5600



gathers information on individual abandoned vessels that pose a threat or are likely to pose a threat to the public or the environment. The COTP should update inventories as information on abandoned vessels is gathered. Completed forms should be kept by the unit in a centralized location (e.g., three-ring binders).

2. Annually, by 31 October, each COTP shall submit an Abandoned Vessel Summary Report (CG-5600A) to Commandant (G-MRO) with a copy to District (m). To complete CG- 5600A, the COTP should review the unit's abandoned vessel inventory and summarize data contained on the unit's Abandoned Vessel Inventory Forms (CG-5600). The Abandoned Vessel Summary Report will allow the COTP, District (m), and Commandant (G-MRO) to evaluate the effectiveness of the abandoned vessel program.

E. Abandoned Vessels Containing Oil or Hazardous Substances.

1. If an abandoned vessel contains oil or a hazardous substance, action shall be taken to investigate and respond to the threat per references (a) and (b), including, where appropriate, initiation of civil and/or criminal penalty procedures.
2. In addition to actions taken to conduct a pollution investigation and response, if an abandoned barge over 100 gross tons contains oil or a hazardous substance, the COTP should initiate civil penalty procedures under the Abandoned Barge Act (see Chapter 3).
3. When there is a discharge or substantial threat of a discharge of oil or a hazardous substance, removal and, if necessary, destruction of an abandoned vessel may be authorized under the Clean Water Act or CERCLA as part of operations to remove the pollutant and eliminate the pollution threat. First, the OSC must determine that there is a discharge or a substantial threat of a discharge. There must be some factual basis for determining that a particular abandoned vessel poses a substantial threat of a discharge. Such a determination should be based on the totality of the circumstances, and the OSC should be able to articulate and document the factual basis for such a finding. Second, the OSC must determine that removal or destruction of the abandoned vessel is necessary to remove the discharge or eliminate the threat thereof. Removal or destruction of an abandoned vessel is only authorized when such action is undertaken to ensure effective and immediate removal of a discharge, or to ensure effective and immediate mitigation or prevention of the substantial threat of a discharge.
  - a. The initial determination of whether vessel removal or destruction is necessary to eliminate the pollution

threat shall be made by the On-Scene Coordinator (OSC), considering, at a minimum, the following factors:

- (1) The threat of pollution that would be posed by any residual oil or hazardous substance remaining on the abandoned vessel if cleanup operations were not to include disposal of the abandoned vessel.
  - (2) The relative cost of cleanup operations that include disposal of the abandoned vessel, as compared with cleanup operations that do not include disposal of the abandoned vessel.
  - (3) The substantial likelihood that the abandoned vessel will be a site for future illegal dumping.
- b. Though the OSC must make the initial determination of whether, in order to eliminate the pollution threat, the abandoned vessel should be removed or destroyed, only the Commandant (G-C) may authorize such actions. Removal or destruction of an abandoned vessel is considered an "intervention." Therefore, guidance in reference (d) for intervention in ship-related marine pollution incidents shall be followed with respect to such actions. In accordance with reference (d), when the OSC feels that removal or destruction of the abandoned vessel is necessary to eliminate the pollution threat, the OSC should send a request for permission to remove or destroy to G-M for forwarding to the Commandant. Depending on the urgency of the situation, the request should be sent by message or by letter via the District Commander. The OSC's request should specify the factors which necessitate disposing of the vessel.
- c. If the Commandant approves the OSC's request, removal or destruction of the vessel should be carried out at the same time as, or immediately following, other pollution response operations. The OSC should not delay between the removal of the pollutant and removal or destruction of the vessel.
- F. Abandoned Vessels Posing an Obstruction or Hazard to Navigation. If an abandoned vessel poses an obstruction or hazard to navigation, the provisions of the Coast Guard/Army Corps of Engineers Memorandum of Agreement (enclosure (8)) shall be followed with respect to marking and removal of the vessel. Under 33 CFR 245, the Army Corps of Engineers has authority to remove a vessel that poses a hazard to navigation. Where a vessel is declared to be a hazard to navigation and removal is the appropriate corrective action,

the respective Army Corps of Engineers District Engineer will normally initiate action to remove the vessel. In the case of an abandoned barge, if the Army Corps of Engineers does not initiate removal action, the COTP should review the criteria described in Chapter 3 to determine if Coast Guard removal under the Abandoned Barge Act is appropriate.

## CHAPTER 3. ABANDONED BARGES

- A. Applicability. This chapter applies to those abandoned vessels that can be classified as "abandoned barges" under the Abandoned Barge Act. The provisions of this chapter apply with respect to abandoned barges in addition to the provisions of Chapter 2.
- B. Definition of "Abandoned Barge". Under the Abandoned Barge Act, "abandoned barge" means any barge of more than 100 gross tons which is moored, stranded, wrecked, sunk or left unattended for longer than 45 days. A barge is not abandoned if it is on private property with the permission of the owner.
- C. The Abandoned Barge Act. The Abandoned Barge Act of 1992 (enclosure (1)) contains the following provisions:
1. An owner or operator may not abandon a barge over 100 gross tons on the navigable waters of the United States.
  2. The Secretary may assess a civil penalty of up to \$1,000 per day for such abandonment.
  3. The Secretary may remove a barge that is abandoned.
  4. The Secretary shall require the numbering of all undocumented barges over 100 gross tons.
- D. Notification of Non-Abandonment.
1. The Abandoned Barge Act allows an owner or operator to escape liability under the Act by notifying the Coast Guard that the barge is not abandoned and providing its location. However, such a notification provides the Coast Guard with the name of a responsible party who may be subject to liability under the Oil Pollution Act of 1990, the Clean Water Act or CERCLA if the barge poses a pollution threat either at the time of notification or in the future. Furthermore, such a notification may expose the owner or operator to liability under other federal and state laws as well as possible civil liability to third parties.
  2. Because of the legal significance that may attach to a notification of non-abandonment, the following procedures should be followed to ensure proper documentation:
    - a. All notifications made to units other than the cognizant COTP, should be forwarded to the COTP.
    - b. If a verbal notification is made, the COTP should obtain the name, address, and phone number of the owner/operator and all available information needed

to complete the abandoned vessel inventory form (enclosure (3)). The COTP should request that the owner/operator send a written notification to the COTP. The COTP should also send an acknowledgment of notification following the format of enclosure (5).

