

CURRENT ENFORCEMENT ISSUES

The U.S. Coast Guard (USCG) will present an annual report covering its West Coast fishery enforcement and fishing vessel safety monitoring efforts for the past year, including enforcement hours, boarding, and detected violations. Joint efforts with other fisheries enforcement agencies, involvement in regional fisheries management programs, and the future outlook of USCG fishery enforcement efforts will also be discussed.

Council Task:

Discussion.

Reference Materials:

1. Agenda Item I.1.b, Supplemental USCG Report.

Agenda Order:

- a. Agenda Item Overview
- b. U.S. Coast Guard Annual West Coast Fishery Enforcement Report
- c. Reports and Comments of Advisory Bodies and Management Entities
- d. Public Comment
- e. Council Discussion

Jim Seger
RADM Blore

PFMC
02/09/11

The Coast Guard Authorization Act of 2010*

New requirements for commercial fishing industry vessels.



Parity for All Vessels

Uniform safety standards are established for all vessels, particularly those vessels operating beyond three nautical miles of the baseline of the territorial sea and coastline of the Great Lakes. In Title 46 U.S.C. §4502(b)(1) “documented” is deleted, so there will no longer be different standards for federally documented and state-registered vessels operating on the same waters. Additionally, 46 CFR part 28, subpart C must be amended to reflect the change.

Replacing Boundary Line with Three Nautical Miles

Title 46 U.S.C. §4502(b)(1)(A) is amended by replacing “Boundary Line” with “three nautical miles from the baseline from which the territorial sea of the United States is measured or three nautical miles from the coastline of the Great Lakes.” Various sections of 46 CFR part 28 must be amended to reflect this change. The boundary line location was confusing, whereas the three-mile line is a well-known demarcation shown on most charts.

Survival Craft

All fishing industry vessels operating beyond three nautical miles are required to carry survival craft that will meet a new performance standard for primary lifesaving equipment. Title 46 U.S.C. §4502(b)(2)(B) is amended by replacing “lifeboats or liferafts” with “a survival craft that ensures that no part of an individual is immersed in water.” This means that life floats and buoyant apparatus will no longer be accepted as survival craft on any commercial fishing vessel operating beyond three nautical miles; 46 CFR part 28 must be amended to reflect this change and there could be a phase-in period for this requirement.

Records

A new provision requires that the individual in charge of a vessel operating beyond three nautical miles maintain a safety logbook—a record of equipment maintenance and required instruction and drills. Title 46 U.S.C. §4502(f) is amended to add this requirement; 46 CFR part 28 must be amended.

Examinations and Certificates of Compliance

Dockside safety examinations at least once every two years are now mandatory for vessels operating beyond three nautical miles. A certificate of compliance will be issued to a vessel successfully completing the exam; 46 U.S.C. §4502(f) is amended to add this requirement, and 46 CFR part 28 must be amended to implement it. Voluntary exams will continue to be promoted for vessels operating inside three nautical miles.

Related to this, individuals authorized to enforce Title 46 may remove a certificate from a vessel operating in a condition that does not comply with the provisions of the certificate. And, if the vessel does not have the required certificate on board, or if the vessel is being operated in an unsafe condition, it may be ordered to return to a mooring and remain there until the certificate is issued/reissued or the condition is corrected. Title 46 U.S.C. §2117 is amended to change this requirement, and 46 CFR part 28 must be amended to implement it for fishing vessels.

Training for Operators

A new provision applicable to vessels operating beyond three nautical miles requires individuals in charge of the vessel to pass a training

program covering certain competencies. This is covered in a new 46 U.S.C. §4502(g) and 46 CFR part 28 must be amended. The training must include, among other things, seamanship, navigation, stability, fire fighting, damage control, safety and survival, and emergency drills. Credit can be considered for recent experience on fishing vessels. Refresher training is required every five years. A publicly accessible database listing individuals who completed the training will be established.

Construction Standards for Smaller Vessels

Vessels built after January 1, 2010 and less than 50 feet overall in length must be constructed in a manner that provides a level of safety equivalent to the standards for recreational vessels established under 46 U.S.C. §4302. This provision is set forth in a new 46 U.S.C. §4502(h). Implementing regulations must be developed. Note: "overall in length" means the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern excluding fittings and attachments. This is different from "registered length."

Loadlines

The act amends 46 U.S.C. §5102(b) making assignment of a loadline a requirement on fishing vessels 79 feet or greater in length that are built after July 1, 2012.

Further, in 46 U.S.C. §5103, a new paragraph (c) is added that requires fishing vessels built on or before July 1, 2012 that undergo a substantial change to the dimension of or type of vessel completed after July 1, 2012, or a later date set by the Coast Guard, to comply with an alternate loadline compliance program developed in cooperation with the industry. It is anticipated that the Commercial Fishing Safety Advisory Committee will be engaged in helping to develop alternate compliance programs here, and related to vessel classing below. Regulations must be developed to implement these programs.

Classing of Vessels

The act amends 46 U.S.C. §4503 to make it applicable to fishing and fish tender vessels in addition to fish processing vessels. A new paragraph (c) is added that requires survey and classification of a fishing

vessel that is at least 50 feet in overall length, built after July 1, 2012, and operates beyond three nautical miles. It also requires the vessel to remain "in class" and have the appropriate certificates on board.

