

June 13, 2004

## **THOUGHTS ABOUT LIABILITY REGARDING AIDS TO NAVIGATION IN THE MOORINGS BAY SYSTEM**

- 1. The Aids to Navigation (ATONS) for the Moorings Bay System are Private Aids. This means they are installed and maintained by the City of Naples and not the Coast Guard, as compared to Gordon Pass and Naples Bay.**
- 2. However, they cannot be installed unless approved by a Coast Guard Permit. A Private Aid cannot be added, removed, moved, or changed without Coast Guard approval. There is a USCG Manual which shows the various types and purpose for various ATONS. The light characteristics are also specified. We have a light at Doctors Pass. The Advisory Committee members should be each given a copy of the manual. The Naples Coast Guard Auxiliary checks ATONS.**
- 3. There is a Liability if they are not maintained. Boaters use the ATONS to determine a channel, obstructions and dangers. The ATONS are shown on NOAA Navigation Charts. The soundings (depth of water) are also shown on the chart for depths at MLLW (Mean Low Lower Water). A Tide Gauge is available in order to know the MLLW depth at any time.**
- 4. When there are missing markers, due to storms, etc, or changes in water depth, due to shoaling, etc., the Coast Guard must be informed and this information is published by the Coast Guard in the Local Notice To Mariners and by radio.**

### **LIABILITIES**

- 1. The controlling depth for the marked channels of the Moorings Bay System is believed to be 7 ft. MLLW. If shoaling reduces this depth, there is a liability if Coast Guard approved markers are not placed. The markers may indicate a shoal. Another approach is to redirect the channel by moving a channel marker or placing another channel marker, with a approved number and position.**
- 2. In order to avoid liability, representatives from the Moorings Bay System, such as the Engineer for the Pass Dredging Project, City Natural Resources Manager, Chairman of the Advisory Committee, should meet with the Coast Guard Aids To Navigation Office located in Miami. The Coast Guard will study our surveys and advise where navigation aids are necessary.**
- 3. The present condition of the Pass and the numerous shoals are such that there are numerous and serious danger areas which require caution by all boaters.**

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