



ENFORCEMENT OF COMMERCIAL FISHING VESSEL SURVIVAL CRAFT REQUIREMENTS *(Revisited)*

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This topic was previously discussed in an article that appeared in Volume VI, October 2009, of the Hearing Office Newsletter. The article is reprinted here (in edited form) to provide a brief overview of the commercial fishing vessel (CFV) survival craft regulations and to re-emphasize some of the key elements that should be considered when units are processing enforcement cases for Hearing Officer adjudication.

Survival craft carriage requirements are contained in 46 CFR § 28.120. This part applies to all U.S. flag, uninspected vessels that are commercial fishing, fish processing, or fish tender vessels. This part applies to documented vessels and vessels numbered (registered) by a state. Specific carriage requirements vary significantly depending on a number of factors, including the vessel's documentation status, the number of individuals on board, the vessel's area of operation, as well as the temperature of the water in which the vessel is operating.

When processing an enforcement case for an alleged violation of survival craft carriage requirements, careful consideration should be given to capturing and documenting the following essential elements of information.

Vessel Details / Number of Individuals on board

Specific requirements for survival craft are contained in 46 CFR § 28.120 and are listed within tables 28.120(a), 28.120(b), and 28.120(c). The tables breakdown the requirements for the following categories of vessels:

- Documented vessels
- Undocumented vessels
- with not more than 16 individuals on board
- Undocumented vessels
- with more than 16 individuals on board

A detailed description of vessel type (documented or undocumented) should be included in the enforcement summary as well as an accurate count of the number of individuals on board. The vessels must carry the appropriate survival craft in aggregate capacity to accommodate the total number of individuals on board.

Location, location, location

Location information is crucial for processing a violation case under the survival craft regulations. This information is used to establish carriage requirements based on distance from the coastline, and is also used in making cold water determinations which can significantly alter specific carriage requirements. It is vitally important to document the location of the boarding in the Enforcement Summary and to verify its accuracy. It is also important to ascertain and document the vessel's typical route. The specific areas of vessel operation that trigger the various survival craft requirements are delineated in the regulations as follows:

- Beyond 50 miles of the coastline
- Between 20 and 50 miles of the coast line
- Beyond the boundary line within 20 miles of the coastline
- Beyond the boundary line, within 12 miles of the coastline
- Inside the boundary line, or lakes, bays, sounds, or rivers
- Great Lakes (beyond and within 3 miles of the coastline)

Cold vs. Warm Water

Water temperature is another key factor in properly determining survival craft carriage requirements.

For example, a 37-foot documented CFV that operates within 12 miles from the coastline in cold waters is required to carry an Inflatable Buoyant Apparatus, whereas the same vessel, if operating the same distance from the coastline in *warm* waters, is only required to carry a Life Float. For the purposes of this regulation, cold water means water where the monthly mean low water temperature is normally 59° F or less. Detailed information regarding cold water determinations, with associated chartlets broken down by month for

the Atlantic and Pacific Ocean, are contained in Navigation and Vessel Inspection Circular No. 7-91 (available via homeport.uscg.mil within the “Library” tab).

Exceptions

These requirements do not apply to vessels less than 36 feet, with three or fewer individuals on board that operate within 12 miles of the coastline. For vessels greater than 36 feet, with 3 or fewer individuals on board, and operating within 12 miles of the coast line, they currently may substitute a Buoyant Apparatus for the survival craft requirement.

Always remember: Details are important! A well-documented, detailed violation case can go a long way toward achieving compliance goals, to improve the safety of the commercial fishing industry, as well as help deter violations in the future.