A new paragraph (d) is added to 46 U.S.C. §4503 that requires:

- (1) development of an alternate safety compliance program by January 1, 2020 for vessels over 50 feet in length, built before July 1, 2012, and 25 years of age or older;
- (2) an alternate safety compliance program for vessels built before July 1, 2012 that undergo a substantial change after the later of July 1, 2012, or a date to be determined by the Coast Guard; and
- (3) owner(s) of 30 or more vessels subject to (1) who enter into a compliance agreement with the Coast Guard can delay meeting the requirement of (1) until January 1, 2030.

The alternative safety compliance programs are to be developed in cooperation with the industry, and may be developed for specific regions and fisheries. Further, in this new paragraph, vessels classed before July 1, 2012 are required to remain in classification and have a current certificate on board.

A new paragraph (e) is added to 46 U.S.C. §4503 that requires the Coast Guard to prescribe the alternate safety compliance program for older vessels by January 1, 2017.

Other Provisions

Title 46 U.S.C. §4502 is amended by also adding requirements for the Coast Guard to establish a Fishing Safety Training Grants Program and a Fishing Safety Research Grant Program. The grants will be awarded on a competitive basis. The federal share of the activities costs cannot exceed 75 percent.

Title 46 U.S.C. §4508 is amended by renaming the Commercial Fishing Safety Advisory Committee and reauthorizing it until September 30, 2020. The committee is also expanded to 18 members and will continue to represent groups with expertise, knowledge, and experience regarding the commercial fishing industry.

*(P.L.111-281)

For more INFORMATION
For more in-depth information and full text, go to
www.fishsafe.info





United States Coast Guard Districts Eleven & Thirteen

11th District (D11)

Rear Admiral Joseph Castillo
- District Commander

LT Steve Arnwine
- LMR Program Manager

Ms. Peg Murphy
- Fishing Vessel Safety Coordinator



13th District (D13)

Rear Admiral Gary Blore
- District Commander

LCDR Brian Chambers
- LMR Program Manager

Mr. Dan Hardin
- Fishing Vessel Safety Coordinator



Pacific Fishery Management Council

March 2010



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2010 Fisheries Enforcement Report

- **CG Involvement in Fisheries Management**
- **D13/D11 Resources Updates**
 - Competing Responsibilities
- **2010 Fisheries Enforcement Activity Summary**
 - Partnership Efforts
- **Fishing Vessel Safety**
 - USCG Authorization Act



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U.S. COAST GUARD



OCEAN GUARDIAN Strategic Plan

OCEAN GUARDIAN Framework

- 1) Sound Regulations
- 2) Effective Presence
- 3) Application of Technology
- 4) Productive Partnerships

Coast Guard Objectives

- 1) Prevent Encroachment of the U.S. EEZ
- 2) Ensure Compliance with Domestic Fisheries Regulations
- 3) Ensure Compliance with International Agreements



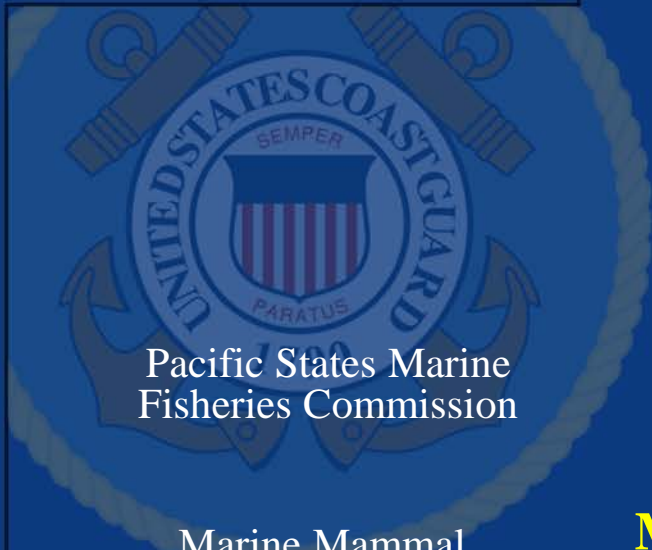
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Living Marine Resources Management Partnerships



