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May 29, 2015

MARINE SAFETY INFORMATION BULLETIN 05-15

Commercial Vessel Safety Requirements for Gold Dredge Operations in Nome, AK

- Ref:
- (a) Customs Service Decision 79-331
 - (b) Title 46 United States Code 55109
 - (c) Title 46 United States Code 2101
 - (d) Title 46 Code of Federal Regulations (CFR) Subchapter I
 - (e) Title 46 Code of Federal Regulations (CFR) Subchapter C
 - (f) Title 46 Code of Federal Regulations (CFR) 67.7
 - (g) Title 33 Code of Federal Regulations (CFR) 173
 - (h) Title 46 Code of Federal Regulations (CFR) 15.805(a)(1)
 - (i) Title 46 Code of Federal Regulations (CFR) 15.820
 - (j) Title 46 Code of Federal Regulations (CFR) 15.410
 - (k) Title 46 Code of Federal Regulations (CFR) 42.07
 - (l) Title 29 Code of Federal Regulations (CFR) Subpart T
 - (m) Title 33 Code of Federal Regulations (CFR) Subchapter D

OVERVIEW: The Coast Guard has determined that **gold dredge vessels are commercial vessels**. Effective June 1, 2015, the Coast Guard's outreach and enforcement teams in Nome, AK will regulate the gold dredge fleet using commercial vessel standards. This is a departure from previous years, when the Coast Guard applied recreational standards to gold dredges of less than 300GRT. The specific commercial standards that apply to each vessel will depend on the vessel's length, tonnage, age, area of operation, and means of propulsion. Small suction dredgers will see little difference from years past in the safety equipment standards they must adhere to, while larger excavator dredges may face compliance challenges related to load line, mariner credentialing and inspection requirements. Sector Anchorage will reach out to operators of larger vessels individually to develop compliance plans to be implemented over the next two dredging seasons (summers 2015 and 2016).

BACKGROUND: The popularity of dredging for gold in the waters near Nome has increased significantly since the early 2000's. The dredging activity takes place within three nautical miles of the territorial sea baseline, and the mining activity is regulated by the State of Alaska Department of Natural Resources (DNR). Though Sector Anchorage has used recreational vessel standards as a means of achieving a baseline level of safety within the previously unregulated Nome gold dredge fleet, various commercial vessel standards are more directly applicable to the dredge vessels. Per reference (a), Customs has long held that the term *dredging* means "the use of a vessel equipped with excavating machinery in digging up or otherwise removing submarine material." Reference (b) applies the Coastwise Laws of the United States to vessels engaged in dredging, with the allowance that Alaskan gold dredge vessels may be documented under a *registry* endorsement, or a *coastwise* endorsement. *Registry* and *coastwise* are both endorsements on a vessel's Certificate of Documentation that are not *recreational* endorsements. Though vessels smaller than five net tons need not be federally documented, reference (b) implies that all dredge vessels are, by nature of their function, other than recreational. Reference (c) defines a recreational vessel as one that is "operated primarily for pleasure." Absent regulations that differentiate between commercial and recreational gold dredging, all vessels engaged in dredging for gold should be subject to the same regulatory framework applicable to other vessels not operating purely for pleasure.

PUBLICATIONS AFFECTED: Sector Anchorage MSIB 03-13 and MSIB 03-14 regarding dredge operations in Western Alaska are canceled.

VESSEL TYPES: The Coast Guard considers a *dredge vessel* to be any type of floating dredge, including excavators and dive platforms. The term includes jack-up dredges that float into position, but excludes bottom crawlers. A *self-propelled dredge vessel* has its own motorized propulsion unit(s), while a *non-self-propelled dredge vessel* is a barge that relies on another vessel for movement. The term *towing vessel* applies to any self-propelled vessel used to push or pull a non-self-propelled vessel.

TONNAGE: Because many regulations depend on *net tonnage* and *gross registered tonnage (GRT)*, miners must know these measurements for their vessel. For guidance in determining tonnage, visit http://www.uscg.mil/hq/msc/interactive_tonnage.asp.

