

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Fourteenth Coast Guard District

300 Ala Moana Blvd., #9-232
Honolulu, HI 96850
Staff Symbol: dre
Phone: (808) 535-3370
FAX: (808) 535-3369

16214
October 5, 2015

Mr. Edwin Ebisui, Chair
Western Pacific Regional Fishery Management Council
1164 Bishop Street Suite 1400
Honolulu, HI 96813

Dear Mr. Ebisui:

I am pleased to report to you and the rest of the Council the following summary of U.S. Coast Guard fisheries law enforcement activities in the Western and Central Pacific Region for the period of June 1, 2015 to September 30, 2015.

From April 20th to June 3rd CGC WALNUT deployed on a multi-mission patrol. During this deployment CGC WALNUT patrolled the U.S. EEZ of the Main Hawaiian Islands, American Samoa, and Kingman Reef/Palmyra Atoll and the foreign EEZ of Samoa. CGC WALNUT completed two domestic boardings of the U.S. distant water tuna fleet noting one violation for personal flotation devices not properly serviced. CGC WALNUT completed one domestic boarding on a U.S. flagged longliner, noting two safety violations and a violation for improper disposal of garbage. CGC WALNUT assisted the embarked Samoan shipriders with six boardings of foreign flagged vessels registered to fish in the Samoa EEZ, three safety violations were noted and one voyage was terminated for a hole in the hull. CGC WALNUT completed six boardings under the authority of the Western and Central Pacific Fisheries Commission (WCPFC) High Seas Boarding and Inspection scheme, noting a potential violation for failure to log shark catch. Enforcement actions on the high seas have a derivative deterrent effect in the U.S. EEZ and help compel foreign fishers to respect U.S. EEZ boundaries.

From May 18th to June 7th a Coast Guard law enforcement detachment (LEDET) deployed on board a U.S. Navy asset in support of the Oceania Maritime Security Initiative (OMSI). The Navy asset patrolled the U.S. EEZs of the Main Hawaiian Islands, Howland & Baker Islands, and Guam and the foreign EEZ of the Republic of the Marshall Islands. The LEDET completed one domestic boarding on the U.S. distant water tuna fleet, noting a violation for failure to use an incinerator. The LEDET assisted the embarked Marshallese shiprider with boardings of six foreign flagged longline vessels registered to fish in the Republic of the Marshall Islands, one violation was issued for dumping plastics overboard. The LEDET completed three inspections under the authority of the WCPFC High Seas Boarding and Inspection scheme with no violations observed.

From June 9th to 10th CGC WASHINGTON patrolled the EEZ of Guam, no foreign vessel incursions were detected.

From July 29th to 30th CGC KITTIWAKE patrolled the U.S. EEZ of the Main Hawaiian Islands, no foreign vessel incursions were detected. One domestic fishing vessel was cited for fishing without a federal fishing permit.

From August 3rd to 27th CGC SEQUOIA deployed on a multi-mission patrol. During this deployment CGC SEQUOIA patrolled the U.S. EEZ of Guam and the Commonwealth of the Northern Mariana Islands, and supported Typhoon Soudelor relief in Saipan. CGC SEQUOIA also patrolled the foreign EEZ of the Federated States of Micronesia. CGC SEQUOIA assisted the embarked Micronesian shipriders with eight

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boardings of foreign fishing vessels registered to fish in the Federated States of Micronesia EEZ and two transshipment vessels with no violations observed.

From August 5th to 23rd a Coast Guard LEDET deployed on board a U.S. Navy asset in support of the OMSI. The Navy asset patrolled the U.S. EEZ of Guam and the foreign EEZs of the Federated States of Micronesia and the Republic of the Marshall Islands. The LEDET completed three domestic boardings on the U.S. distant water tuna fleet, noting three safety violations on one vessel. The LEDET assisted the embarked Micronesian shiprider with five boardings of foreign fishing vessels registered to fish in the Federated States of Micronesia with no violations observed. The LEDET completed one inspection under the WCPFC with no violations observed.

From August 20th to September 24th CGC KUKUI deployed on a multi-mission patrol. During this deployment CGC KUKUI patrolled the U.S. EEZ of the Main Hawaiian Islands, Kingman Reef/Palmyra Atoll, and Howland & Baker Islands and the foreign EEZ of the Republic of the Marshall Islands. CGC KUKUI completed five inspections under the WCPFC High Seas Boarding and Inspection scheme with no violations observed. CGC KUKUI assisted the embarked Marshallese shiprider with five boardings of foreign flagged fishing vessels registered to fish in the Republic of Marshall Islands EEZ, noting one violation for discarding plastic at sea.