Pacific States Marine
Fisheries Commission

Marine Mammal
Stranding Network

National Marine
Sanctuaries

Pacific Fishery Management Council

North Pacific Fishery
Management Council

International Pacific
Halibut Commission

U.S./Canada Tuna
Treaty Deliberations

Partnering Agency
Orca Whale Recovery
Plan Regulations



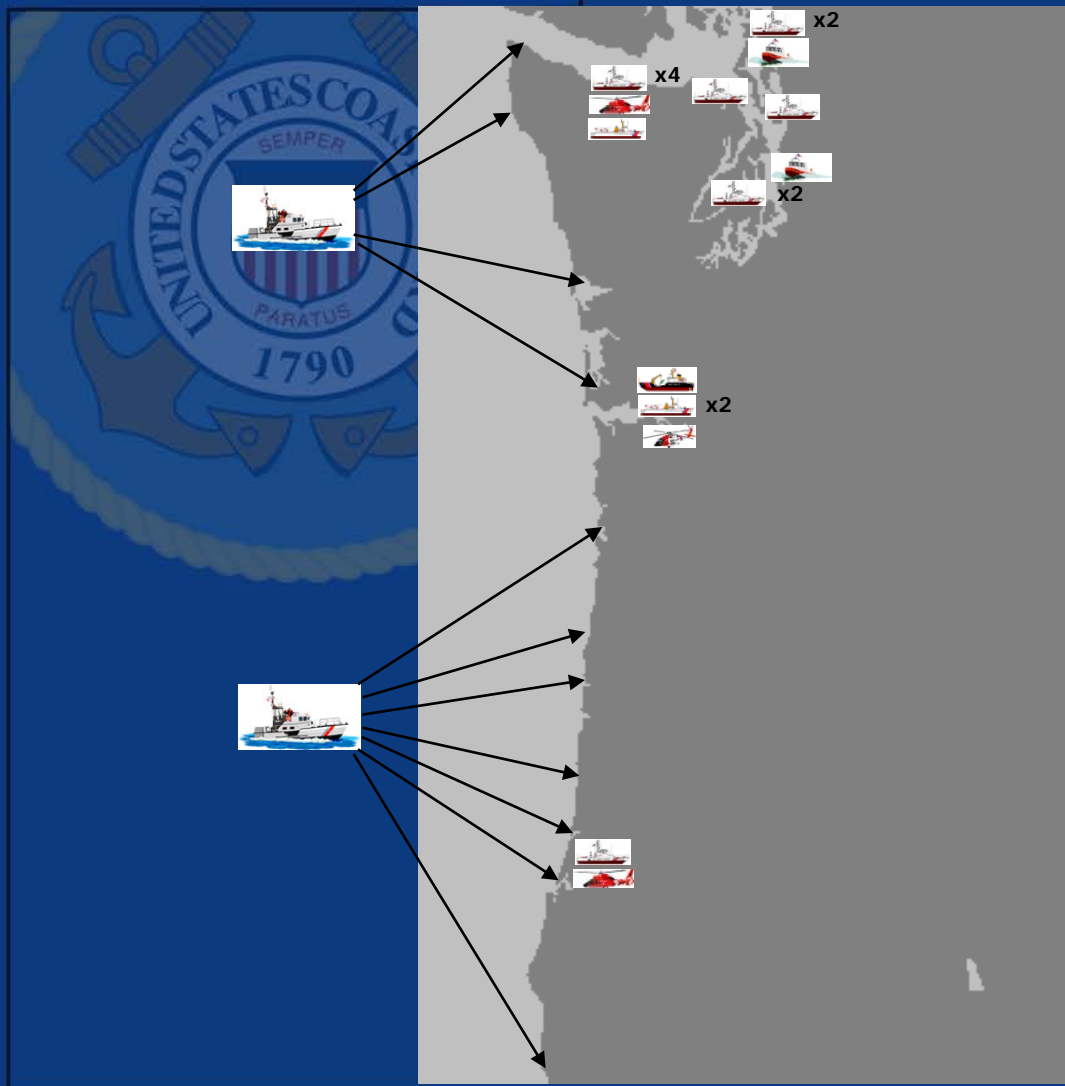
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D13 Fisheries Resources



Medium Endurance Cutter



Buoy Tender



Patrol Boat



HH-60 Jayhawk Air Station



HH-65 Dolphin Air Station



Motor Lifeboat Station



Small Boat Station



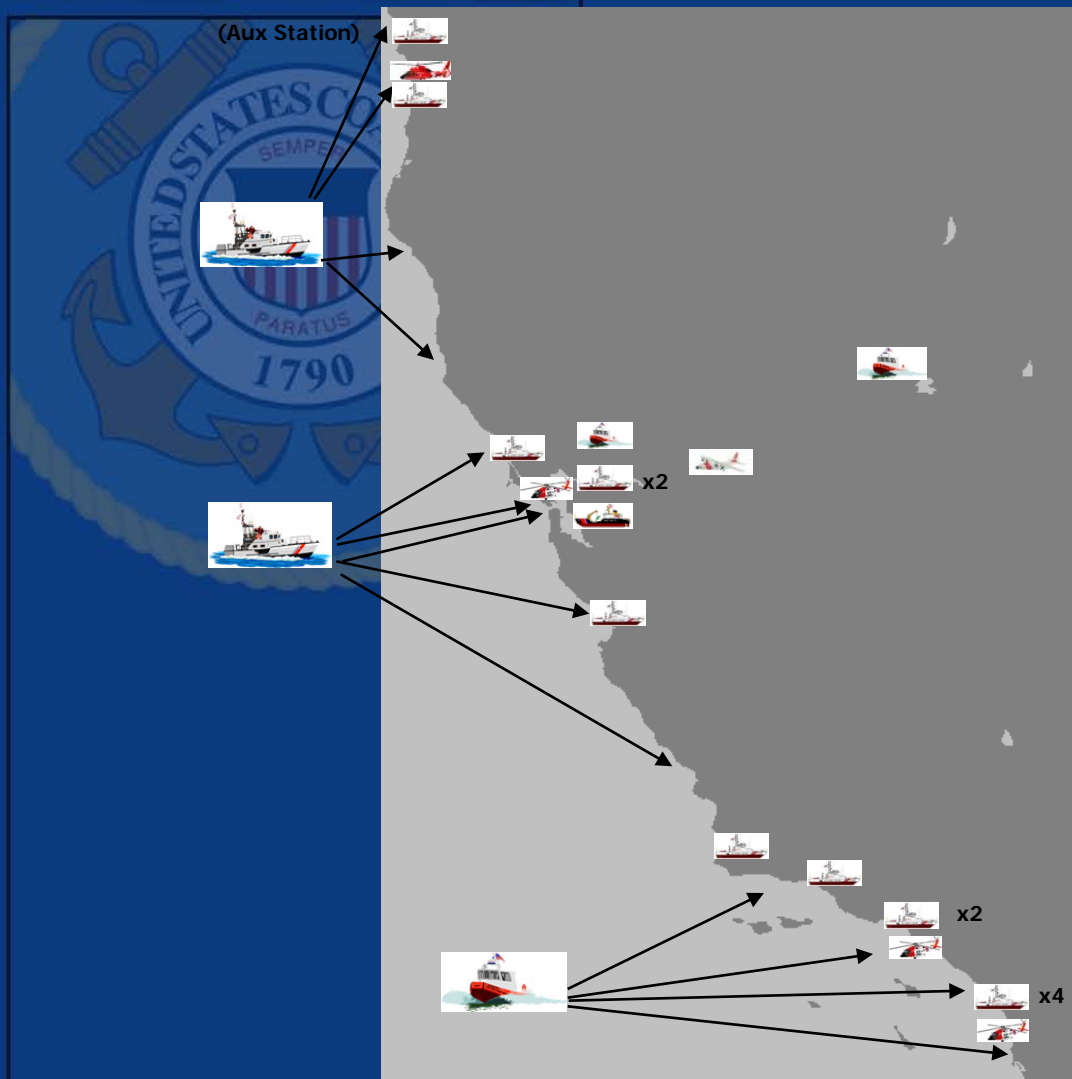
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D11 Resources



Buoy Tender



Patrol Boat



HH-60 Jayhawk Air Station



HH-65 Dolphin Air Station



C-130 Air Station



Motor Lifeboat Station



Small Boat Station



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Coast Guard Missions



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Fisheries Enforcement Training

- **Annual training for all units**
 - Partnering Agencies / Industry / NGOs Involved
 - 2010 Statistics:
 - 51 unit visits
 - 566 personnel
 - 1,800 training hours
- **Joint agency TRAT Training**
 - Over 70 joint agency personnel



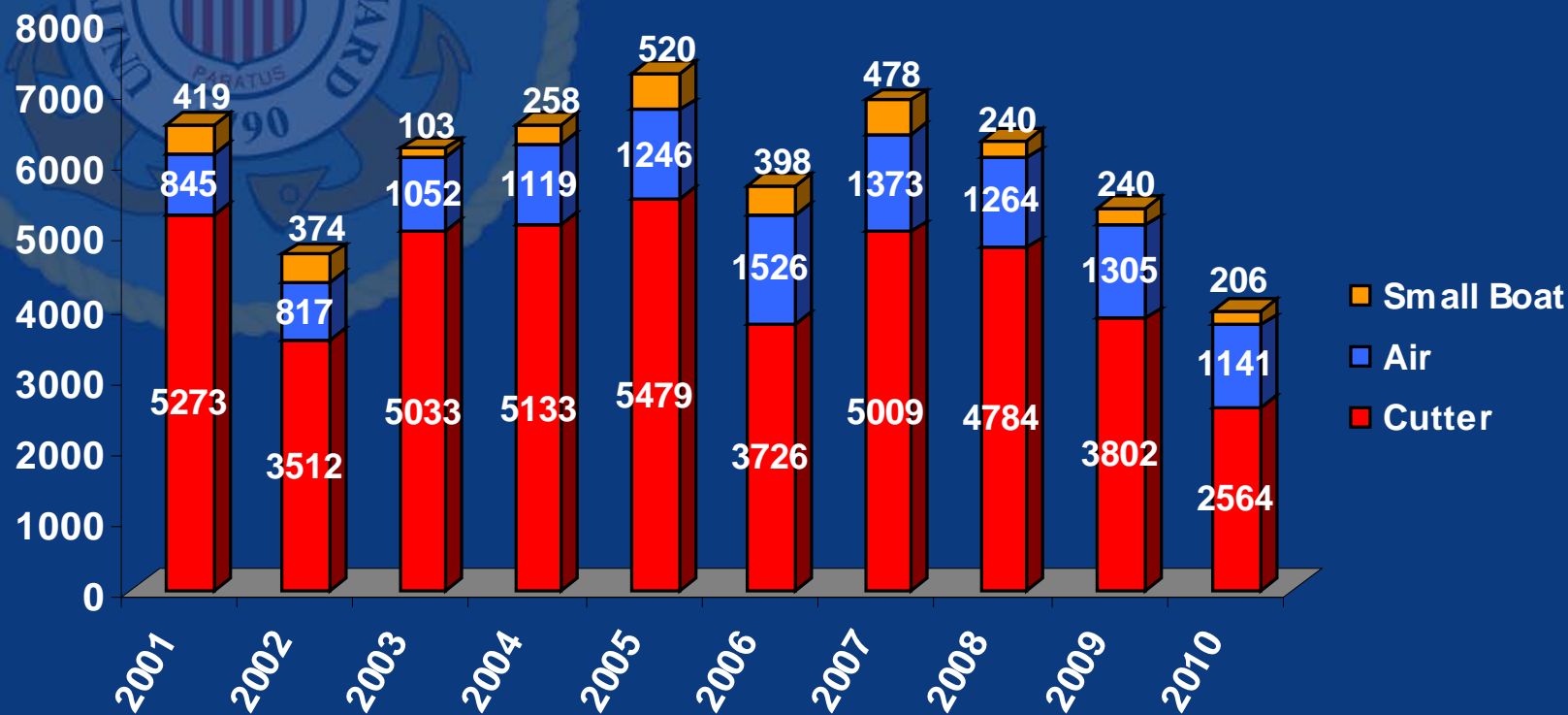
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D13 LMR Resource Hours Annual Comparison



