

APPENDIX V

Commandant Instruction 16751.3A: Regattas and Marine Parades



COMDTINST 16751.3A

SEP 1987

COMMANDANT INSTRUCTION 16751.3A

Subj: Regattas and Marine Parades

Ref: (a) COMDTINST M16475.1B, National Environmental Policy Act Implementing Procedures

1. PURPOSE. This Instruction provides guidelines for use by district commanders in delegating and exercising effective control over regattas and marine parades as required under 33 CFR 100.
2. DIRECTIVES AFFECTED. COMDTINST M16751.3 is cancelled.
3. DISCUSSION.
 - a. The Act of April 28, 1908, as amended, (33 U.S.C. 1233) authorizes the Coast Guard to regulate marine events. The Commandant has issued regulations on this subject in Part 100 of Title 33, Code of Federal Regulations. Coast Guard responsibility and authority are broad and include events on, in and under the water.
 - b. Whenever a marine event is being planned by an individual or organization (the sponsor) which by its nature, circumstances or location, will restrict navigation or otherwise introduce extra or unusual hazards to the safety of life on navigable waters of the United States, the sponsor must submit an application to the Coast Guard for review and approval. The receipt and investigation of the permit applications, and issuance or denial of the permits is done at the district office, or at the group or unit level when delegated by the district commander.
 - c. District commanders are authorized and encouraged to enter into agreements with State authorities under 33 CFR 100.10, allowing the States to regulate certain marine events on navigable waters of the U.S., when within their capabilities. Such agreements should also provide for the Coast Guard to preempt a State "in the public interest" for certain large or congested events which, by their nature, require Coast Guard control. Close liaison with the local boating authorities is encouraged to ensure proper control and safety of all marine events.

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4. PROCEDURE.

- a. Sponsor. The sponsor of a marine event meeting the criteria in 33 CFR 100.15 shall submit an application at least 30 days prior to the event. The sponsor is responsible for the safe conduct of the event. The application must provide sufficient information to support a determination that the event will be organized and planned to be held without undue risk.
- b. Approvals. A sponsor can hold an event only after obtaining approval from the district commander, designated representative or appropriate State authority. Coast Guard approval does not imply Coast Guard endorsement of the event, nor does it guarantee the event will be accident free. The approving official shall state on each Coast Guard Permit for Marine Event (CG-4424) that, "By approving this event, the Coast Guard does not assume responsibility for the safety of the participants." The Coast Guard takes agency action on permit applications by:
 - (1) Approving the application and issuing a permit;
 - (2) Disapproving the application and advising the sponsor of the reason(s) for denial;
 - (3) Returning the application without action, advising the sponsor of the reason(s) a permit is not required;
 - (4) Returning the application for specific additional information or changes; or
 - (5) Forwarding the application to the appropriate State authority for action.
- c. Environmental Review. All Coast Guard actions are subject to and must be consistent with the procedures and intent of the National Environmental Policy Act and reference (a).
 - (1) Categorical Exclusion. Regatta and marine parade permit actions are not normally considered to have a significant impact on the quality of the human environment and are categorically excluded from further environmental documentation under paragraph 2-B-2.c. of reference (a).
 - (2) Restrictions on Categorical Exclusions. Under certain circumstances, an action normally considered to be categorically excluded could require additional environmental review. Paragraph 2-B-3. of reference (a) requires preparing an environmental assessment or environmental impact statement when a normally categorically excluded action is likely to involve: significant cumulative impacts on the environment; substantial controversy because of effects on the human environment; impacts which are more than minimal on properties protected under section 4(f) of the DOT Act or findings which would result in a Finding of Adverse Affect on properties protected under Section 106 of the National Historic Preservation Act; or inconsistencies with any Federal, State, or local law or administrative determination relating to the environment.

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- 4.c. (3) Responsibility. Persons processing or approving applications for permits should be alert to extraordinary circumstances which may require additional environmental review and preparation of an environmental assessment. Direct contact with local offices of the Fish and Wildlife Service and National Marine Fisheries Service is authorized to determine if any threatened or endangered species exist in the area of the proposed regatta or marine parade. Permit applications which may require additional environmental review and documentation should be forwarded to the Chief, Technical Support Division Shore (ms) at the appropriate Maintenance and Logistics Command, along with a completed Environmental Analysis Checklist, enclosure (10) to reference (a).
- d. Delegation of Authority. District commanders may delegate authority to issue permits for marine events to local commanders, but shall promulgate permit processing guidelines which include procedures for the assignment of permit numbers, assign geographical areas of responsibility, discuss special or unique situations, and specify disapproval procedures. District commanders who delegate disapproval authority should be kept advised of all events disapproved.
- e. Disapprovals. When an application is disapproved it shall be returned to the sponsor with the reason for disapproval. Some examples are:
- (1) Obstructing navigation traffic by blocking a channel or harbor entrance, which creates an unsafe condition;
 - (2) Impeding commercial traffic, which creates unsafe congestion;
 - (3) Exposing small craft to hazards due to presence of large ships, tows, etc.;
 - (4) Conflicting activities in the area, such as another marine event, range firing, military maneuvers or dredging;
 - (5) Inadequate provisions for safety measures which are prudent for the nature of the event;
 - (6) Exposing a wildlife or waterfowl refuge, areas frequented by a threatened or endangered species or other environmentally sensitive areas to adverse impacts of noise, turbulence or likelihood of physical injury to wildlife;
 - (7) High risk factors render the event (in the opinion of the district commander or delegate) unsafe;
 - (8) Previous experience with the sponsoring organization has involved irresponsibility, gross violations of the terms of approval, or ineffective control of the event without adequate corrective measures; or
 - (9) Late submission of application.

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4. f. Special Local Regulations. Special local regulations for a regatta or marine parade authorized by 33 CFR 100 shall usually be promulgated only in those limited circumstances in which past experience has shown that such special local regulations are necessary. The authority to promulgate special local regulations cannot be delegated by the district commander.
 - g. Regatta Patrols. The district commander or delegate may assign a Coast Guard regatta patrol. A patrol must be assigned if special local regulations are issued. The primary responsibility to protect participants and spectators from the hazards of the event (including other participants) rests, however, with the sponsoring organization. Coast Guard vessels and Auxiliary facilities may be used to patrol events. All vessels on regatta patrol shall display proper identification. Instructions for the use of Auxiliarists on regatta patrols are found in the Auxiliary Operations Policy Manual (COMDTINST M16798.3A).
 - h. Violations. An individual or organization who violates any provisions of the regulations in regard to regattas or marine events is subject to penalties provided in Section 1236 of Title 33, U.S.C.
5. ACTION. District commanders shall:
- a. Carry out administration of regattas and marine parades in accordance with the procedures contained herein and in 33 CFR 100.
 - b. Encourage States to accept responsibility for management of regattas and marine parades through Coast Guard-State Cooperative Agreements.
 - c. Promulgate necessary instructions and guidelines for the conduct of regattas and marine parades, including any delegation of authority.
 - d. Report the number of regatta permit applications received, permits issued and patrols assigned in accordance with COMDTINST 16754.2, Subj: Revised Recreational Boating Safety Program Activities Report.
6. FORMS AVAILABILITY. Order copies of forms listed below, as needed, from Brooklyn Supply Center utilizing the stock number provided:

Application for Approval of Marine Event
CG-4423, Stock No: 7430-00-F01-7720

Permit for Marine Event
CG-4424, Stock No: 7530-00-F01-7730



G. E. GILBERT
Chief, Office of Boating,
Public, and Consumer Affairs