Between June and October, District Fourteen C-130 aircraft flew multiple patrols of the U.S. EEZ of the Main Hawaiian Islands and American Samoa, and one patrol of Howland and Baker Islands. No foreign vessel incursions or domestic violations were detected.

District Fourteen enforcement staff participated in several fisheries enforcement related meetings during this reporting period. These meetings included a Hawaiian Islands Humpback Whale National Marine Sanctuary council meeting, a teleconference with NOAA staff on proposed critical habitat for newly listed coral species, the NOAA National Observer Program report meeting, and the Western Pacific Regional Fisheries Council meeting.

For visibility, I have enclosed a Marine Safety Information Bulletin that was issued by the U.S. Coast Guard that discusses the safety and equipment requirements established by the *Coast Guard Authorization Act of 2010* and the *Coast Guard and Maritime Transportation Act of 2013* that go into effect October 15, 2015.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. E. Howes", followed by a small mark that looks like ".COR".

R. E. Howes
Commander, U. S. Coast Guard
Chief, Enforcement Branch

1 Enclosure



Marine Safety Information Bulletin

Commandant
U.S. Coast Guard
Inspections and Compliance Directorate
2703 Martin Luther King Jr Ave, SE, STOP 7501
Washington, DC 20593-7501

MSIB Number: 18-14 (cor)
Date: December 1, 2014
Contact: Mr. Jack Kemerer
Phone: (202) 372-1249
E-Mail: CGCVC@uscg.mil

Implementation of New Requirements for Commercial Fishing Vessels

The purpose of this Bulletin is to remind the commercial fishing industry about safety and equipment requirements established by the *Coast Guard Authorization Act of 2010* and the *Coast Guard and Maritime Transportation Act of 2012*. The Acts made significant changes to Chapters 45 and 51 of Title 46 United States Code (USC) that will be reflected in amended regulations (Parts 28 and 42 of Title 46 Code of Federal Regulations (CFR)). These new requirements are scheduled to go into effect by the date(s) set forth under the law. The specific provisions to be implemented are discussed and explained in this Bulletin.

Mandatory Dockside Safety Examinations: Both Acts mentioned above amended 46 USC §4502(f) and directed that both State-registered and Federally-documented vessels that meet the following criteria, receive a safety examination no later than October 15, 2015, the date this requirement is scheduled to take effect. The criteria includes: operating beyond 3 nautical miles of the baseline of the U.S. territorial sea or the coastline of the Great Lakes, operating anywhere with more than 16 individuals on board (either inside 3 miles of the baseline or beyond 3 miles of the baseline), and fish tender vessels engaged in the Aleutian trade. These vessels will need to complete this dockside safety examination at least once every 5 years, however, some vessels, depending on their operation or areas of service, may be subject to a more frequent examination schedule.

If you have had your vessel examined recently, but the safety decal that was issued expires before the new requirement takes effect, you should have your vessel re-examined prior to October 15, 2015 if the above criteria applies. If you do not have a valid safety decal after October 15, 2015, you could be subject to operational controls that may be directed by a Captain of the Port Order. To help alleviate last minute exam scheduling backlogs, do not wait until the last minute to request an examination as there will likely be a rush on examination requests closer to the scheduled October 2015 deadline.

Survival Craft: The Acts also amended 46 USC §4502(b)(2)(B) by deleting the words “lifeboats or liferafts,” and replacing them with, “a survival craft that ensures that no part of an individual is immersed in water...” This means that all commercial fishing industry vessels operating beyond 3 nautical miles of the base line or the coastline of the Great Lakes will be required to carry a survival craft that keeps you out of the water (i.e., a lifeboat, inflatable liferaft, or inflatable buoyant apparatus) in the event of an abandon ship need. Current life floats and buoyant apparatus are not designed to keep an individual out of the water when used in an emergency. This requirement for a survival craft, such as a lifeboat, inflatable liferaft, or inflatable buoyant apparatus that keeps one out of the water, is scheduled to go into effect on February 16, 2016.