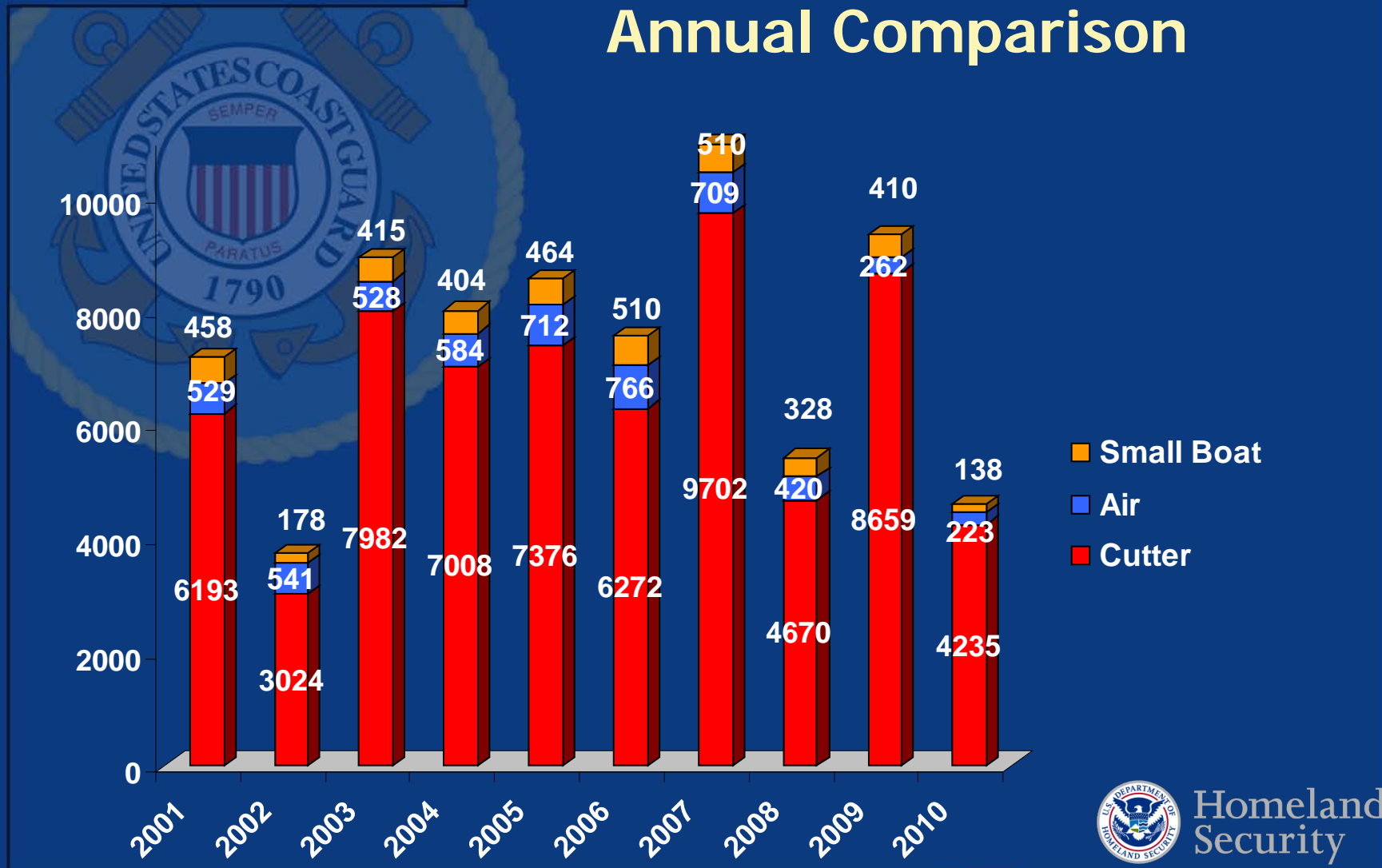
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D11 LMR Resource Hours Annual Comparison