CERTIFICATES OF INSPECTION: Certain dredge vessels must maintain Coast Guard Certificates of Inspection (COIs) by adhering to the requirements of Reference (d). These vessels include: self-propelled dredges of 300 gross tons or more; and manned non-self-propelled dredges of any size. Operators of vessels requiring COIs should contact Sector Anchorage as soon as possible to discuss inspection plans.

UNINSPECTED DREDGE VESSELS: An uninspected dredge is a vessel that is self-propelled and less than 300 gross tons. Uninspected dredges must adhere to the general commercial vessel safety standards in Reference (e), which are very similar to the recreational boating safety standards the Coast Guard has applied to gold dredge vessels in Nome in previous years.

DOCKSIDE EXAMINATIONS: To aid uninspected dredge operators in understanding and applying uninspected commercial vessel regulations, the Coast Guard will offer dockside safety exams, which will be very similar to the dockside exams the Coast Guard has offered in Nome in previous years. The checklist to be used for this year's exams is included as Enclosure (1). The Coast Guard considers dockside exams for uninspected commercial vessels to be voluntary, but starting in 2015, DNR will be requiring that dredge vessels pass dockside safety exams in order to engage in mining. Sector Anchorage examiners plan to be in Nome for two periods in June. The first exam window will be from June 9 through 14. The second exam window will be June 22 through 24. A third window in July may be announced later. Starting today, uninspected dredge vessel operators may call Mr. Jeff Ahlgren at Sector Anchorage at (907) 428-4183 to make an examination appointment. The Department of Natural Resources will issue temporary waivers from their dockside exam requirement only if dredge vessel owners can satisfactorily articulate why they have not yet had an opportunity to complete an exam. To obtain waivers, vessel owners should call DNR's Nick Kimmel at (907) 443-3546.

REGISTRATION: Each dredge vessel of five net tons or more must hold a valid Certificate of Documentation with a coastwise or registry endorsement in accordance with Reference (f). A self-propelled dredge vessel of less than five net tons may, in lieu of a Certificate of Documentation, be registered with the State of Alaska, (or with another state if the dredge has operated in Alaska for less than 60 days) in accordance with Reference (g).

MERCHANT MARINER CREDENTIALS: A self-propelled dredge vessel of 200 gross tons or more must be operated by a master and chief engineer holding a Coast Guard Merchant Mariner Credential in accordance with Reference (h) and (i) respectively. A towing vessel 26 feet or longer must be operated by a master holding a credential in accordance with Reference (j).

LOAD LINES: Each dredge vessel of 79 feet or longer built in 1986 or later (or 150 gross tons or more if built in 1985 or before) must maintain a valid Load line Certificate in accordance with Reference (k). Dredges may maintain special service load lines.

DIVE SAFETY: The Coast Guard strongly encourages gold dredge divers to follow the OSHA regulations in accordance with reference (l). These regulations lay out training, operations, equipment, and recordkeeping requirements that improve diver safety and minimize risk. Two divers have died in Nome while dredging for

gold (one in 2011 and one in 2014). Both deaths may have been avoided if the OSHA regulations had been implemented.

RULES OF THE ROAD: Dredge vessel operators are reminded that they are responsible for understanding and complying with the navigation rules set forth in reference (m). Note that in both Nome's harbor and in all offshore dredging areas, International (not Inland) rules apply. The Coast Guard's publication "Navigation Rules" (http://www.navcen.uscg.gov/pdf/navRules/CG_NRHB_20141118.pdf) sets both International and Inland requirements side-by-side, and though the two sets of rules are similar, important distinctions exist.

AT-SEA ENFORCEMENT: The Coast Guard may conduct underway boardings on dredge vessels off the coast of Nome to ensure compliance with applicable federal regulations. If violations are identified, fines or voyage termination may result.

