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 Jim Seger
b. U.S. Coast Guard Annual West Coast Fishery Enforcement Report RADM Blore
c. Reports and Comments of Advisory Bodies and Management Entities
d. Public Comment
e. Council Discussion

PFMC
02/09/11
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 January 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)*
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
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
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
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
Coast Guard Missions
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
D13 Fisheries Boardings & Violations Annual Comparison

- Boardings
- Violations

Year: 2001 - 2010

Boardings:
- 2001: 482
- 2002: 348
- 2003: 423
- 2004: 393
- 2005: 426
- 2006: 410
- 2007: 487
- 2008: 545
- 2009: 491
- 2010: 424

Violations:
- 2001: 100
- 2002: 69
- 2003: 43
- 2004: 50
- 2005: 56
- 2006: 55
- 2007: 31
- 2008: 52
- 2009: 44
- 2010: 18
Recent & Current Initiatives

- Joint Task Forces
- Shipriders on CG Patrols
- Quarterly planning meetings
- Co-location at CG units
- Joint Enforcement Operations
- Industry Partnerships
Commercial Fishing Vessel Lives Lost U.S. West Coast

<table>
<thead>
<tr>
<th>Year</th>
<th>Lives Lost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>2</td>
</tr>
<tr>
<td>2006</td>
<td>10</td>
</tr>
<tr>
<td>2007</td>
<td>8</td>
</tr>
<tr>
<td>2008</td>
<td>7</td>
</tr>
<tr>
<td>2009</td>
<td>8</td>
</tr>
<tr>
<td>2010</td>
<td>4</td>
</tr>
</tbody>
</table>
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
Coast Guard Authorization Act of 2010

Signed into law by the President on October 15th, 2010.
By Oct 15, 2012

Regulations will no longer differ between documented and state registered vessels.

<table>
<thead>
<tr>
<th>Documented Vessels</th>
<th>State Registered Vessels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life Preservers</td>
<td>Life Preservers</td>
</tr>
<tr>
<td>Survival Craft</td>
<td>Survival Craft</td>
</tr>
<tr>
<td>Ring Buoy</td>
<td>Ring Buoy</td>
</tr>
<tr>
<td>Distress Signal</td>
<td>Distress Signal</td>
</tr>
<tr>
<td>EPIRB</td>
<td>EPIRB</td>
</tr>
<tr>
<td>Fire Extinguishers</td>
<td>Fire Extinguishers</td>
</tr>
<tr>
<td>Injury Placard</td>
<td>Injury Placard</td>
</tr>
<tr>
<td>Nav Lights</td>
<td>Nav Lights</td>
</tr>
<tr>
<td>Garbage Placard &gt; 26'</td>
<td>Garbage Placard</td>
</tr>
<tr>
<td>Waste Management Plan &gt; 40'</td>
<td>Waste Management Plan</td>
</tr>
<tr>
<td>Pollution Placard</td>
<td>Pollution Placard</td>
</tr>
<tr>
<td>Marine Radio</td>
<td></td>
</tr>
<tr>
<td>FCC Radio Station License</td>
<td></td>
</tr>
<tr>
<td>First Aid Kit and Manual</td>
<td></td>
</tr>
<tr>
<td>Compass</td>
<td></td>
</tr>
<tr>
<td>Anchor</td>
<td></td>
</tr>
<tr>
<td>Bilge Pumping System</td>
<td></td>
</tr>
<tr>
<td>Bilge High Water Alarm &gt; 36'</td>
<td></td>
</tr>
<tr>
<td>Radar Reflector</td>
<td></td>
</tr>
<tr>
<td>GPS &gt; 79'</td>
<td></td>
</tr>
<tr>
<td>Guards for exposed hazards</td>
<td></td>
</tr>
<tr>
<td>Emergency Instructions</td>
<td></td>
</tr>
<tr>
<td>Charts</td>
<td></td>
</tr>
<tr>
<td>Coast Guard Light List</td>
<td></td>
</tr>
<tr>
<td>Nav Rules &gt; 39.4'</td>
<td></td>
</tr>
<tr>
<td>Tide Tables</td>
<td></td>
</tr>
</tbody>
</table>
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.
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 or IBA (Inflatable Buoyant Apparatus):
  - SOLAS A
  - SOLAS B
  - Coastal
### Documented vessels