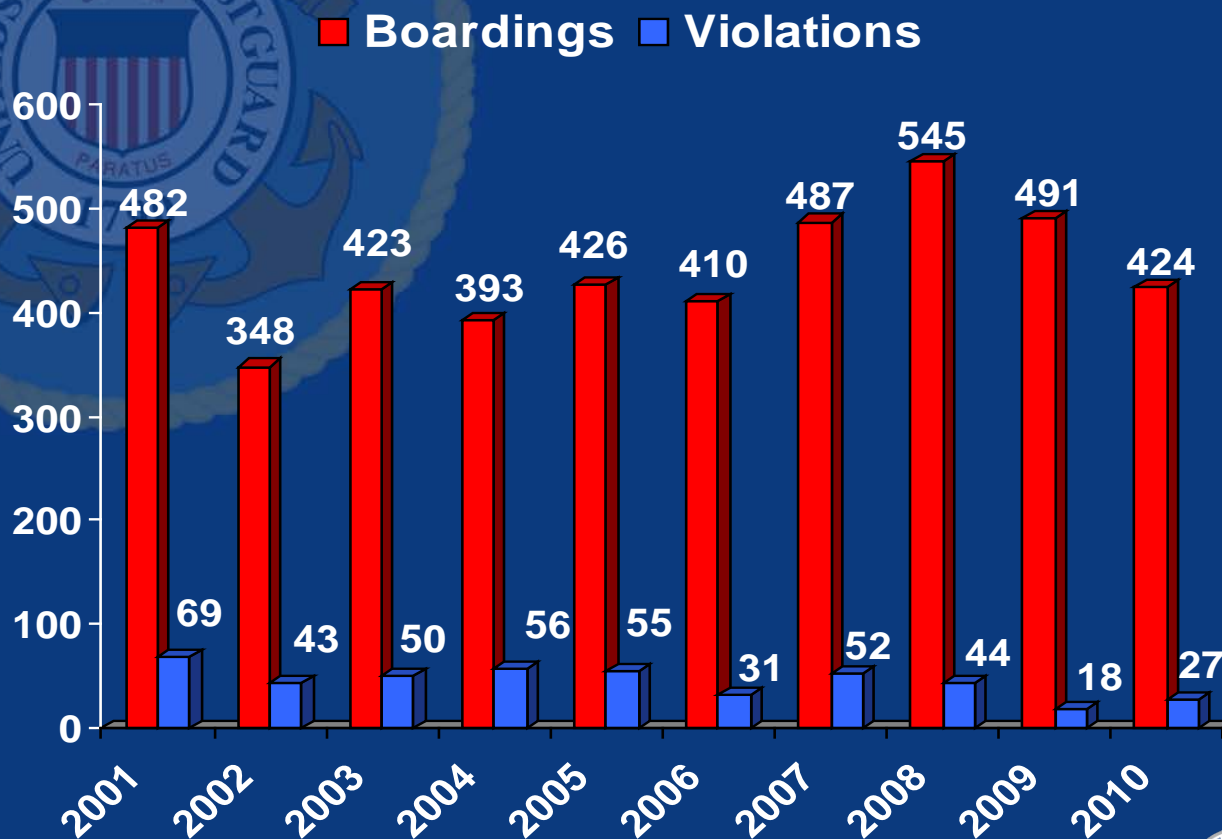
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D13 Fisheries Boardings & Violations Annual Comparison



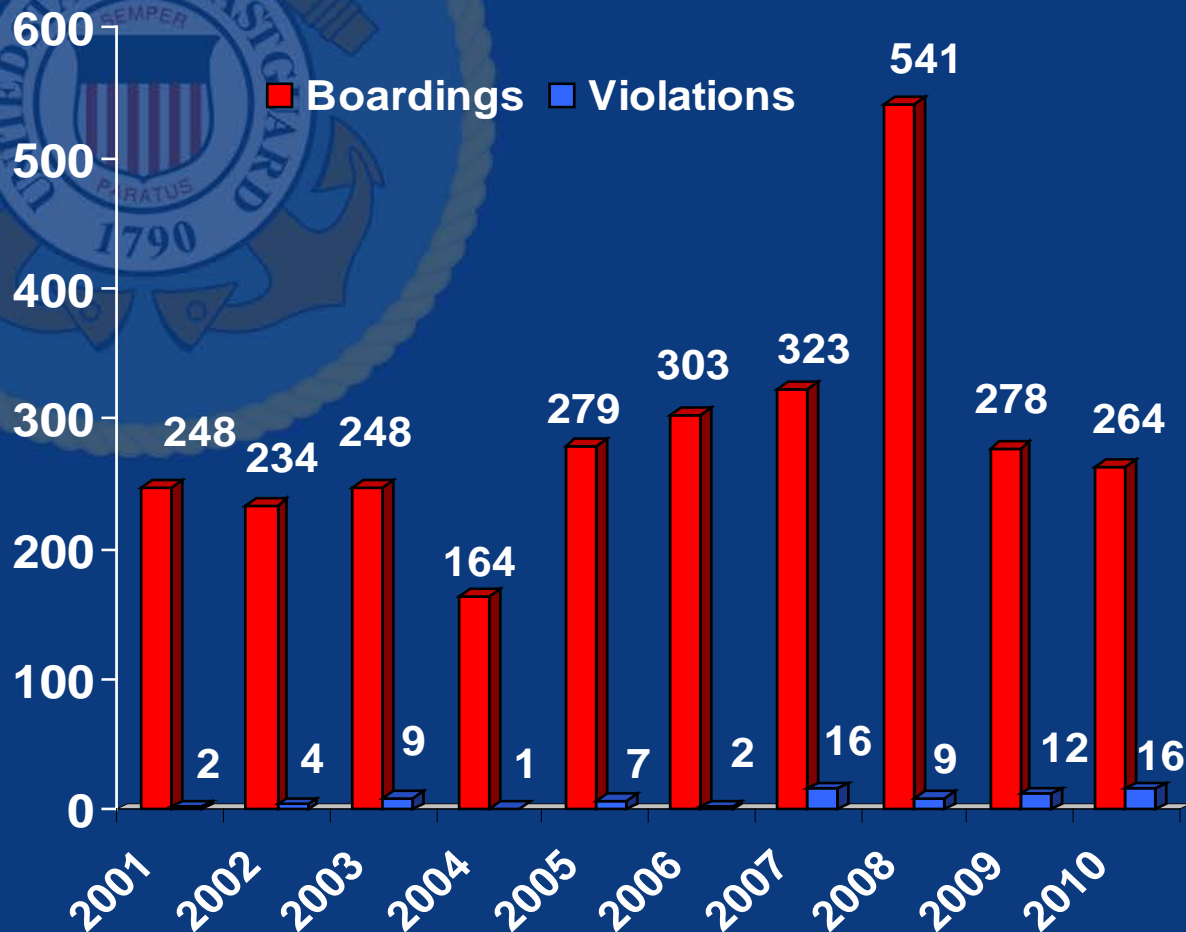
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D11 Fisheries Boardings & Violations Annual Comparison