MARINE CASUALTY REPORTING: Operators of federally documented dredge vessels must immediately report certain types of accidents to Sector Anchorage. Failure to report may result in the imposition of significant fines. More information about casualty reporting requirements is included in Enclosure (2). State-registered vessels must report deaths and serious injuries to the Coast Guard.

MANDATORY POLLUTION REPORTING: Operators must notify the Coast Guard National Response Center if oil or certain other hazardous pollutants enter the ocean, or waters leading to the ocean. This includes pollution spilled on or through the ice during winter dredging, as well as any spills from non-vessels (i.e. bottom crawlers). To report a spill, call 1-800-424-8802.

EMERGENCIES: The Coast Guard Sector Anchorage Command Center operates 24 hours a day, seven days a week, and can be reached via marine radio or by calling 907-428-4100.

CONTACT: Please direct questions or concerns to Sector Anchorage at 907-428-4164. You may also email sector.anchorage@uscg.mil.

Sincerely,



PAUL MEHLER III
Captain, U. S. Coast Guard
Officer in Charge, Marine Inspection
Western Alaska

Enclosures: (1) Voluntary Gold Dredge Safety Examination
(2) Marine Casualty Reporting in Western Alaska

Copy: CG Seventeen District
Alaska Department of Natural Resources

NOME GOLD DREDGE SAFETY EXAMINATION

U.S. Coast Guard Sector Anchorage

Inspections Division: 907-428-4161 • anchorage.inspections@uscg.mil

Command Center: 907-428-4100 • sector.anchorage@uscg.mil

Website: <http://www.uscg.mil/d17/sectoranchorage>



Exam Results

PASS: A Coast Guard examiner has examined this vessel and found that it was in full compliance with applicable vessel safety requirements at the time of the exam. **Issued decal #** _____.

FAIL: This vessel was *not* in full compliance with applicable vessel safety requirements at the time of the exam.

Vessel Particulars

Note: Nome gold dredges require Coast Guard Certificates of Inspection if they are: (a) self-propelled vessels over 300GRT; or (b) manned barges of any size. This form does not apply to these vessels.

Vessel Name:	Official Number or State Number:
AK DNR Mining Permit Number:	Vessel Length:
Recreational Areas Only: <input type="checkbox"/> Yes; <input type="checkbox"/> No	Vessel Gross Registered Tonnage:
Claim(s) worked:	Number of engines: <input type="checkbox"/> none; <input type="checkbox"/> single; <input type="checkbox"/> twin; <input type="checkbox"/> more:
Owner's Name:	<input type="checkbox"/> Gasoline; <input type="checkbox"/> Diesel; <input type="checkbox"/> Other:
Captain's Name:	<input type="checkbox"/> Outboard; <input type="checkbox"/> Inboard; <input type="checkbox"/> Other:
Crew# (max including captain):	Hull type: <input type="checkbox"/> Monohull; <input type="checkbox"/> Catamaran; <input type="checkbox"/> Pontoon

Dockside Exam Details

Date of Exam:	Location of Exam: <input type="checkbox"/> Nome Harbor; <input type="checkbox"/> Beach
Vessel Representative's Name:	<input type="checkbox"/> Other:
Vessel Representative's Role: <input type="checkbox"/> Owner; <input type="checkbox"/> Captain;	Previous decal issued: <input type="checkbox"/> No; <input type="checkbox"/> Yes - year:
<input type="checkbox"/> Other:	USCG Examiner's Name:
Vessel Representative's Phone:	USCG Examiner's Phone:
Vessel Representative's Email:	USCG Examiner's Unit:

Items Required for Decal

GENERAL	REFERENCE	yes	no	n/a
Certificate of Documentation (COD) with coastwise or registry endorsement: required for vessels of 5 net tons or more • min 4" name both sides of bow • min 4" name and hailing port on stern • min 3" official number on interior structural member	46 CFR Subchapter G			
State Certificate of Number: required if vessel has no Certificate of Documentation • must be AK if used in AK 90+ consecutive days • numbers both sides of bow	33 CFR 173 AS 05.25.055			
Merchant Mariner Credentials: required for master and chief engineer if 200 GRT or larger • original MMCs must be on board	46 CFR 15.805 46 CFR 15.820			
Load Line: domestic special service • required for vessels 79ft or longer built since 1986 • required for vessels 150GRT or more built in 1985 or before	46 CFR 42, 44 46 USC 5102			
NAVIGATION AND COMMUNICATION	REFERENCE	yes	no	n/a
Marine VHF Radio: verify transmission on 16 • if over 65.6ft, must also carry FCC Bridge to Bridge Station License	AK DNR Permit 33 CFR 26.03d			
Navigation Lights: under 23ft with max speed of 7 knots may display an all-around white light and no sidelights • under 39.5ft may combine sidelights into centerline red/green and combine masthead and sternlight into all-around (alternative is separate sidelights, sternlight, mastlight) • 39.5ft up to 164ft need sidelights, sternlight, masthead, all-around anchor light) • 164ft or longer need sidelights, sternlight, 2 mastheads, 1 all-around anchor light, 1 anchor ball (or 2 nd anchor light)	46 CFR 25.10-3 COLREGS Rules 20, 21, 22, 23, 30, Annex I			
Diver Lights and Shapes: for dredges that employ divers • 3 vertically-arranged all-around lights (red-white-red) • rigid International Code Flag A (white and blue)	COLREGS Rule 27(e)			
Automatic Identification System: for vessels 65ft and longer • must be Class A	33 CFR 164.46			
Tide Tables: for area of operation (obtain from Harbormaster's Office)	46 CFR 26.03			
NAVIGATION AND COMMUNICATION (continued)	REFERENCE	yes	no	n/a

Charts: may print NOAA Booklet Chart (Norton Sound - Nome Harbor and Approaches)	46 CFR 26.03			
Light List: may print just the two pages relevant to Nome from www.navcen.uscg.gov	46 CFR 26.03			
Coast Pilot 9: may print just 2-page "Chart 16206" section of "Bering Sea" Chapter from www.nauticalcharts.noaa.gov	46 CFR 26.03			
Sound Signaling Appliance: hand-held air horn is acceptable for vessels up to 39.4ft • vessels 39.4ft or longer must have an installed whistle	COLREGS Rules 32, 33, Annex III			
Bell: required only for vessels 65.5ft or longer • bell diameter must be min 11.8" (300mm)	COLREGS Rules 32, 33			
Visual Distress Signals: readily accessible • all need 3 red flares (hand-held, rocket and/or parachute) or 1 electric distress light • over 16ft using electric light in lieu of red flares also need orange flag or 3 orange smokes	33 CFR 175 Subpart C			
EPIRB: required if operating more than 3NM from shore • float-free Category 1 • properly registered • battery and release not expired	46 CFR 26-20 46 CFR 26-50			
LIFESAVING	REFERENCE	yes	no	n/a
PFDs (Lifejackets): readily accessible • at least one for each person on board • under 40ft need Type I, II or III • 40ft or longer need Type I • may substitute Type V labeled for commercial use (if worn) or immersion suit • if work-vests are used, store separately	46 CFR 25.25-5 46 CFR 20.25-9 46 CFR 26.30			
PFD Lights: one for each PFD or immersion suit • not expired	46 CFR 25.25-13			
PFD Retro-reflective Tape: min 31 square inches Type I tape each side near shoulders	46 CFR 25.25-15			
Life Ring: required for vessels 26ft or longer • min 20" diameter • immediately available	46 CFR 25.25-5 46 CFR 20.25-9			
FIREFIGHTING AND FIRE PREVENTION	REFERENCE	yes	no	n/a
Fire Extinguishers (under 65ft): under 26ft need one B-I • 26ft up to 40ft need two B-I's • 40ft up to 65ft need three B-I's • may substitute one B-II for two B-I's • if at least 26ft may substitute fixed machinery space extinguishing system for a B-I • none required under 26ft with outboards and no closed spaces to entrap vapors from fuel tanks • must be USCG approved, mounted in bracket	46 CFR 25.30			
Fire Extinguishers (65ft and longer): under 50GRT add one B-II • 50GRT up to 100GRT add two B-II's • 100GRT up to 300GRT add three B-II's • 300GRT up to 500GRT add three B-II's, plus either one B-III (secured to vessel) or a fixed engine space fire-fighting system • for all vessels 65ft or longer, also add a B-II for each 1000 break HP of main engines (round up) • must be USCG approved, mounted in bracket	46 CFR 25.30			
Ventilation: for vessels with gasoline engines or generators • 2 cowled ducts required for each engine and fuel compartment • intake extending at least half-way down bilge or to carburetor intake • exhaust extending close to bottom of bilge	46 CFR 25.40-1			
Backfire Flame Control: for non-outboard gasoline motors (including generators)	46 CFR 25.35			
POLLUTION PREVENTION	REFERENCE	yes	no	n/a
Marine Sanitation Device: required if piped toilets installed • under 65ft, Type I, II or III • 65ft or longer, Type II or III • Type III discharge locked closed inside 3NM • types II and III must be properly certificated	33 CFR 159			
Oil Retention: no vessel may pump oily bilge water overboard • fixed machinery space discharge piping and pump required if 100GRT or more with no oily water separator	33 CFR 155.350 33 CFR 155.420			
Oil Pollution Placard: required on vessels 26ft or longer in machinery space or near bilge pump controls	33 CFR 155.450			
Garbage Placard: required for vessels 26ft or longer	46 CFR 25.50			
Garbage Management Plan: required for vessels 40ft or longer • write down how to collect, store and discharge garbage, plus who is responsible	33 CFR 151.57			

