United States Coast Guard

17th District Commercial Fishing Vessel Safety

Federal Regulations for Commercial Fishing Vessels

Safety Requirements for Commercial Herring Skiffs of Open Construction, Less Than 26-feet in length, Operating Within 3 miles Offshore and with 4 or Less Persons Onboard

- AK Numbers: Valid Sate Certificate of Number onboard the vessel. Block letters and numbers on the forward half of the vessel. (For example, AK 1234 AK. This is NOT the ADF&G number) Cite: 33 CFR 173
- PFD's / Immersion Suits: Coast Guard Approved Immersion Suit. On rivers, a Coast Guard Approved Type I, II, III, or V PFD (lifejacket) is acceptable. They must each have a Coast Guard Approved PFD marker light, with batteries replaced annually. They must also be marked with the name of the vessel or the name of the owner or the name of the person assigned to wear it. Cite: 46 CFR 28.115 - ** *CVRF Commercial F/Vs currently have an open exemption from the Immersion Suit requirements as noted in U.S. Coast Guard District 17 letter 16731 dated April 19, 2012.* ***See Reverse.***
- Thowable Floatation Device: One Coast Guard Approved Cushion (Type IV PFD) or Ring Life Buoy for vessels 16 to 26 feet in length. For vessels greater than 26 feet, 1 orange ring buoy, 24 inch in diameter with 60 feet of line attached. Must be marked with vessel name and at least 31 square inches of retro-reflective tape. Cite: 46 CFR 28.115
- Distress Signals (Flares): Operations within 3 miles shall carry any 3 Coast Guard Approved flares. All flares must be replaced by their expiration dates. Cite: 46 CFR 28.145
- Sound Signal: Means of making an efficient sound signal, for example, a whistle or canned air horn. Cite 33 USC 1603, Navigation Rules (Rule 33)
- Injury Placard: Posted where crew can see it. Available from the Coast Guard. Cite: 46 CFR 28.165
- Navigation Lights: An all-around white light, if operating or at anchor between sunset and sunrise. Cite: 33 USC 1620, Navigation Rules (Rule 23)

***Note 1**: This list is summarized for the **Coastal Villages Region Fund (CVRF)** commercial herring skiffs of open construction less than 26-feet in length, operated within 3 nautical miles of the Territorial Sea baseline, with less than 4 persons onboard. Additional requirements may apply to these vessels that operate outside these limits. See the applicable Code of Federal Regulations for specific applicability and conditions.*

Prepared May 1, 2013

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16731
April 19, 2012

Coastal Villages Region Fund
Attn: Mr. Neil Rodriguez, Community Benefits Director
711 H Street, Suite 200
Anchorage, Alaska 99501

Dear Mr. Rodriguez:

This is in response to your letter dated April 9, 2012, requesting a class exemption for your commercial skiff fleet from the immersion suit and Emergency Position Indicating Radio Beacon (EPIRB) requirements in Title 46 Code of Federal Regulations (CFR), Part 28.110, and 28.150.

Title 46 CFR Part 28.60 allows for granting class exemptions from the requirements of the commercial fishing vessel safety regulations when good cause exists, and the safety of the vessel and those on board will not be adversely affected. In this case, both criteria are met and subject to the conditions listed, the issue of this exemption should not adversely affect the safety of this fleet. This exemption will improve safety by placing more emphasis on prevention of marine casualties, and by speeding emergency response in the event of a casualty.

Commercial fishing vessels operating on the western coast of Alaska between Scammon Bay and Platinum, described as open skiffs which are outboard powered; 26 feet or less in length, or an open skiff regardless of length if operated off the beach on Nunivak Island or the Kuskokwim Bay; and, undocumented and registered with the State of Alaska, are exempt from the immersion suit requirements in 46 CFR 28.110 provided that:

1. They operate from the following communities: Chefornak, Chevak, Eek, Goodnews Bay, Hooper Bay, