



OP NOTICE TO SHIPPING No. N-11-2009

Operation of Commercial and
Non-Commercial Small Craft
in Panama Canal Waters



January 1, 2009

OP NOTICE TO SHIPPING NO. N-11-2009

To: Steamship Agents, Owners and Operators

Subject: Operation of Commercial and Non-Commercial Small Craft in Panama Canal Waters

1. Effective Date and Cancellation

a. This Notice is effective on the date of issue and cancels OP Notice to Shipping No. N-11-2008. The content of this Notice remains the same as in the previous year. A revised Notice will be issued in January of each year or when otherwise required.

b. A reminder of the rules and regulations applicable to small craft in Panama Canal waters is incorporated and appears on the next page. In addition, three navigational charts of the waterway are attached.

2. Purpose and Scope

a. The Regulation on Navigation in Panama Canal Waters, Chapter IV, General and Specific Provisions Regarding Vessels, Section Seventeen, Article 81, establishes the legal framework that regulates the navigation of small craft that do not transit and empowers the Panama Canal Authority, through the Operations Department, to dictate the requirements to enforce this regulation.

b. Rule 36, Article 108, Chapter VIII of the Annex of this same Regulation on Navigation, establishes the norms related to small craft that are not transiting.

c. Through this Notice to Shipping, the Panama Canal Authority establishes the requirements and norms that must be followed in order to operate small craft of less than 20 meters (65 feet) in length for commercial or non-commercial activities in Panama Canal waters. This will help to improve the navigation in Canal waters, reduce the risk of accidents, and contribute to the safe navigation of others vessels transiting the Canal. The areas to be dedicated to these commercial and non-commercial activities are described in this document.

3. Reminder on applicable rules and regulations in Canal waters

a. The Canal reminds all operators and owners of small craft, marinas and yacht clubs of the rules and regulations applicable to small craft each and every time they enter and navigate within Panama Canal waters. It has been reported that these small craft are either not equipped with VHF radios or are failing to monitor Channel 12 and 16, as required, and possibly disregarding instructions given by ACP's Port Entry Coordinators at the Signal Stations.

The Maritime Regulations for the Operation of the Panama Canal, specifically Chapter 10, Maritime Safety Offenses, Section 2, Article 149, paragraph 5, identifies as an offense, "Failure to comply with the regulations, orders, or instructions issued by the Authority in relation to maritime operations in Canal areas." Also, paragraph 8 of the same regulation identifies as an offense, "Failure to comply with Authority rules or instructions on the transit of and provisions on small crafts, including vessels for recreational or other purposes, and on the use of any devices, equipment, or gear which may imply a risk to navigation in Canal waters."

Be advised that these offenses are subject to possible sanctions. Article 150 of the same regulation states: "When the administrative offense may be considered a criminal offense, the case shall be referred to the competent authorities," and Article 151 states: "The following sanctions shall be imposed for offenses, according to their seriousness:

- (1) Non-serious offenses: fines of one hundred Balboas, to ten thousand Balboas (B/.100 to B/.10,000).
- (2) Serious offenses: fines of ten thousand and one Balboas to one hundred thousand Balboas (B/.10,001 to B/.100,000).
- (3) Very serious offenses: fines of one hundred thousand and one Balboas to one million Balboas (B/.100,001 to B/.1,000,000)."

b. Panama Canal regulations also indicate that: "small craft shall not be operated in the proximity of or cross in front of transiting vessels. Additionally, small craft shall not navigate at a speed or produce a wake that would endanger their safety, as well as the safety, lives and property of others in the area, including the Panama Canal Authority.

Failure to adhere to this or any other regulation will be punishable with the immediate revocation of the license issued to the operator and/or the operation permit and the applicable sanctions will be imposed.”

Therefore, it is imperative for yacht clubs and marinas to notify their members, as well as for yacht owners and operators, to be aware of these rules and regulations, and the implications for lack of compliance.

Additionally, the navigational and adjacent waters of the Panama Canal were designed and delineated in order to guarantee the safe transit of vessels through the waterway. The efficiency of transit operations requires transiting vessels, as well as Panama Canal Authority floating equipment, to comply with strict schedules and to navigate under coordination with ACP Maritime Traffic Control Unit. These vessels may create swells or wakes that may directly or indirectly affect small craft or physical installations located on the shores of the Canal.