Discussion Items	
Marine casualty reporting requirements	Exhaust (distanced from diver's air intake)
Post-casualty alcohol and drug (DOT) testing	Diver training and communication
Role of fatigue, drugs and alcohol in accidents	Boating and diver safety education courses
PFD wear and man-overboard drowning	Navigation rules (book not required, be familiar with rules)
Pollution reporting (NRC 1-800-424-8802)	Bilge pumps and alarms
Housekeeping (reduce fire risk and slip/trip/fall risks)	First aid training and kits (prep for hypothermia)
Heating and cooking systems (fire/explosion danger)	Float plan / emergency contact ashore
Machinery guards and grab rails	Anchor with line/chain ready for use
Drills (fire, man-overboard, abandon ship)	

USCG Use Only: MILSE Entry Complete

COAST GUARD REPORTING

in the Arctic and in Western Alaska (west of 148°26')



**Sector Anchorage
Command Center**
call 24/7 via radio or phone

phone: **907-428-4100**
fax: 907-428-4114
sector.anchorage@uscg.mil



The events described in 46 CFR 4.05 (see page 2) are *Reportable Marine Casualties*. Commercial vessel operators have two reporting responsibilities:

1. Call Sector Anchorage's Command Center **immediately** via radio, sat phone or cell phone to make an initial verbal report. *Note: Immediate reporting is not just for situations in which life or property is in danger; it is required for any incident described in 46 CFR 4.05. If you are unsure about whether or not an event meets the definition, call and ask to discuss the situation with an Investigating Officer.*
2. Complete form CG-2692 and turn it in within **five days** of the accident. Captains can email or fax the form to Sector Anchorage's Command Center, or mail or hand deliver a hard copy to: Sector Anchorage; Marine Safety Detachment Dutch Harbor; Marine Safety Detachment Kodiak; or Marine Safety Detachment Homer.