- c. If a written notification is made, the COTP should retain a copy of the letter with the abandoned barge inventory and send an acknowledgment of notification following the format of enclosure (5).

E. Identifying the Owner or Operator of an Abandoned Barge.

1. The COTP should attempt to identify the owner or operator of all abandoned barges over 100 gross tons in order to compel removal under the provision of the Abandoned Barge Act. The COTP should take the following actions to identify the owner or operator:
  - a. If the barge has either a state number or a hull identification number, use it to identify the owner (for state numbers the cognizant state boating law administrator should be contacted and for documented vessel MSIS should be consulted).
  - b. Attempt to contact the owner of the property on which the barge has been abandoned by visit, phone, or letter following the format of enclosure (6).
  - c. Contact the cognizant Army Corps of Engineers unit, local police, state and local government to inquire whether they have any records that identify the owner or operator of the barge.
  - d. Contact owners of adjacent properties and nearby businesses likely to own or operate barges.

F. Abandoned Barge Act Civil Penalty Procedures. If an owner or operator of an abandoned barge is identified, the COTP should initiate civil penalty procedures, against either or both as appropriate.

1. Notification. Following the format of enclosure (7), the COTP must notify the owner or operator by certified mail that if the barge is not removed it will be removed at the owner's or operator's expense; and that a civil penalty may be assessed against the owner or operator.
2. Penalty Assessment. Thirty days after notification, a civil penalty case should be initiated in accordance with the guidelines established in reference (c) for abandonment of a barge in violation of 46 U.S.C. Chapter 47.

- a. Specification. 46 U.S.C. 4703.
- b. Nature of Specification. Barge Abandonment: Abandonment of a barge over 100 gross tons on the navigable waters of the United States.
- c. Recommended Penalty Levels.

|               |                |         |
|---------------|----------------|---------|
| First Offense | Second Offense | Maximum |
| \$100         | \$500          | \$1,000 |

(per day of abandonment)

- d. Deterrence and Assessments. Cases involving more than one violation within a five year period, should be assessed at least at the second offense level and may be assessed higher if warranted. Cases involving three or more violations within a five year period should be assessed at or near the "Maximum Level." If a single owner or operator is liable for two or more abandoned barges at one time, each barge should be considered a separate violation for the purposes of assessing penalties and determining the appropriate penalty level.

G. Removal of Abandoned Barges Under the Abandoned Barge Act.

- 1. Removal Authority. Under the Abandoned Barge Act, the Coast Guard has the authority to remove an abandoned barge after complying with notification procedures. After identifying the number of barges meeting the criteria for removal under the Abandoned Barge Act and the estimated cost of removal, the program may request funding for following fiscal years. Absent an emergency, abandoned barges will not be removed under the authority of the Abandoned Barge Act unless they can be removed at no cost to the Coast Guard (i.e., the scrap value exceeds the cost of removal).
- 2. Clean Water Act or CERCLA Removal Preferred. If, following the guidance set forth in reference (a), the OSC determines that the Clean Water Act or CERCLA apply, cleanup and, if necessary, removal of the abandoned barge should be pursued under the authority provided by these Acts. Though an abandoned barge over 100 gross tons may be removed under authority provided by the Abandoned Barge Act, the Clean Water Act or CERCLA should be used to remove the barge whenever applicable. In order to use the Clean Water Act or CERCLA, the response must be principally for the purpose of dealing with a discharge or substantial threat of a discharge of oil or a hazardous substance.
- 3. Criteria for Abandoned Barge Act Removal. The Coast Guard will normally remove an abandoned barge under the

authority provided by the Abandoned Barge Act only if all the following criteria are met:

- a. The owner or operator cannot be identified or has been notified and refuses to remove the barge and is unlikely to be compelled to remove the barge by the civil penalty process.
  - b. The barge cannot be removed under the Clean Water Act or CERCLA.
  - c. The barge cannot be removed by the Army Corps of Engineers as a hazard to navigation.
  - d. The barge poses a significant threat to public health, safety or welfare that cannot be effectively abated by a means other than removal.
  - e. The threat posed by the abandoned barge Justifies the cost of removal.
4. Removal Not Always Justified. The Coast Guard will not normally remove an abandoned barge if it fails to meet the criteria listed above. The following are two examples of situations that, in and of themselves, would not Justify removal under the Abandoned Barge Act:
- a. The barge is an "eyesore."
  - b. The presence of the barge lowers private property value.
5. Commandant (G-M) Approval Required. The exercise of removal authority under the Abandoned Barge Act is always a special case, and therefore requires approval of Commandant (G-M).
6. Procedures for Removal.
- a. If the COTP decides that all of the criteria for removal are met, and removal is appropriate, the COTP should submit a request for authority and funding to Commandant (G-M) via the District Commander by message or letter depending on the urgency of the situation. This request should detail the factors considered by the COTP in determining that removal is appropriate under the Abandoned Barge Act. The request should also provide an estimate of removal costs including any savings from salvaging the scrap value of the barge. Emergency actions to prevent loss of life, serious injury, or significant property damage should never be delayed on the basis of estimated cost or lack of cost estimate.

