



16711 / PUYALLUP TRIBE
DUNGENESS CRAB
VESSELS

October 4, 2011

Mr. Herman Dillon, Sr.
Council Chairperson
Puyallup Tribe of Indians
3009 East Portland Ave
Tacoma, WA 98404

Dear Sir:

After receiving a request to carry Type I personal floatation devices (PFDs) in lieu of the required immersion suits for Puyallup Tribal Dungeness crab vessels operating in the Puget Sound; the Officer in Charge Marine Inspection (OCMI) at Sector Puget Sound thoroughly researched the issue. The Puyallup Tribe has a fleet of approximately 15 vessels that operate in Puget Sound very close to shore and is limited to daylight hours. Sector Puget Sound concluded that the immersion carriage requirement could be relaxed without an adverse effect to the safety of the vessel or crew. I concur with OCMI Puget Sound's recommendation and am approving an exemption for the Puyallup Dungeness crab vessels.

Current regulations in 46 CFR 28.110 require that vessels operating on Coastal Waters carry immersion suits. However, the commercial fishing industry vessel safety regulations contained in 46 CFR 28.60, acknowledge that there may be cases where exemptions are warranted, and establishes qualifying criteria for such exemptions. Specifically, an exemption may be granted when good cause exists, and the safety of the vessel and crew onboard are not adversely affected. I find that the Puyallup Tribe Dungeness crab vessels operating in the Puyallup Tribes usual and accustomed fishing areas in the Puget Sound meet the qualifying criteria for an exemption and that accordingly; these vessels may carry a Type I PFD for each person on board in lieu of the required immersion suits, subject to the following restrictions and conditions:

1. A Type I PFD shall be carried for each person on board.
2. Operations are limited to waters inside the boundary line of Puget Sound with no more than six persons on board.
3. Operations are limited to times when weather conditions are favorable.
4. To ensure a minimum safety standard, as a condition of gaining an exemption, each eligible vessel must have on board a valid Commercial Fishing Vessel Safety Decal and be examined annually. Such decal will only be issued if the vessel fully complies with all applicable sections of 46 CFR, Part 28 other than personal flotation device requirements, and meets the aforementioned items in paragraphs 1 through 3.

5. A copy of this letter must be carried on board the vessel and be readily available for inspection upon request by any Coast Guard boarding officer or safety examiner.

This exemption will be re-evaluated annually to ensure there are no adverse effects on the safety of these vessels. If it is subsequently determine that the safety of these vessels or persons on board these vessels is adversely affected, the exemption may be withdraw for an individual vessel at OCMI discretion.

If you have any questions regarding this matter, please feel free to contact the 13th District Fishing Vessel Safety Coordinator, Dan Hardin at (206) 220-7226.

Sincerely,



M.S. Gardiner
Captain, U.S. Coast Guard
Chief, Prevention Division
By direction of the Commander
Thirteenth Coast Guard District

Copy: Commanding Officer, Sector Puget Sound

U.S. Department
of Transportation

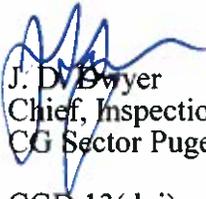
United States
Coast Guard



Commander
United States Coast Guard
Sector Puget Sound

1519 Alaskan Way South
Seattle, WA 98134-1192
Staff Symbol: spi
Phone: (206) 217-6180
Fax: (206) 217-6199

16711/DIVE BOATS
26 September 2011

From:  J. D. Dwyer
Chief, Inspection Division
CG Sector Puget Sound

Reply to: Mr. Martin Teachout
Attn of: (206) 217-6187

To: CGD 13(dpi)