Newly-Built Vessels: Note – The 2012 Act amended 46 USC §4503 by adding a new subsection (e) that states, “For the purposes of this section, the term “*built*” means, with respect to a vessel, that the vessel’s construction has reached any of the following stages: (1) The vessel’s keel is laid. (2) Construction identifiable with the vessel has begun and assembly of that vessel has commenced comprising of at least 50 metric tons or one percent of the estimated mass of all structural material, whichever is less.” Also note that, “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, which is different from the “registered length.”

With this in mind, and with regard to vessels at least 50 feet overall in length, the 2010 Act amended 46 USC §4503 to add a requirement that commercial fishing vessels at least 50 feet overall in length, built after July 1, 2012 that operate beyond 3 nautical miles of the baseline must be designed, constructed, and maintained to the standards of a recognized classification society. The 2010 Act also required that vessels classed before July 1, 2012 shall remain subject to the requirements of a classification society and have on board a certificate from that society. The 2012 Act extended that “built after” date to July 1, 2013. So, after July 1, 2013, if a vessel 50 feet or more overall in length was, or is, built, it must meet survey and classification requirements. A vessel 50 feet or greater overall in length built after July 1, 2013, but not built to class, will be ineligible to commercially fish beyond 3 nautical miles of the baseline under a Fishery endorsement on its Certificate of Documentation.

Vessels less than 50 feet overall in length: The 2010 Act, also amended 46 USC §4502 by adding a new subsection (h) that requires commercial fishing vessels less than 50 feet overall in length, built after January 1, 2010, to be constructed in a manner that provides a level of safety equivalent to the minimum safety standards established for recreational vessels. The standards/requirements for recreational vessels can be found in 33 CFR Parts 181 and 183.

Load Lines: The 2010 Act amended 46 USC §5102(b) to require commercial fishing vessels 79 feet or greater in length (and that will operate beyond the Boundary Line) to have a load line assigned. Per the 2010 Act, this provision applied to commercial fishing vessels built after July 1, 2012, however, the 2012 Act changed the effective date to July 1, 2013. Generally, most commercial fishing vessels were previously exempt from load line requirements. A load line indicates the minimum safe freeboard to which a vessel may be loaded. Conditions evaluated when calculating and assigning a load line include watertight integrity of the vessel, subdivision, and loading capacity. To be consistent with the definition for determining length for load line purposes already accepted and in use for other vessels, the registered or documented length of a commercial fishing vessel will be used for load line applicability as set forth in Subchapter E of 46 CFR Part 42.

Alternate Safety Programs: The 2010 Act added a new Subsection (d) to 46 USC §4503. This provision requires the Coast Guard to prescribe and develop, in cooperation with the commercial fishing industry, an Alternate Safety Compliance Program for commercial fishing vessels that operate beyond the 3 nautical mile line, if the vessel is: (1) at least 50 feet overall in length; (2) was built before July 1, 2012; and (3) is 25 years of age or older (in 2020); or, was built on or before July 1, 2012, and undergoes 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. The 2012 Act changed the date of applicability from July 1, 2012 to July 1, 2013. In general, the Alternate Safety Compliance Programs must be prescribed by 2017 and implementation beginning by 2020. The Coast Guard is in the process of finalizing draft criteria and requirements for the Programs and the Commercial Fishing Safety Advisory Committee has been consulted on the draft. Prior to final promulgation, the fishing industry will be offered an opportunity to review, comment, and make recommendations as to how to apply the requirements based on risk, vessel operations, and operating areas. The 2010 and 2012 Acts also amended 46 USC §5103 by adding a requirement for vessels that undergo a major conversion after July 1, 2013, or a date set by the Secretary, to comply with an Alternate Load Line Compliance Program. This Program will be developed in cooperation with the fishing industry. The Alternate Load Line Compliance Program will apply to vessels 79 feet or greater in length, and the criteria is expected to be included in the Alternate Safety Compliance Program guidelines for consideration by the industry.

Questions regarding these requirements should be forwarded to the Coast Guard Office of Commercial Vessel Compliance, Fishing Vessels Division (CG-CVC-3) at **202-372-1249** or by email at CGCVC@uscg.mil. Or, you may also contact your local Coast Guard District Fishing Vessel Safety Coordinator or local Sector Fishing Vessel Safety Examiner. The points of contact for these individuals can be found on the web site, www.fishsafe.info, and click on the “Locate Examiners” tab.

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