- b. Notification. If removal authority is granted, the COTP should ensure that proper notification has been made. Removal of an abandoned barge may begin no sooner than 30 days after completion of the notification procedures set forth below.
- (1) Identity of Owner or Operator Known. If the identity of the barge owner or operator can be determined, following the format of enclosure (6), the COTP shall notify the owner or operator by certified mail that if the barge is not removed it will be removed at the owner's or operator's expense, and that a civil penalty may be assessed against the owner or operator personally or the vessel.
  - (2) Identity of Owner or Operator Unknown. If the identity of the owner or operator cannot be determined, the COTP shall publish an announcement that if the barge is not removed it will be removed at the owner's or operator's expense. This announcement shall follow the format of enclosure (7). At a minimum, the announcement shall be published in a local notice to mariners, and an official Journal of the county in which the barge is located. Official Journals are newspapers used by the county to publish legal notices. The COTP should contact county personnel to ascertain which newspapers constitute official Journals of the county. If there is doubt as to the county in which the barge is located, the COTP should publish the notice in an official Journal of each possible county in which the barge may be located. It is important to ensure that notice is properly published because it may affect the government's ability to recover costs from subsequently identified owners or operators.
- c. The cognizant MLC will ordinarily provide contracting support. However, this support may be provided by another contracting activity located closer to the barge site. The contracting activity will solicit by public advertisement sealed bids for the removal of the abandoned barge and award a contract.
- d. Any case that results in Coast Guard removal is potentially a case for reimbursement, even if the owner or operator is not known at the time of removal. In all such cases, records should be maintained to account for all costs and labor involved in the removal process, detailing for each individual the time spent on each task (e.g., writing plans and specifications for removal, inspecting contractor work, etc.).



PUBLIC LAW 102-587—NOV. 4, 1992

106 STAT. 5081

Subtitle C—Abandoned Barges

Abandoned  
Barge Act of  
1992  
46 USC 4701  
note.

SEC. 5301. SHORT TITLE.

This subtitle may be cited as the "Abandoned Barge Act of 1992".

SEC. 5302. ABANDONMENT OF BARGES.

Part B of subtitle II of title 46, United States Code, is amended by adding at the end the following new chapter:

**"CHAPTER 47—ABANDONMENT OF BARGES**

<sup>\*</sup>Sec.

<sup>\*</sup>4701. Definitions.

<sup>\*</sup>4702. Abandonment of barge prohibited.

<sup>\*</sup>4703. Penalty for unlawful abandonment of barge.

<sup>\*</sup>4704. Removal of abandoned barges.

<sup>\*</sup>4705. Liability of barge removal contractors.

**"§ 4701. Definitions**

"In this chapter—

"(1) 'abandon' means to moor, strand, wreck, sink, or leave a barge of more than 100 gross tons unattended for longer than forty-five days.

"(2) 'barge removal contractor' means a person that enters into a contract with the United States to remove an abandoned barge under this chapter.

"(3) 'navigable waters of the United States' means waters of the United States, including the territorial sea.

"(4) 'removal' or 'remove' means relocation, sale, scrapping, or other method of disposal.

**"§ 4702. Abandonment of barge prohibited**

"(a) An owner or operator of a barge may not abandon it on the navigable waters of the United States. A barge is deemed not to be abandoned if—

"(1) it is located at a Federally- or State-approved mooring area;

"(2) it is on private property with the permission of the owner of the property; or

"(3) the owner or operator notifies the Secretary that the barge is not abandoned and the location of the barge."

**"§ 4703. Penalty for unlawful abandonment of barge**

"Thirty days after the notification procedures under section 4704(a)(1) are completed, the Secretary may assess a civil penalty of not more than \$1,000 for each day of the violation against an owner or operator that violates section 4702. A vessel with respect to which a penalty is assessed under this chapter is liable in rem for the penalty.

**"§ 4704. Removal of abandoned barges**

"(a)(1) The Secretary may remove a barge that is abandoned after complying with the following procedures:

"(A) If the identity of the owner or operator can be determined, the Secretary shall notify the owner or operator by certified mail—

"(i) that if the barge is not removed it will be removed at the owner's or operator's expense; and

"(ii) of the penalty under section 4703.

"(B) If the identity of the owner or operator cannot be determined, the Secretary shall publish an announcement in—

"(i) a notice to mariners; and

"(ii) an official journal of the county in which the barge is located

that if the barge is not removed it will be removed at the owner's or operator's expense.

"(2) The United States, and any officer or employee of the United States is not liable to an owner or operator for damages resulting from removal of an abandoned barge under this chapter.

"(b) The owner or operator of an abandoned barge is liable, and an abandoned barge is liable in rem, for all expenses that the United States incurs in removing an abandoned barge under this chapter.

"(c)(1) The Secretary may, after providing notice under subsection (a)(1), solicit by public advertisement sealed bids for the removal of an abandoned barge.

"(2) After solicitation under paragraph (1) the Secretary may award a contract. The contract—

"(A) may be subject to the condition that the barge and all property on the barge is the property of the barge removal contractor; and

"(B) must require the barge removal contractor to submit to the Secretary a plan for the removal.

"(3) Removal of an abandoned barge may begin thirty days after the Secretary completes the procedures under subsection (a)(1).

**"§ 4705. Liability of barge removal contractors**

"(a)(1) A barge removal contractor and its subcontractor not liable for damages that result from actions taken or omitted to be taken in the course of removing a barge under this chapter.

"(2) Paragraph (1) does not apply—

"(A) with respect to personal injury or wrongful death;

or

"(B) if the contractor or subcontractor is grossly negligent or engages in willful misconduct."

**SEC. 5303. APPLICATION TO CERTAIN BARGES.**

46 USC 4701  
note.

Chapter 47 of title 46, United States Code, as added by subsection (a), does not apply to a barge abandoned before June 11, 1992, if the barge was removed before the date that is 1 year after the date of enactment of this title.