Some *Reportable Marine Casualties* require follow-up chemical testing. These are *Serious Marine Incidents* (see page 2 for definition). These events require alcohol testing (within 2 hours unless safety concerns delay to within 8 hours) and DOT drug testing (within 32 hours). Not everyone needs to be tested in every event; it is the marine employer's responsibility to determine which crewmembers were directly involved in the incident. Report drug and alcohol testing to the Coast Guard within five days of the accident using form CG-2692b. If drug test results are not available within five days, turn the CG-2692b in and send results later.

Per Coast Guard policy, those involved in *Serious Marine Incidents* should also complete 96-hour work/rest history forms (available at <http://www.uscg.mil/d17/SectorAnchorage/>).

REPORTABLE MARINE CASUALTY

46 CFR 4.05-1 Notice of marine casualty.

(a) Immediately after the addressing of resultant safety concerns, the owner, agent, master, operator, or person in charge, shall notify the nearest Sector Office, Marine Inspection Office or Coast Guard Group Office whenever a vessel is involved in a marine casualty consisting in—

- (1) An unintended **grounding**, or an unintended strike of (allison with) a **bridge**;
- (2) An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or the safety of a vessel, or that meets any criterion of paragraphs (a) (3) through (8);
- (3) A loss of main propulsion, primary steering, or any associated component or control system that reduces the **maneuverability** of the vessel;
- (4) An occurrence materially and adversely affecting the vessel's **seaworthiness** or fitness for service or route, including but not limited to fire, flooding, or failure of or damage to fixed fire-extinguishing systems, lifesaving equipment, auxiliary power-generating equipment, or bilge-pumping systems;
- (5) A **loss of life**;
- (6) An **injury** that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, that renders the individual unfit to perform his or her routine duties; or
- (7) An occurrence causing property-damage in excess of **\$25,000**, this damage including the cost of labor and material to restore the property to its condition before the occurrence, but not including the cost of salvage, cleaning, gas-freeing, drydocking, or demurrage.
- (8) An occurrence involving significant **harm to the environment** as defined in § 4.03-65.

(b) Notice given as required by 33 CFR 160.215 satisfies the requirement of this section if the marine casualty involves a hazardous condition as defined by 33 CFR 160.204.

(c) Except as otherwise required under this subpart, if the marine casualty exclusively involves an occurrence or occurrences described by paragraph (a)(8) of this section, a report made pursuant to 33 CFR 153.203, CFR 117.21, or 40 CFR 302.6 satisfies the immediate notification requirement of this section.

Fines for failure to report immediately or in writing can be as high as \$35,000 per offense.

Download CG-2692 from www.uscg.mil/forms/cg/CG_2692.pdf

SERIOUS MARINE INCIDENT

46 CFR 4.03-2 Serious marine incident.

The term serious marine incident includes the following events involving a vessel in commercial service:

(a) Any marine casualty or accident as defined in § 4.03-1 which is required by § 4.05-1 to be reported to the Coast Guard and which results in any of the following:

- (1) One or more **deaths**;
- (2) An **injury** to a crewmember, passenger, or other person which requires professional medical treatment beyond first aid, and, in the case of a person employed on board a vessel in commercial service, which renders the individual unfit to perform routine vessel duties;
- (3) Damage to property, as defined in § 4.05-1(a)(7) of this part, in excess of **\$100,000**;
- (4) Actual or constructive **total loss** of any vessel subject to inspection under 46 U.S.C. 3301; or
- (5) Actual or constructive **total loss** of any self-propelled vessel, not subject to inspection under 46 U.S.C. 3301, of 100 gross tons or more.

(b) A discharge of oil of **10,000 gallons** or more into the navigable waters of the United States, as defined in 33 U.S.C. 1321, whether or not resulting from a marine casualty.

(c) A discharge of a reportable quantity of a **hazardous substance** into the navigable waters of the United States, or a release of a reportable quantity of a hazardous substance into the environment of the United States, whether or not resulting from a marine casualty.

The fine for failure to conduct testing can be as high as \$7000 per offense.

Download CG-2692b from www.uscg.mil/forms/cg/CG_2692b.pdf