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Joint Enforcement Initiatives



Recent & Current Initiatives

- Joint Task Forces
- Shipriders on CG Patrols
- Quarterly planning meetings
- Co-location at CG units
- Joint Enforcement Operations
- Industry Partnerships



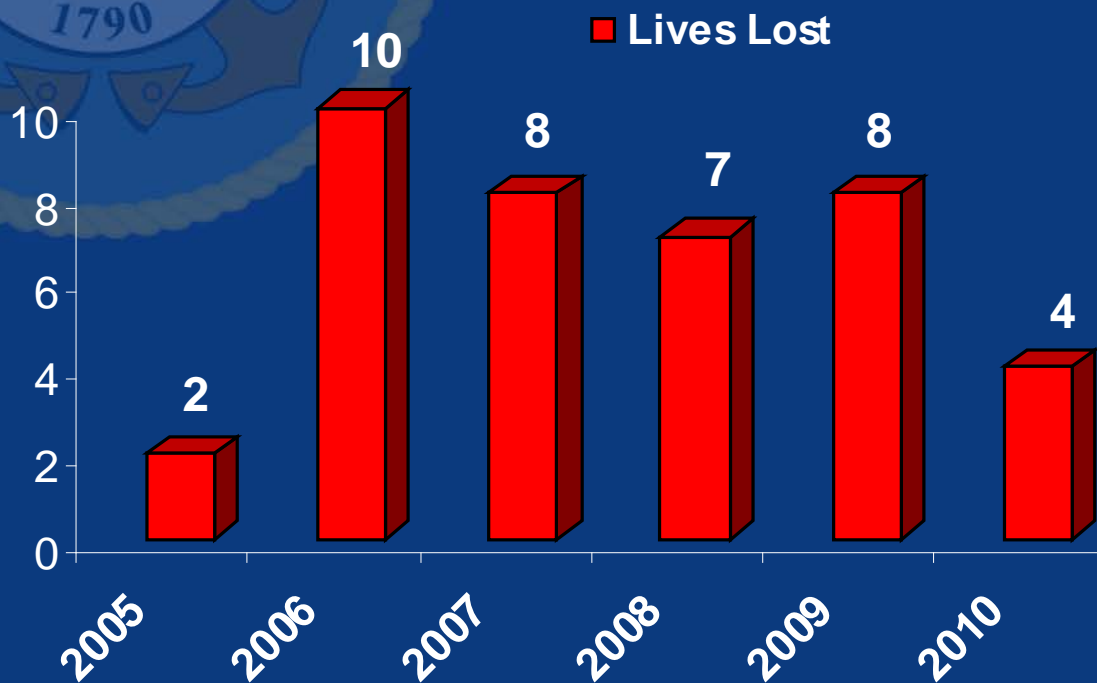
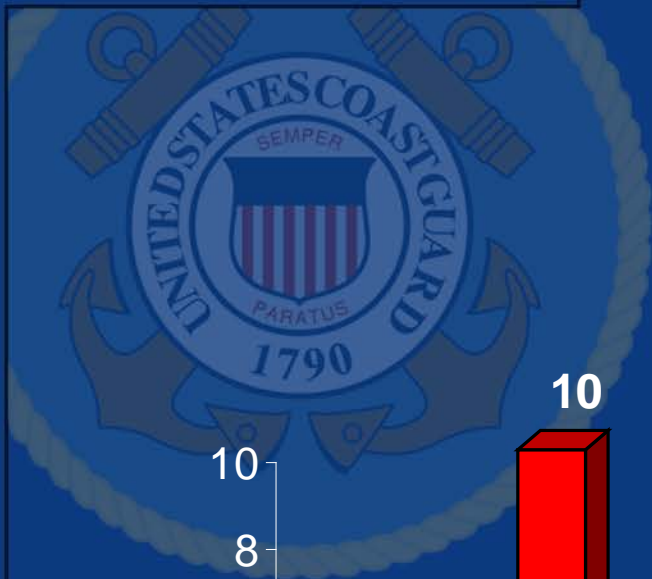
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Commercial Fishing Vessel Lives Lost U.S. West Coast



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Commercial Fishing Vessel Safety Program

➤ **Safety Gear Carriage Requirements**

- Compliance has decreased in some regions

➤ **Operation Safe Crab**

- Over 250 vessel inspections during 2010

➤ **Safety Decal Program**

- 590 decals issued during 2010
- Valid for 2 years



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Coast Guard Authorization Act of 2010

Signed into law by the President
on October 15th, 2010.