**SEC. 5304. CLERICAL AMENDMENT.**

The analysis of subtitle II at the beginning of title 46, United States Code, is amended by inserting after the item relating to chapter 45 the following:

"47. Abandonment of barges ..... 4701".

**SEC. 5306. NUMBERING OF BARGES.**

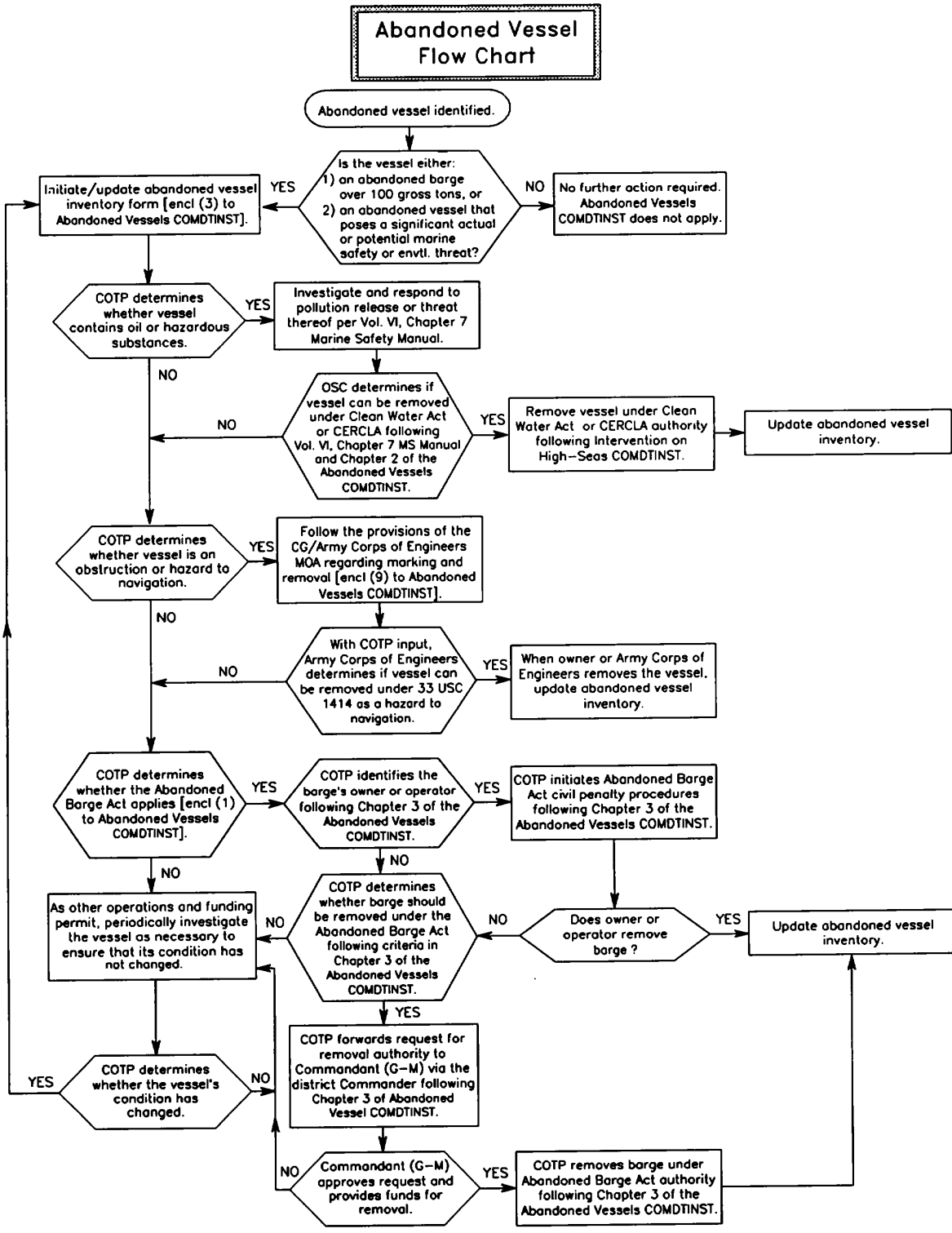
Section 12301 of title 46, United States Code, is amended—

(1) by inserting "(a)" before "An undocumented vessel";

and

(2) by adding at the end the following:

"(b) The Secretary shall require an undocumented barge more than 100 gross tons operating on the navigable waters of the United States to be numbered."



