U.S. Department of Homeland Security
United States Coast Guard

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CGD17INST 16714.2
MAY - 6 2003

SEVENTEENTH DISTRICT INSTRUCTION 16714.2

Subj: COMMERCIAL FISHING VESSEL LIFESAVING EQUIPMENT EXEMPTIONS

Ref: (a) Title 46 CFR 28.60
(b) Title 46 CFR 28.110
(c) NVIC 12-91
(d) SEVENTEENTH DISTRICT INST. 16240.1B

1. PURPOSE. To establish policy regarding acceptable exemptions from standard lifesaving equipment onboard commercial fishing vessels.

2. ACTION. All Seventeenth District units and cutters operating within the Seventeenth District shall ensure compliance with the provisions of this instruction.

3. DIRECTIVES AFFECTED. None.

4. BACKGROUND. Coast Guard regulations implemented in the early 1990's established nationwide standards for commercial fishing vessels drastically improving the lifesaving capabilities of these fleets. Local needs and applications are occasionally appropriate depending on a given type of operation and the associated risk with that operation. Ref. (a) granted authority to the District Commander to exempt vessels from safety equipment carriage requirements as long as good cause existed for granting an exemption and the safety of the vessel and those on board would not be adversely affected. During the past 5 years, an informal policy has existed allowing vessels to carry an acceptable, sturdily built skiff in lieu of a Coast Guard approved buoyant apparatus when the latter was required. This instruction formalizes that policy.

5. APPLICATION. Ref. (b) outlines the various criteria vessels operate under and which type of primary survival craft they are required to carry. When operating within 12 miles of shore, certain vessels are required or allowed to carry buoyant apparatuses. As an alternative, the vessel <u>may</u> be permitted to carry an approved skiff in lieu of the buoyant

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apparatus. In order to utilize this alternative exemption the District Fishing Vessel Safety Coordinator or his/her designated representative must first approve the request. To obtain a exemption the vessel operator must:

a. Submit a letter to the District Fishing Vessel Safety Coordinator requesting approval of this alternative (encl. 1); and

b. Successfully complete a Dockside Exam and obtain and maintain a dockside exam decal every two years. During the exam, the Coast Guard examiner must be able to verify that the device presented provides for an equivalent level of safety and is considered acceptable for use. Acceptable for use means:

(1) The skiff has an appropriate capacity for the expected crew size.

(2) The skiff is in serviceable condition and ready for immediate use.

(3) If the skiff is inflatable it must be of double-chambered construction, made of commercial grade rubber product, and fully inflated at all times. It must also have an attached, portable source of inflation.

(4) If the skiff has a rigid hull, it is of good quality construction.

In the event that dockside exams are unable to be scheduled due to the lack of available Coast Guard examiners or available exam dates, the District Fishing Vessel Safety Coordinator may issue a temporary exemption, issued for a specified period of time. This allows operators to temporarily use their skiff, as an alternative to the required Coast Guard approved buoyant apparatus until they can receive a Dockside Exam. In all cases, the skiff used must meet the above listed criteria.

In order for a exemption to remain valid:

(a) The exemption letter must be maintained on board the fishing vessel while underway;

(b) The approved skiff must be maintained in proper working condition;

(c) The vessel's crew must be trained in the skiff launching procedures;

(d) The exemption must not be expired, in the case of a temporary exemption;

(e) The District Fishing Vessel Safety Coordinator must not have rescinded the exemption letter; and

(f) The operator must comply with the terms of the exemption.

6. ENFORCEMENT. In accordance with 46 CFR 28.65, vessel voyages may be terminated for having insufficient lifesaving equipment onboard. If Boarding Officers determine, during the course of an at sea boarding, that the vessel is required to carry a Coast Guard approved buoyant apparatus but does not have one on board, and the vessel is carrying a skiff, they shall inquire as to whether or not the vessel has a exemption to use the skiff as a survival craft in lieu of the buoyant apparatus. If an exemption letter is on board:

a. The Boarding Officer shall verify the validity of the letter and compliance with the terms listed therein. If the vessel has failed to comply with the terms of the exemption (i.e. different skiff onboard, number of crew exceeds skiff capacity, the skiff is damaged and appears to be unseaworthy, dockside exam decal invalid, etc.) the vessel's voyage shall be recommended for termination in accordance with the provisions of ref. (c).

b. If the authorized inflatable skiff is not inflated, although it is required to be, and no other terminable offense dictates voyage termination, the Boarding Officer may allow the vessel operator to inflate the skiff on the spot. The Boarding Officer must then verify, to the best of his/her abilities that the skiff is holding air and would suffice as an acceptable survival craft. The Boarding Officer may make recommendations regarding on-the-spot repairs to inflatables.

If an exemption letter is not on board for any reason, the vessel is considered to not have an exemption for the purposes of that voyage and the vessel's voyage shall be recommended for termination. Compliance with the terms of the exemption and therefore the survival craft requirements does not preclude the vessel from termination if other conditions warrant termination per refs (b), (c), and (d). In all cases, the Cutter boarding the fishing vessel must obtain prior approval for voyage terminations from the District Fishing Vessel Safety Coordinator or his/her authorized representative.

J. W. UNDERWOOD

Enclosure: Ltr revised June 1, 2002, exemption request

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EXEMPTION REQUEST FORMAT

In order to request an exemption from a specific commercial fishing vessel safety requirement, you will need to provide the following information. This will allow the Coast Guard to make an informative decision on your request.

a. Vessel name and number
b. Size of vessel
c. Type of fishery
d. Detailed location of operation: include distance offshore, transiting area, ADF&G area, and a chart indicating the area. This must be specific; southeast Alaska is not sufficient.
e. Dates of the fishery (example: June to October)
f. Predominant weather conditions during fishery and weather conditions you are willing to fish and transit in
g. Total number of people onboard your vessel. This includes yourself and any crew.
h. Safety equipment on board the vessels such as personal flotation devices (life jackets), radios, EPIRB(s), fire fighting equipment, etc. You must explain in detail what equipment is carried.
i. If you are requesting an exemption for survival craft, describe what alternate device will be used (example: Avon double chambered device, aluminum skiff, etc.).
j. Provide the following for the device: hull identification number, length, number of people and how many pounds it is rated for and manufacturer
k. Explain how you launch the alternate device
l. Photos of your vessel and fishery operation
m. Other information which describes your operation
n. Details of the exemption requested and why the request is being made.

Although a number of factors are considered **there must also be a good reason for granting the exemption** and the safety of the vessel and those on board will not be adversely affected. Therefore, the request for exemption must explain why the exemption is requested and how vessel and crew safety would be enhanced if the exemption is granted.

Once you have gathered the above information, please send it to this office at the address indicated above. Upon receipt, your request will be reviewed and if additional information is needed we will contact you. Please provide as detailed information as possible in order for us to make the determination to either grant or deny your request. If you have any questions, please do not hesitate to contact this office.

Sincerely,

SUE A. JORGENSEN
Fishing Vessel Safety Coordinator
U.S. Coast Guard
By direction