

MI SHERIFFS

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE UNITED STATES COAST GUARD AUXILIARY
THE
STATE OF MICHIGAN,
MICHIGAN DEPARTMENT OF NATURAL RESOURCES
AND THE
MICHIGAN SHERIFFS ASSOCIATION
FOR
PARTICIPATION IN THE COAST GUARD AUXILIARY
VESSEL SAFETY CHECK PROGRAM**

**SECTION I
PARTIES**

The Parties to this Memorandum are the 9CR Region of The United States Coast Guard Auxiliary (USCGAUX), represented by its District Commodore, the State of Michigan, by its Department of Natural Resources (DNR), and the Michigan Sheriffs Association, through its President. (SHERIFFS).

**SECTION II
PURPOSE**

The purpose of this Memorandum is to memorialize cooperation between the USCGAUX, DNR and SHERIFFS in the Vessel Safety Check Program conducted by the USCGAUX under the authority of the United States Coast Guard. Further, this memorandum of understanding (MOU) shall establish the guidelines for cooperation between the State of Michigan, Department of Natural Resources, Michigan County Sheriffs, and the USCGAUX in furthering the Vessel Safety Check Program of the United States Coast Guard Auxiliary in the State of Michigan in accordance with the provisions of MCLA 324.80166 and 324.80166a.

**SECTION III
BACKGROUND**

The United States Coast Guard Auxiliary (USCGAUX) is the National Director and Executive Agent of the Vessel Safety Check Program (VSCP) for the United States Coast Guard (USCG). In this capacity, the USCGAUX has the responsibility of identifying and empowering additional organizations to participate in an associate capacity in the VSCP, with final approval by the USCG of each additional organization. The United States Power Squadrons® (USPS) is a current participating associate in the VSCP and is a provider of vessel safety checks nation-wide.

The State of Michigan and the County Sheriffs having a strong commitment to boating safety within the state of Michigan, as does the USCGAUX, and is committed to promoting boating safety as reflected in their outreach efforts, emphasis on education, and law enforcement activities. Empowering Michigan Conservation officers and County Marine personnel to conduct VSCs is consistent with USCGAUX and Michigan and County safety programs, and Michigan Law and Statutes. DNR and SHERIFF inclusion in the VSCP will increase the number of designated examiners substantially, and will provide an additional mechanism for marine enforcement personnel to interact positively with the boating public.

Upon completion of a Vessel Safety Check (VSC), which requires examination of required items as listed on the USCGAUX Vessel Safety Check form 7012 and showing that all items meet the stated standards of the VSCP, a Michigan boater can receive a state issued VSC decal. By participating in the USCGAUX Vessel Safety Check Program the State of Michigan, and Department of Natural Resources (DNR) and Michigan Sheriffs Association (Sheriffs) will accomplish this.

SECTION IV UNDERSTANDINGS OF THE PARTIES

A. USCGAUX:

1. USCGAUX has the responsibility to establish and periodically revise the requirements for VSCs, the eligibility of various types of watercraft for these VSCs, and criteria for awarding the VSC decal.
2. USCGAUX has the responsibility to establish and maintain oversight over authorized providers to ensure that the integrity of the program meets the needs of the boating public, USCG, and the State of Michigan. USCGAUX has the responsibility to develop adequate safeguards and to implement remedial measures necessary to correct identified program deficiencies. The first step in correcting any program deficiencies would be to notify the State Boating Law Administrator (BLA) or designee.
3. USCGAUX qualified vessel examiners may provide initial and recurrent training, as needed and USCGAUX resources permit, to DNR vessel examiners and personnel as needed to qualify them to participate in the VSC program. This training will be developed as a "Train the Trainer" program. Any DNR or SHERIFFS personnel trained to teach the VSC program to their own personnel may request assistance from the USCGAUX if needed. A prerequisite for this training is that all participating DNR or Sheriffs employees must have completed a DNR Safe boating course or have received equivalent training.
4. USCGAUX personnel may work with the DNR to develop a method of reporting VSCs with regards to the total number of DNR vessel examiners, the number of Vessel

Safety Checks given and the total number Vessel Safety Checks that passed, so that data can be entered into a common data bank. The Ninth District Central Region will coordinate through an appointed Assistant District Staff Officer, Vessel Examination (ADSO-VE) or the District Commodore's designee for the VSCP whose area of oversight includes the State of Michigan. All VSCP matters concerning this MOU and VSC activities connected with it between the State of Michigan, Department of Natural Resources and the USCGAUX shall flow through the Ninth District Central Region assigned ADSO-VE or Commodore's Representative. The ADSO-VE may be changed at the discretion of the District Commodore.