|                                                                                                                                                                               |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|--|
| U.S. Department of Transportation<br>U.S. Coast Guard<br>CG-5600 (8-95)                                                                                                       |         | <h3 style="margin: 0;">ABANDONED VESSEL INVENTORY FORM</h3> <p style="font-size: small; margin: 0;">Fill in all <u>available</u> information for all abandoned vessels posing a threat or likely to pose a threat to the public or the environment. Leave unascertainable items blank.</p> |                                                                                                    |                                                                                                           |  |
| District                                                                                                                                                                      | Unit    | Date                                                                                                                                                                                                                                                                                       |                                                                                                    |                                                                                                           |  |
| <b>CASE INFORMATION</b>                                                                                                                                                       |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |
| Unit Case Number                                                                                                                                                              |         | Federal Project Number (FPN)                                                                                                                                                                                                                                                               |                                                                                                    |                                                                                                           |  |
| <b>VESSEL INFORMATION</b>                                                                                                                                                     |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |
| Vessel Identification Number                                                                                                                                                  |         | Vessel Name                                                                                                                                                                                                                                                                                |                                                                                                    |                                                                                                           |  |
| <b>Size</b>                                                                                                                                                                   |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |
| Length                                                                                                                                                                        | Breadth | Depth                                                                                                                                                                                                                                                                                      | Est. Gross Tons                                                                                    |                                                                                                           |  |
| Flag                                                                                                                                                                          | State   | Type                                                                                                                                                                                                                                                                                       | Hull Material                                                                                      | Est. Gross Tons                                                                                           |  |
|                                                                                                                                                                               |         | <input type="checkbox"/> Recreational<br><input type="checkbox"/> Commercial Fishing<br><input type="checkbox"/> Other Powered Commercial                                                                                                                                                  | <input type="checkbox"/> Cement<br><input type="checkbox"/> Wood<br><input type="checkbox"/> Steel | <input type="checkbox"/> Unknown<br><input type="checkbox"/> Fiberglass<br><input type="checkbox"/> Other |  |
| <b>OWNER INFORMATION</b>                                                                                                                                                      |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |
| Name (Last, first, and Middle initial)                                                                                                                                        |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |
| Address                                                                                                                                                                       |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |
| City                                                                                                                                                                          |         | State                                                                                                                                                                                                                                                                                      | Zip Code                                                                                           | Phone Number                                                                                              |  |
| <b>LOCATION</b>                                                                                                                                                               |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |
| Body of Water                                                                                                                                                                 |         | Latitude                                                                                                                                                                                                                                                                                   | Longitude                                                                                          |                                                                                                           |  |
| Location Name/River Mile                                                                                                                                                      |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |
| Address                                                                                                                                                                       |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |
| City                                                                                                                                                                          |         |                                                                                                                                                                                                                                                                                            | State                                                                                              |                                                                                                           |  |
| <b>CONTENTS</b>                                                                                                                                                               |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |
| <input type="checkbox"/> Oil <input type="checkbox"/> Hazardous Substance <input type="checkbox"/> None <input type="checkbox"/> Unknown <input type="checkbox"/> Other       |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |
| Description of vessel contents:                                                                                                                                               |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |
| <b>POLLUTION THREAT</b>                                                                                                                                                       |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |
| <input type="checkbox"/> Poses a Substantial Pollution Threat <input type="checkbox"/> Does not Pose a Substantial Pollution Threat                                           |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |
| "Substantial pollution threat" is a threat that justifies removal action under FWPCA or CERCLA as determined by application of criteria in Vol. 6, CH-7 Marine Safety Manual. |         |                                                                                                                                                                                                                                                                                            |                                                                                                    |                                                                                                           |  |

Reverse of CG-5600 (8-95)

| NAVIGATIONAL HAZARD                                                                                                                                                                                                                                                                                 |                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> Poses a Hazard to Navigation                                                                                                                                                                                                                                               | <input type="checkbox"/> Does not Pose a Hazard to Navigation |
| <small>"Hazard to navigation" is an obstruction, usually sunken, that presents sufficient danger to navigation so as to require expeditious, affirmative action such as marking, removal, or redefinition of a designated waterway to provide for navigational safety. See 33 CFR Part 245.</small> |                                                               |
| OTHER PUBLIC SAFETY OR HEALTH THREAT                                                                                                                                                                                                                                                                |                                                               |
| Poses Some Other Significant Public Safety or Health Threat <input type="checkbox"/> YES <input type="checkbox"/> NO                                                                                                                                                                                |                                                               |
| Description of the threat posed:                                                                                                                                                                                                                                                                    |                                                               |
|                                                                                                                                                                                                                                                                                                     |                                                               |
| ADDITIONAL INFORMATION                                                                                                                                                                                                                                                                              |                                                               |
| Vessel condition:                                                                                                                                                                                                                                                                                   |                                                               |
|                                                                                                                                                                                                                                                                                                     |                                                               |
| Action taken to identify owner:                                                                                                                                                                                                                                                                     |                                                               |
|                                                                                                                                                                                                                                                                                                     |                                                               |
| Action taken to compel the owner to cleanup/remove or abate hazard:                                                                                                                                                                                                                                 |                                                               |
|                                                                                                                                                                                                                                                                                                     |                                                               |
| Action taken to cleanup/remove or abate hazard:                                                                                                                                                                                                                                                     |                                                               |
|                                                                                                                                                                                                                                                                                                     |                                                               |
| Other information:                                                                                                                                                                                                                                                                                  |                                                               |
|                                                                                                                                                                                                                                                                                                     |                                                               |

**INSTRUCTIONS FOR COMPLETING  
ABANDONED VESSEL INVENTORY FORM (CG-5600)**

**General**

1. The Abandoned Vessel Inventory Form (CG-5600) gathers information on individual abandoned vessels that pose or are likely to pose a threat to the public or the environment. The purpose of form CG-5600 is to assist COTPs in establishing standardized abandoned vessel inventories.
2. When an abandoned vessel is identified the COTP should first determine whether the vessel poses a substantial pollution threat, hazard to navigation, or other significant safety or health threat, or is likely to pose such a threat in the future. If the vessel poses or is likely to pose such a threat, the COTP should complete form CG-5600 with all available information regarding the abandoned vessel.
3. It is understood that for most abandoned vessels the COTP will not be able to obtain much of the information needed to fully complete form CG-5600. The form is intended to record all available information regarding the abandoned vessel.
4. Each form CG-5600 will form a "page" of the COTP's abandoned vessel inventory. After completing CG-5600, the COTP should add the form to other completed inventory forms maintained by the unit in a centralized location (e.g., a three-ring binder). When additional information regarding the abandoned vessel is obtained, form CG-5600 should be updated.
5. At the end of each fiscal year, each COTP must submit an Abandoned Vessel Summary Report (CG-5600A) (Encl (4) to COMDTINST M16450.43), which summarizes the information contained on the unit's Abandoned Vessel Inventory Forms (CG-5600).

**Instructions for Completing Selected Line Items**

**CASE INFORMATION**

Unit Case Number: A unique four-digit number assigned by the COTP to each abandoned vessel. The first abandoned vessel placed in the COTP's inventory should be 0001; the second 0002, etc.