The concessionaire that chooses to operate in these waters or have installations on these shores must be aware and anticipate these risks. Additionally, they must be aware that Canal operations shall not be affected in order to accommodate other activities not directly related to the transiting of vessels.

Installations located within Canal waters or on Canal shores, including recreational activities (marinas, clubs and ramps), of commercial type or public interest, must not, in any way, interfere with Canal operations. Therefore, all owners and operators of installations located within Canal waters or on Canal shores must incorporate into their structural designs the proper protection against the effects of swells or wakes that may be created by transiting vessels or ACP floating equipment. By reason of the type of operations performed by the Panama Canal Authority in Canal waters, the ACP will not assume any responsibility for damages to these installations or properties of third parties.

Anyone operating any vessel in Canal waters, particularly small craft without ACP pilots, is hereby reminded of their obligation to comply with ACP maritime regulations, as well as with Advisories and Notices to Shipping. Failure to comply will result in sanctions that may include a prohibition for the craft to operate in Canal waters.

ORIGINAL SIGNED

Manuel E. Benítez
Executive Vice President of Operations

OPERATION OF COMMERCIAL AND NON-COMMERCIAL SMALL CRAFT IN PANAMA CANAL WATERS

1. Definitions

a. *Small craft*: All vessels up to 20 meters (65 feet) in length used for commercial or non-commercial activities and are not transiting the Canal.

b. *Commercial use*: When small craft are used as part of the tourism industry or any other maritime activity with the intent of making a profit.

c. *Non-Commercial use*: When small craft are used in recreational non-profit maritime activities.

d. *Permit*: Authorization issued by the Transit Operations Division of the Panama Canal Authority to conduct commercial or non-commercial activities in Canal waters or other specifically designated areas.

e. *License*: Identification issued by the Board of Inspectors of the Panama Canal Authority authorizing the individual operator of commercial or non-commercial small craft to conduct specific activities in the Canal area.

f. *Tender*: Small Auxiliary Craft owned and operated by a passenger vessel, which is used for the transportation of their passengers to land and vice versa.

g. *Contract*: Agreement between the Panama Canal Authority and the commercial operator to conduct commercial activities in Canal waters.

2. Requirements for Licensing of Small Craft Operators Carrying Out Non-Commercial Activities

The following will be required in order to obtain a license for operating craft of less than 20 meters (65 feet) in length to carry out non-commercial activities:

a. The applicant must be 18 years or older.

b. The license is renewable every five years in accordance with the requirements established for that purpose by the Board of Inspectors.

c. A copy of this Notice to Shipping, as well as a copy of the Small Craft Operator's Manual and Navigational Charts of the Canal must be acquired and maintained on board at all times.

d. The applicant must pass an exam administered by the Board of Inspectors of the Panama Canal Authority.

e. The applicant must sign a document releasing the Panama Canal Authority from any responsibility for damages that may occur as a consequence of carrying out non-commercial activities in Canal waters. The candidate shall follow all regulations and limitations established for such activities, as well as for the navigation in Canal waters.

3. Requirements for Commercial Small Craft

In order to obtain operation permits to craft of less than 20 meters (65 feet) in length to be used for commercial activities, the following will be required:

a. All small craft shall be registered on a yearly basis with the Panama Canal Authority by the office designated for that purpose.

b. All small craft shall visibly display the sticker showing the vessel identification number, which will be provided at the time of registration by the Panama Canal Authority.

c. All small craft to be used for commercial activities shall provide to the Panama Canal Authority proof of an in insurance policy covering liability to third parties.

d. All small craft must carry safety and communication equipment as required by Panama Canal Regulations.

e. All small craft must secure prior authorization of the proposed routes by the Transit Operations Division executive manager.

4. Requirements for Licensing of Commercial Small Craft Operators

In order to issue licenses for the operation of craft of less than 20 meters (65 feet) in length to be used for commercial activities the same requirements established for non-commercial small craft operators shall be complied with, in addition to the following requirements:

a. The applicant must provide the following, issued by a competent organization properly recognized by the Panama Canal Authority:

1. Certification of his/her swimming ability;
2. Results of a recent complete eye exam, including color differentiation, visual accuracy and depth perception;
3. Results of a recent hearing exam;
4. First Aid and CPR certification.

b. The applicant must pass an exam administered by the Board of Inspectors of the Panama Canal Authority for the type of commercial activity to be carried out.

c. The applicant must pass a training course administered by the Maritime Training Unit of the Panama Canal Authority.