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By Oct 15, 2012

Documented Vessels	State Registered Vessels
Life Preservers	Life Preservers
Survival Craft	Survival Craft
Ring Buoy	Ring Buoy
Distress Signal	Distress Signal
EPIRB	EPIRB
Fire Extinguishers	Fire Extinguishers
Injury Placard	Injury Placard
Nav Lights	Nav Lights
Garbage Placard > 26'	Garbage Placard
Waste Management Plan > 40'	Waste Management Plan
Pollution Placard	Pollution Placard
Marine Radio	
FCC Radio Station License	
First Aid Kit and Manual	
Compass	
Anchor	
Bilge Pumping System	
Bilge High Water Alarm > 36'	
Radar Reflector	
GPS > 79'	
Guards for exposed hazards	
Emergency Instructions	
Charts	
Coast Guard Light List	
Nav Rules > 39.4'	
Tide Tables	

**Regs will no longer
differ between
documented and state
registered vessels.**



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By Oct 15, 2012

- Vessels operating beyond 3 nm from the territorial base line
 - Required to carry a Certificate of Compliance (COC)
 - Valid for 2 years.
 - Lists safety equipment required on board.
 - Route the vessel is authorized to operate based on equipment.
 - Vessels without a COC will be considered for immediate voyage termination and fine.

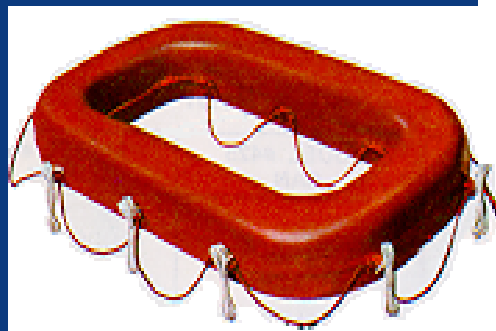


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By Oct 15, 2015

- Vessels required to carry a survival craft
 - will no longer be able to carry
 - Buoyant Apparatus
 - Life Floats



- Only a life raft Apparatus)
 - SOLAS A
 - SOLAS B
 - Coastal

or IBA (Inflatable Buoyant



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Documented vessels

VESSEL AREA	TYPE	REQUIREMENT
Beyond 50 miles of the coastline	All	Inflatable Liferaft with SOLAS A Pack
Between 20-50 miles of coastline	All	Inflatable Liferaft with SOLAS B Pack
COLD Beyond Boundary Line, between 12-20 miles of coastline	All	Inflatable Liferaft with Coastal Pack
WATERS Beyond Boundary Line, within 12 miles of coastline; Inside the Boundary Line, or lakes, bays, sounds, or rivers	36 feet or more in length	Inflatable Buoyant Apparatus¹
Beyond Boundary Line, within 12 miles of coastline; Inside the Boundary Line; or lakes, bays, sounds, or rivers	Less than 36 feet in length	Buoyant Apparatus²
WARM Beyond 50 miles of the coastline	All	Inflatable Liferaft with SOLAS A Pack
Between 20-50 miles of coastline	All	Inflatable Liferaft with Coastal Pack
WATER Beyond Boundary Line, within 20 miles of coastline	All	Life Float^{1,2} Inflatable Buoyant Apparatus
RES Inside Boundary Line, or lakes, bays, sounds, or rivers	All	None

State Registered

VESSEL AREA	TYPE	REQUIREMENT
Beyond 20 miles of the coastline; or Beyond the Boundary Line, between 12-20 miles of coastline	All	Inflatable Buoyant Apparatus
COLD Beyond Boundary Line, within 12 miles of coastline; Inside the Boundary Line; or lakes, bays, sounds, or rivers	36 feet or more in length	Buoyant Apparatus ²
WATERS Beyond Boundary Line, within 12 miles of coastline; Inside the Boundary Line; or lakes, bays, sounds, or rivers	Less than 36 feet in length	Buoyant Apparatus ²
WARM Beyond 20 miles of the coastline	All	Inflatable Buoyant Apparatus
Beyond Boundary Line, within 20 miles of coastline	All	Life Float ^{1,2}
WATER Inside Boundary Line; or lakes, bays, sounds, or rivers	All	None



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Records / Training

- Equipment and training must be logged.
- Vessel operator training.





Construction Standards

- $< 50'$ constructed after 15 Oct 2012
- $\geq 50'$ constructed after July 1, 2012
 - Class and survey required
- All ≥ 50 after Jan 1, 2020 comply with Alternate Compliance Program equivalent to Class requirements





Conclusion



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