Federal Project Number: An abandoned vessel may also be the site of a pollution case. If so, the FPN assigned to the pollution case should be recorded.

**VESSEL INFORMATION**

Vessel Identification Number: Either the vessel's official number, state number or Lloyds number if ascertainable.

Encl (3) to COMDTINST M16465.43

### **CONTENTS/POLLUTION THREAT**

The COTP may request the assistance of the National Strike Force (NSF) if NSF capabilities are needed to assess the condition of an abandoned vessel posing a pollution threat.

### **NAVIGATIONAL HAZARD**

For information regarding abandoned vessels posing a hazard to navigation, see 33 CFR Part 245 and the MOA between the Army and the Coast Guard regarding responses to marking and removal of sunken vessel and other obstructions to navigation (Encl (9) to COMDTINST M16450.43).

### **OTHER PUBLIC SAFETY OR HEALTH THREAT**

The abandoned vessel may pose some other significant public safety or health threat. For example, an abandoned vessel near a public beach could be a source of danger to children playing in the area and, thus, may be considered to pose a significant public safety threat even though the vessel poses neither a pollution threat nor a hazard to navigation.

|                                                                             |                                  |
|-----------------------------------------------------------------------------|----------------------------------|
| U.S. Department of<br>Transportation<br>U.S. Coast Guard<br>CG-5600A (8-95) | ABANDONED VESSELS SUMMARY REPORT |
|-----------------------------------------------------------------------------|----------------------------------|

|           |       |       |
|-----------|-------|-------|
| District: | Unit: | Date: |
|-----------|-------|-------|

**INSTRUCTIONS:**

1. At the end of every fiscal year, each COTP shall submit an Abandoned Vessels Summary Report to Commandant (G-MRO) with a copy to District (m)
2. This annual report should be submitted by Oct. 31
3. To complete this form, the COTP should review and summarize data contained on Abandoned Vessel Inventory Forms (CG-5600). Form CG-5600 gathers information on individual abandoned vessels that pose or are likely to pose a threat to the public or the environment.

| BARGES                                      | Number<br>of<br>Vessels |
|---------------------------------------------|-------------------------|
| <b>Total</b>                                |                         |
| <b>Water Pollution Threat</b>               |                         |
| Pose a substantial threat                   |                         |
| Do not pose a substantial threat            |                         |
| <b>Navigational Hazard</b>                  |                         |
| Pose a hazard to navigation                 |                         |
| Do not pose a hazard to navigation          |                         |
| <b>Other Public Safety or Health Threat</b> |                         |
| Pose a significant threat                   |                         |
| Do not pose a significant threat            |                         |

| COMMERCIAL FISHING<br>VESSELS               | Number<br>of<br>Vessels |
|---------------------------------------------|-------------------------|
| <b>Total</b>                                |                         |
| <b>Water Pollution Threat</b>               |                         |
| Pose a substantial threat                   |                         |
| Do not pose a substantial threat            |                         |
| <b>Navigational Hazard</b>                  |                         |
| Pose a hazard to navigation                 |                         |
| Do not pose a hazard to navigation          |                         |
| <b>Other Public Safety or Health Threat</b> |                         |
| Pose a significant threat                   |                         |
| Do not pose a significant threat            |                         |

| RECREATIONAL<br>VESSELS                     | Number<br>of<br>Vessels |
|---------------------------------------------|-------------------------|
| <b>Total</b>                                |                         |
| <b>Water Pollution Threat</b>               |                         |
| Pose a substantial threat                   |                         |
| Do not pose a substantial threat            |                         |
| <b>Navigational Hazard</b>                  |                         |
| Pose a hazard to navigation                 |                         |
| Do not pose a hazard to navigation          |                         |
| <b>Other Public Safety or Health Threat</b> |                         |
| Pose a significant threat                   |                         |
| Do not pose a significant threat            |                         |

| OTHER POWERED<br>COMMERCIAL VESSELS         | Number<br>of<br>Vessels |
|---------------------------------------------|-------------------------|
| <b>Total</b>                                |                         |
| <b>Water Pollution Threat</b>               |                         |
| Pose a substantial threat                   |                         |
| Do not pose a substantial threat            |                         |
| <b>Navigational Hazard</b>                  |                         |
| Pose a hazard to navigation                 |                         |
| Do not pose a hazard to navigation          |                         |
| <b>Other Public Safety or Health Threat</b> |                         |
| Pose a significant threat                   |                         |
| Do not pose a significant threat            |                         |

| OTHER<br>VESSELS                            | Number<br>of<br>Vessels |
|---------------------------------------------|-------------------------|
| <b>Total</b>                                |                         |
| <b>Water Pollution Threat</b>               |                         |
| Pose a substantial threat                   |                         |
| Do not pose a substantial threat            |                         |
| <b>Navigational Hazard</b>                  |                         |
| Pose a hazard to navigation                 |                         |
| Do not pose a hazard to navigation          |                         |
| <b>Other Public Safety or Health Threat</b> |                         |
| Pose a significant threat                   |                         |
| Do not pose a significant threat            |                         |



Encl (5) to COMDTINST M16465.43

**SAMPLE LETTER**

**Acknowledgment of Notification of Non-abandonment**

Dear Mr./Ms. \_\_\_\_\_:

We acknowledge receipt of your notification of (date), in which you indicate that you are the (owner/operator) of a barge at (location) and that the barge is not abandoned.

This letter should in no way be construed as a waiver of any right to enforce liability for any damage caused by or related to the vessel or cost of removal and disposal if required by federal law.

/s/

**SAMPLE LETTER**

**Letter to Owner of Property Where Abandoned Barge is Located**

Dear Mr./Ms. \_\_\_\_\_:

This office received a report of an abandoned barge at (location) and our preliminary investigation indicates that you are the owner of the property on which this vessel is located.