d. The applicant must pass a practical exam administered by the Maritime Training Unit of the Panama Canal in order to demonstrate that he/she can safely operate the assigned craft. The requirements of this practical exam will depend on the nature of the commercial activities to be carried out.

e. The applicant must acquire a copy of this Notice to Shipping, as well as a copy of the Small Craft Operator's Manual and the Navigational Charts of the Panama Canal.

f. The applicant must sign a document releasing the Panama Canal Authority of any responsibility for damages that may occur as a consequence of such commercial activities in the designated areas of the Canal. The applicant shall also comply with all regulations and limitations established for commercial activities in Canal waters. Likewise, the legal representatives of companies and/or organizations interested in commercial maritime activities in Canal waters shall sign the aforementioned document.

5. Requirements for Small Auxiliary Craft (Tenders) Carrying Passengers

In order to be issued an operating permit to conduct maritime activities involving small auxiliary craft (tenders) in specifically authorized areas of the Panama Canal, an application shall be submitted to the Transit Operations Division executive manager for approval prior to arrival in Panama Canal waters. The following will be required:

a. Prior approval of the proposed commercial activity by the Transit Operations Division executive manager. This information shall include the proposed routes.

b. A list of the operators that will be involved in this activity, along with copies of their training qualifications and certificates of competency must be presented to the Transit Operations Division executive manager.

c. A list of the number and type of small auxiliary craft (tenders) that will be utilized for this activity, as well as copies of their valid certificates of inspection, must be delivered to Transit Operations Division executive manager prior to arrival.

d. The legal representative of the company or interested organization must sign a document releasing the Panama Canal Authority of all responsibility for damages that could possibly result from the proposed commercial activity. In addition, the company or interested organization shall comply with ACP regulations and requirements in order to obtain approval for the commercial activity in Gatun Lake.

Operation permits for commercial activities will be issued on a temporary basis with an expiration date for each individual request. A copy of the operation permit must be posted on each craft and shall be available upon request by the competent authority.

The Panama Canal Authority will deliver the operation permits to the master of the passenger vessel, together with a copy of the regulations and small craft operator's manual. It is the responsibility of the master to ensure that this information is disseminated to those operators on his vessel that will be assisting in this commercial activity and he will be responsible for ensuring that they will abide by these regulations.

6. Restrictions and Sanctions

The following restrictions and sanctions will apply to all small craft of less than 20 meters (65 feet) in length when navigating in Canal waters:

a. All small craft are prohibited from navigating in Gaillard Cut (Culebra Cut), Miraflores Lake, the approaches to the locks, and the Canal's fairway. However, it is permissible to cross the Canal's fairway or navigation channel with prior approval from the Transit Operations Division executive manager.

b. The practice of aquatic sports in the operational areas of the Canal, to include the anchorage areas, is prohibited, with the exception of the areas specifically designated for that purpose.

c. The operation of all small craft while under the influence of alcohol or any other drug or substance that would alter or impair the normal behavior of the operator of the small craft is prohibited.

d. Small craft shall not operate near or cross in front of transiting vessels. Additionally, small craft shall not navigate at a speed or produce a wake that would endanger their safety, as well as the safety, lives and property of others in the area, including the Panama Canal Authority. Failure to adhere to this or any other regulation will be punishable with the immediate revocation of the license issued to the operator and/or the operation permit and the applicable sanctions will be imposed.

e. The Panama Canal Authority, in coordination with the competent governmental authorities, will establish security patrols, enforce regulations, and guard the Canal area to impede illegal activities in the operational waters of the Canal.

f. The Administrator of the Panama Canal Authority, or his designee, will impose the corresponding sanctions for any violations to these regulations, in accordance with the established procedures in Chapter X of the Regulation on Navigation in Panama Canal Waters.

7. Communications

Direct communication with the Operations Department concerning this Notice to Shipping may be made at the following telephone numbers:

Operations Department	272-4500	fax: 272-3892
Transit Operations Division	272-4211	fax: 272-7688
Board of Inspectors	272-3403	fax: 272-3548
Maritime Training Unit	272-8550	fax: 272-8222
Maritime Traffic Control Unit	272-4220	fax: 272-3976

Or through the mail to the following address:

Panama Canal Authority (ACP)
(Name, Position and Title)
ACP-OP
P.O. Box 526725
Miami FL 33152-6725