Subj: SURVIVAL CRAFT EXEMPTION, PUYALLUP TRIBE DIVE BOATS

Ref: (a) Mr. Herman Dillon Sr.'s letter dated 31 August 2011

1. Enclosed for your action is Mr. Herman Dillon's request for an exemption from 46 CFR 28.110 requiring vessels operating on the coastal waters of Puget Sound to be equipped with one immersion suit for each person onboard. Similar exemptions have been granted to other dive boats operating in Puget Sound waters in accordance with 46 CFR 28.60.
2. The Puyallup Tribe has a fleet of about 15 vessels that operate four days a week during day light hours only in areas that are never more than 200 yards from shore. During diving operations there are multiple vessels present with a monitor vessel in close proximity.
3. A type I personal flotation device shall be carried for each person on board.
4. For this exemption to apply, each Puyallup vessel in this fishery shall submit to an annual Commercial Industry Fishing Vessel (CIFV) exam and have a CFIV safety decal issued.
5. I recommend this request be granted with the following conditions:
 - a. Operations are limited to waters inside the boundary line of Puget Sound with no more than six persons on board.
 - b. Operations are limited to times when weather conditions are favorable.
 - c. A copy of this exemption letter must be carried on board any such affected vessel at all times or the terms of this letter are voided.

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Enclosure: (1) Mr. Herman Dillon Sr.'s letter dated 31 August 2011



Puyallup Tribe of Indians



August 31, 2011

To: U. S. Coast Guard
Sector Puget Sound
Attn: Fishing Vessel Safety
1519 Alaskan Way S
Seattle, WA 98134

Re: request for emersion suit requirement exemption (46 cfr 28.135)

Greetings,

The Puyallup Tribal Government respectfully requests that an exemption be granted to its treaty commercial shellfishing vessels for the emersion suit requirement (46 cfr 28.135). We feel that there is good cause for the exemption to be granted and that the safety of the crew and vessel will be maintained.

The Puyallup Tribe conducts shellfisheries south of a line drawn from Pt. Southworth to Brace Point (map attached).

There are two distinct fleets that shellfish in the Tribes Usual and accustomed fishing area.

- **Dive harvest (Geoduck Clams)**

The geoduck fleet currently consists of eight vessels of 35' – 45' in length. Harvest occurs between 8:00 AM and 4:00 PM, Sunday through Tuesday. During harvest operations, the fleet is tightly bunched together on roughly 100 acre "tracts". The harvest is limited in depth between -18 feet mllw and -70 feet uncorrected, therefore the vessels are usually anchored and spend the entire harvest day within 200 yards from shore. A monitor vessel is present at all times. If a small craft advisory is issued, usually the harvest day will be cancelled. Geoduck harvest is a dive fishery, most if not all the crew will have dry suits available.

- **Crab (Dungeness)**

The crab fleet currently consists of approximately 15 vessels of around 20' in length. Harvest is limited to daylight hours. Harvest in East Passage (waters between Vashon Island and King County mainland) occurs mainly during the month of June. Harvest may occur south of the Narrows Bridge between July through February. The crab traps are set between 60' and 100' of water, in other words very close to shore. The crab gear is worked along the shoreline. If the East Passage must be crossed, the crossing will generally occur between Brown's Point and the South end of Maury Island.

In summary, we feel that an exception to the emersion suit requirement (46 cfr 28.135) is warranted for Puyallup Tribal commercial shellfishing vessels because there is good cause to do so and the safety of the vessels and crews will not be compromised due to:

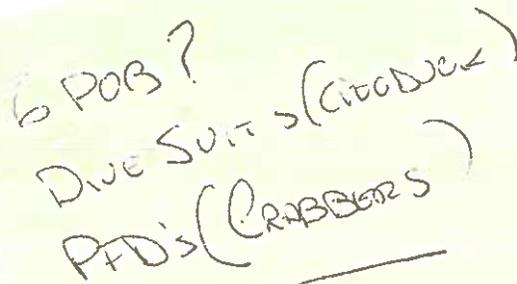
- Vessels fishing and traveling close to shore,
- Close proximity of other vessels (especially geoduck fleet)
- Dry suits aboard geoduck vessels and quality personal floatation devices aboard crab vessels.
- Usual and accustomed fishing area almost entirely inland waters.

Thank you for considering our request and please contact us if you require any further information.

Sincerely...



Herman Dillon Sr.,
Puyallup Tribe of Indian.
Council Chairperson



6 POB?
DIVE SUIT -> (GEODUCK)
PTD'S (CRABBERS)