We request that you provide any information which you have regarding the identity of the owner or operator of this vessel. Please contact this office at the above address and phone number at the earliest opportunity.

/s/

Encl (7) to COMDTINST M16465.43

**SAMPLE LETTER**

**Notification to Owner and Operator of a Suspected Abandoned Barge**

**(Must be Sent by Certified Mail)**

Dear Mr./Ms. \_\_\_\_\_

This office received a report of an abandoned barge at (location) and our preliminary investigation indicates that you are the (owner/operator) of this barge.

The Coast Guard has determined that this barge is abandoned in violation of federal law (Title 46, U.S. Code, Chapter 47). Pursuant to 46 U.S.C. 4704, the following notice is hereby given:

- 1) If the barge is not removed it will be removed at your expense.
- 2) Thirty days after this notification, the Coast Guard may assess against you a civil penalty of up to \$1,000 for each day of barge abandonment in violation of 46 U.S.C. § 4702. A vessel with respect to which a penalty is assessed is liable in rem for the penalty.

It is imperative that you contact this office at the above address and phone number **within 7 days** concerning your intentions and plans to effect removal.

/s/

**SAMPLE NOTICES**

**Local Notice to Mariners**

**VIRGINIA-CHESAPEAKE BAY-CHESAPEAKE CHANNEL-Removal of abandoned barge**

An abandoned barge has been reported beached at approximate position 37-34.8N 076-01.5W on the property of Norfolk Naval Base in the vicinity of Pier 7. The barge has no identifying numbers or markings. This barge has been abandoned in violation of federal law (Title 46, U.S. Code, Chapter 47). If this barge is not removed within 30 days after publication of this notice, it will be removed at the owner's or operator's expense. Any mariners having information regarding the owner or operator of this barge are urged to contact Marine Safety Office Hampton Roads, Virginia at (804) 441-3000.

Chart 12225, 12226

LNM 18 (CG5)03May94

**Official Journal Notice**

**NOTICE OF REMOVAL OF ABANDONED BARGE** - An abandoned barge has been reported beached at approximate position 37-34.8N 076-01.5W in Chesapeake Channel on the property of Norfolk Naval Base in the vicinity of Pier 7. The barge has no identifying numbers or markings. This barge has been abandoned in violation of federal law (Title 46, U.S. Code, Chapter 47).

Notice is hereby given that if this barge is not removed within 30 days after publication of this notice, it will be removed at the owner's or operator's expense. Anyone having information regarding the owner or operator of this barge is urged to contact U.S. Coast Guard Marine Safety Office Hampton Roads, Virginia at (804) 441-3000.

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE DEPARTMENT OF ARMY AND THE U.S. COAST GUARD**

SUBJECT: Coast Guard and Department of Army Responses to Marking and Removal of Sunken Vessels and Other Obstructions to Navigation

1. Purpose. The purpose of this memorandum of agreement (M3A) is to improve the efficiency and effectiveness of the Coast Guard and the Department of Army responses under each agency's respective authorities for the marking and removal of sunken vessels and other obstructions to navigation.

2. Provision of Agreement. This agreement provides procedures on coordination to determine whether an obstruction is a hazard to navigation and procedures to determine the appropriate corrective actions to be taken by both agencies.

3. Definitions. For the purpose of this agreement, the following definitions apply:

a. Obstruction: Anything that restricts, endangers, or interferes with navigation. Obstructions can be authorized man-made structures such as bridges, pierheads, offshore towers, etc., or unexpected interferences which must be assessed as to their effect on navigation.

b. Hazard to Navigation: An obstruction, usually sunken, that presents sufficient danger to navigation so as to require expeditious, affirmative action such as marking, removal, or redefinition of a designated waterway to provide for navigational safety.

c. Responsible Field Officers Are:

(1) Department of Army:

(a) District Engineer, Army Corps of Engineers District, and

(b) Division Engineer, Army Corps of Engineers Pacific Ocean and New England

Divisions.

(2) Coast Guard: Chief, Operations Division, Coast Guard District.

4. Objectives.

a. Promote close coordination and cooperation between the Department of Army and the Coast Guard leading to prompt and decisive action in marking or removal of obstructions declared to be hazards to navigation.

b. Provide guidance on the parameters and procedures for making multi-agency decisions for determining when an obstruction should be declared a hazard to navigation.

c. Provide the chain-of-command relationships for resolving differences of opinion between the Department of Army and the Coast Guard as to the appropriate corrective action to initiate for hazards to navigation.

d. Assure timely and effective action to provide safe navigation to the maritime community.

5. Required Actions. Upon receiving reports of sunken vessels or other obstructions to navigation, each agency through its field office will take the following actions:

a. Assess the impact upon navigation of each reported obstruction and expeditiously identify appropriate corrective actions. In emergency situations, the agency first on scene should initiate immediate actions to mitigate the hazardous situation.

b. Decide through joint consultation and agreement between agency field offices if an obstruction is a hazard to navigation, agree upon appropriate corrective action(s) to reduce the danger to navigation to an acceptable level, and decide which agency shall act as lead agency for contacting the owner, if one exists, of the obstruction and executing corrective actions.

(1) Personal contacts between agency field offices are encouraged to facilitate decision-making.

(2) Timely response dictates that decisions be made at the field office level when possible.

(3) Decisions concerning corrective actions shall be supported by records appropriate to the specific case.

