

U.S. Department of  
Homeland Security

United States  
Coast Guard



Captain of the Port  
United States Coast Guard  
Sector Southeastern New England

1 Little Harbor Road  
Woods Hole, MA 02543  
Phone: (508) 457-3211  
Fax: (508) 457-3397

16601  
May 20, 2016

J-Way Southern Inc.  
Attn: Mr. Allen Johnson  
P.O. Box 276  
Avon, OH 44011

USCG CAPTAIN OF THE PORT SECTOR SOUTHEASTERN NEW ENGLAND ORDER NO. 005-16.

Dredging equipment owned and operated by J-Way Southern Inc has been reported and observed to obstruct U.S. navigable waterways in Menemsha Pond, Martha's Vineyard, Massachusetts. I have determined that J-Way Southern Inc's dredging equipment in Menemsha Pond, Martha's Vineyard, Massachusetts, poses a substantial threat to safe navigation. Therefore, you are hereby ordered to satisfy the following conditions:

1. J-Way Southern Inc's dredge vessel and associated equipment shall be removed from the navigable channel by 1200, Friday, May 27, 2016.
2. Remove from the waters of Menemsha Pond all J-Way Southern Inc's equipment including piping, sinkers, markers, etc., by 1200, Friday, June 3, 2016.

This order is issued under the authority of the Ports and Waterways Safety Act (33 USC §1221 *et. seq.*) and the regulations promulgated there under (33 CFR §160). In accordance with 33 USC §1232, failure to comply with this Captain of the Port Order is punishable by a civil penalty of not more than \$40,000 for each day the vessel is in violation. Willful and knowing violation of this order is a class D felony, punishable by up to six years in prison (18 USC § 3581) or fines of no more than \$250,000 for an individual or \$500,000 for an organization (18 USC § 3571).

If you feel aggrieved by this order, you have the right to appeal this action in accordance with 33 CFR §160.7. However, all conditions of the order remain in effect while such appeal is being processed unless specifically stayed by the Commander, First Coast Guard District. The appeal must be sent through me to: Commander (dp), First Coast Guard District, Captain John Foster Williams Building, 408 Atlantic Avenue, Boston, MA 02110-3350.

If you have any questions regarding this order or the operation of the vessel, please contact the Sector Southeastern New England Command Center at 508-457-3211.

Sincerely,

  
J. T. KONDRATOWICZ  
Captain, U.S. Coast Guard  
Captain of the Port Southeastern New England

Encl: (1) Acknowledgement of Receipt

Copy: CG STA Menemsha  
U.S. Army Corps of Engineers, New England District