B. MICHIGAN DNR and MICHIGAN SHERIFFS ASSOCIATION:

1. The Michigan Boating Law Administrator (BLA) may designate one or more DNR personnel to participate in a VSC Steering Committee, consisting of members of the USCGAUX (State Liaison Officer SLO and ADSO-VE). USPS, Michigan Sheriffs Association, and such other authorized participating agencies and associates, may also be included. The purpose of this committee is to ensure uniformity and consistency of VSCs, coordinate and increase the efficiency of the VSCP activities, and facilitate the expeditious resolution of any issues. DNR and the Michigan Sheriffs Association will assist the USCGAUX and USCG personnel in developing and improving measures of effectiveness of the VSC program.
2. The State of Michigan, Department of Natural Resource's recreational boating program may utilize its internal sources and cooperate with all providers and program participants in maximizing the marketing and promotion of the boating awareness of the VSC program and the importance of all boaters annually receiving a VSC on their vessels.
3. The DNR agrees to provide records for USCGAUX personnel for quarterly review from all personnel, Sheriffs Departments and other law enforcement agencies involved in the VSC program. The DNR shall have access to all USCGAUX data collected through the ADSO-VE or Commodore's representative.

C. GENERAL:

1. This MOU shall not limit the authority of law enforcement personnel or their activities. As such, it is understood that the standard VSC Form 7012 (f/n/a Form 204) may be modified by the State of Michigan to address additional state priorities while incorporating the VSCP requirements. Approval of a modified VSC examination form for the State of Michigan, Department of Natural Resources, based on the USCGAUX 7012 form shall be approved and attached to this MOU as addendum "A" with signatures of acceptance from the State of Michigan, Department of Natural Resources, the Michigan

Sheriffs Association, and the USCGAUX. This addendum may be attached subsequent to the signing of this MOU but prior to the use of the form.

2. Vessels that satisfy the boating safety requirements set forth in the modified 7012 forms are entitled to receive a distinctive decal attesting to that fact. USCGAUX and USCG have designed a "generic" decal to be used as a model for the DNR decal. The USCGAUX ADSO-VE shall coordinate with the DNR to ensure that the decal satisfactorily meets the specific needs of the Agency, however, the decal must adhere to the basic "national design" with respect to size, color and design. USCGAUX may assist DNR personnel in identifying qualified sources to produce these decals. The DNR may have the decal produced elsewhere using the artwork and material provided by the USCGAUX.

3. Any VSC performed by DNR Conservation Officers or Sheriffs Marine personal on land or dockside as a Vessel Safety Check as defined in the VSCP, shall not result in a law enforcement citation for any deficient items noted during the VSC. Notwithstanding the forgoing, an operator will be cautioned that the noted deficiency may be subject of a citation if not corrected prior to and while underway. A VSC may also be performed on the water by the authorized participating personal. If performed on the water, a VSC shall be presented as a VSC opportunity and not be initiated as a law enforcement boarding, safety check, or vessel "spot check". It is expressly understood by all participants that the focus of the Vessel safety Check is preventive education and not law enforcement. As such, care should be undertaken so as to not leave the boater with the impression that a VSC is a law enforcement action. Upon completion of a Vessel Safety Check of a recreational boat, if it is found that the vessel meets the requirements for award of the VSC decal, the DNR conservation officer and Sheriffs Deputy are authorized to provide a decal to the boater.

SECTION V EFFECTIVE DATE

This MOU becomes effective on the date signed by all signatories and shall continue indefinitely until such time that either party terminates this MOU. The State of Michigan, Department of Natural Resources, Michigan Sheriffs Association, or the United States Coast Guard Auxiliary, upon giving a 30-day written notice to other, may terminate this MOU. Termination notice by DNR shall be given to the current presiding District Commodore for the Ninth District Central Region. This MOU shall be reviewed annually and may be modified at any time upon mutual consent of the State of Michigan, Department of Natural Resources, Michigan Sheriffs Association and the United States Coast Guard Auxiliary.

FOR THE STATE OF MICHIGAN, DEPARTMENT OF NATU

APPROVED


Boating Law Administrator

8/20/09
Date

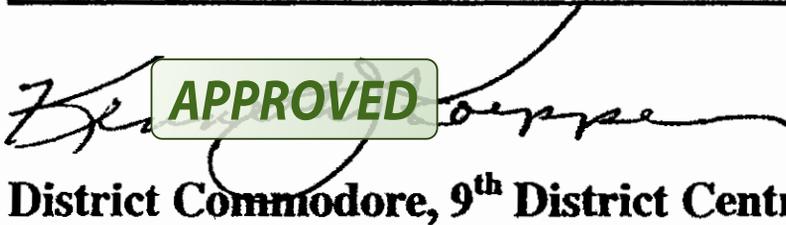
FOR THE MICHIGAN SHERIFFS ASSOCIATION:

APPROVED


Executive Director

8-20-09
Date

FOR THE UNITED STATES COAST GUARD AUXILIARY:

APPROVED


District Commodore, 9th District Central Region

24 Aug 09
Date