(4) Marking Issues. In every case where an obstruction is declared to be a hazard to navigation, the location will be marked immediately by the owner. In the event that the owner cannot be identified, refuses to mark the obstruction, inadequately marks the obstruction, or is otherwise unable to properly mark it, the Coast Guard has authority under 14 U.S.C. 86 to take appropriate action. When necessary the Department of Army will assist the Coast Guard in locating and marking hazards to navigation. Marking of an obstruction determined

to be a hazard to navigation does not by itself remove the "hazard to navigation" status of the obstruction; however, under some circumstances it can be an acceptable alternative to other corrective actions.

(5) Removal Issues.

(a) Where an obstruction is declared to be a hazard to navigation and removal is the agreed appropriate corrective action, the respective Army Corps of Engineers District Engineer may take the initiative in accordance with 33 CFR 209.190 (h) wherein removal of an obstruction under the provisions of Section 19 of the River and Harbor Act of 1899 (33 U.S.C. 414) may be undertaken without prior approval of the Chief of Engineers if the obstruction has been in existence over 30 days or its abandonment by the owner can be legally established in a shorter period, the cost of removal will not exceed \$100,000 for each incident, and all reasonable efforts to require the owner to remove the wreck himself within a reasonable period have been exhausted. If an emergency condition exists, the district engineer may undertake removal under Section 20 of the River and Harbor Act of 1899 (33 U.S.C. 414) which eliminates the necessity to establish abandonment. The district engineers' authority under Section 20 is limited to those removal incidents costing less than \$100,000. For all incidents costing more than \$100,000, prior approval from the Chief of Engineers must be obtained under either Section 19 or Section 20.

(b) The Coast Guard has authority for the alteration or removal of obstructive bridges under 33 CFR 114 and has authority to remove sunken vessels when they create a substantial pollution threat to the public health or Welfare under 33 CFR 153.

c. The Coast Guard has authority to disseminate and maintain navigational safety information pertaining to obstructions and is the lead agency responsible for this type of information. This mission is complemented by related Services offered by other sources, including the Army Corps of Engineers. Each agency's field offices will immediately notify their counterpart of any reported obstructions and will maintain close coordination to ensure that navigational safety information is disseminated in a timely and effective manner. Free exchange of information related to obstructions, including owner's name and address, will be made between agencies, subject to the requirements of the Privacy Act, 5 U.S.C. 522a.

d. Disagreements arising over the resolution of problems raised by hazards to navigation. The district engineer and the Chief of Operations will document the area (s) of disagreement and present them to each other for consideration at least 14 days before forwarding of the issue to higher authority. If resolution cannot be achieved, the problem should be forwarded to the next higher level of authority. At the next higher level, a similar exchange of reviews should be made in the same time frame. If resolution cannot be reached here, a similar referral process should be made until resolution is achieved or the highest referral possible is made. Paragraph 8 delineates the chain-of-command for the purposes of this agreement.

e. The Coast Guard and Department of Army shall develop individual agency instructions to implement the MOA.

f. Field level offices of both agencies shall periodically review the status of existing obstructions to determine the adequacy of corrective action(s), to determine if a resurvey of the obstruction's location is necessary, to revise appropriate records, and to update public notification records.

6. **Applicability.** This agreement applies to the navigable waters of the United States, as defined in Title 33 CFR 2.05-25.

7. **Decision-making Guidance.**

a. Options to consider in formulating appropriate action(s):

- (1) No action.
- (2) Charting.
- (3) Broadcasting and publication of navigational safety information.
- (4) Marking.
- (5) Redefinition of navigational area, e.g., channel fairway, anchorage, etc.
- (6) Remove.
- (7) Combination of the above.

b. Factors (not to be taken as all inclusive) to be considered in determining if a sunken vessel or other obstruction is a hazard to navigation and in determining which course of action(s) listed in paragraph 7.a. is appropriate to increase safety to an acceptable level.

(1) The degree to which the obstruction restricts, endangers, or interferes with the navigability of a body of water.

- (a) Location with respect to navigational traffic patterns.
- (b) Navigational difficulty at the site of the obstruction.
- (c) Clearance or depth of water over obstruction.
- (d) Fluctuation of water level and other hydraulic characteristics.

(2) Physical characteristics of the obstruction, including cargo (if any exists).



- (3) Possible movement of the obstruction.
  - (4) Marine activity in the vicinity of the obstruction.
    - (a) Type of commercial and recreational vessel traffic.
    - (b) Density of commercial and recreational vessel traffic.
    - (c) Trends of waterway use.
  - (5) Location of obstruction with respect to existing aids to navigation.
  - (6) Prevailing and historical weather conditions.
  - (7) Length of time the obstruction has been in existence.
  - (8) History of vessel accidents involving obstruction.
8. Chain-of-command Relationships for Resolution of Differences.
- a. Chief, Operations Division, Coast Guard District/District Engineer, Army Corps of Engineers District.
  - b. District Commander, Coast Guard District/Division Engineer, Army Corps of Engineers Division.
  - c. Chief, Office of Navigation, Coast Guard/Director of Civil Works, Office, Chief of Engineers.
9. Amendment, Duration, and Termination.
- a. This MDA may be modified or amended by mutual consent of the signatories to this agreement or their designees. All such changes will be documented by written agreement.
  - b. This MOA is intended to remain in effect for as long as it continues to serve the purpose and objectives defined herein.
  - c. Either agency may terminate this MDA six months after giving formal written notice of intent to terminate.

Encl (9) to COMDTINST M16465.43

10. Effective Date. This MOA is effective 90 days after execution by the Chief, Office of Navigation, U.S. Coast Guard, and the Director of Civil Works, Department of the Army.

/s/ \_\_\_\_\_  
T. J. WOJNAR  
Rear Admiral, U.S. Coast Guard  
Chief, Office of Navigation

\_\_\_\_\_  
OCT 16 1985  
(Date)

/s/ \_\_\_\_\_  
H. J. HATCH  
Major General, USA  
Director of Civil Works

\_\_\_\_\_  
10 OCT 1985  
(Date)