<table>
<thead>
<tr>
<th>VESSEL AREA</th>
<th>TYPE</th>
<th>REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beyond 50 miles of the coastline</td>
<td>All</td>
<td>Inflatable Liferaft with SOLAS A Pack</td>
</tr>
<tr>
<td>Between 20-50 miles of coastline</td>
<td>All</td>
<td>Inflatable Liferaft with SOLAS B Pack</td>
</tr>
<tr>
<td>Beyond Boundary Line, between 12-20 miles of coastline</td>
<td>All</td>
<td>Inflatable Liferaft with Coastal Pack</td>
</tr>
<tr>
<td>Beyond Boundary Line, within 12 miles of coastline, Inside the Boundary Line; or lakes, bays, sounds, or rivers</td>
<td>Less than 36 feet</td>
<td>Buoyant Apparatus ¹</td>
</tr>
<tr>
<td>Beyond Boundary Line, within 12 miles of coastline, Inside the Boundary Line; or lakes, bays, sounds, or rivers</td>
<td>Less than 36 feet</td>
<td>Buoyant Apparatus ²</td>
</tr>
<tr>
<td>Beyond 50 miles of the coastline</td>
<td>All</td>
<td>Inflatable Liferaft with SOLAS A Pack</td>
</tr>
<tr>
<td>Between 20-50 miles of coastline</td>
<td>All</td>
<td>Inflatable Liferaft with Coastal Pack</td>
</tr>
<tr>
<td>Beyond Boundary Line, within 20 miles of coastline, Inside the Boundary Line; or lakes, bays, sounds, or rivers</td>
<td>All</td>
<td>Life Float ¹,²; Inflatable Buoyant Apparatus</td>
</tr>
<tr>
<td>Inside 3 miles of the coastline</td>
<td>All</td>
<td>None</td>
</tr>
</tbody>
</table>

### State Registered

<table>
<thead>
<tr>
<th>VESSEL AREA</th>
<th>TYPE</th>
<th>REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beyond 20 miles of the coastline</td>
<td>All</td>
<td>Inflatable Buoyant Apparatus</td>
</tr>
<tr>
<td>Beyond the Boundary Line, between 12-20 miles of coastline</td>
<td>All</td>
<td>Inflatable Buoyant Apparatus</td>
</tr>
<tr>
<td>Beyond Boundary Line, within 12 miles of coastline, Inside the Boundary Line; or lakes, bays, sounds, or rivers</td>
<td>Less than 36 feet</td>
<td>Buoyant Apparatus ¹</td>
</tr>
<tr>
<td>Beyond Boundary Line, within 12 miles of coastline, Inside the Boundary Line; or lakes, bays, sounds, or rivers</td>
<td>Less than 36 feet</td>
<td>Buoyant Apparatus ²</td>
</tr>
<tr>
<td>Beyond 20 miles of the coastline</td>
<td>All</td>
<td>Inflatable Buoyant Apparatus</td>
</tr>
<tr>
<td>Beyond the Boundary Line, between 12-20 miles of coastline</td>
<td>All</td>
<td>Inflatable Buoyant Apparatus</td>
</tr>
<tr>
<td>Inside Boundary Line; or lakes, bays, sounds, or rivers</td>
<td>All</td>
<td>None</td>
</tr>
</tbody>
</table>

¹ Inflatable Buoyant Apparatus
² Buoyant Apparatus
Records / Training

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

• < 50’ constructed after 15 Oct 2012

• ≥ 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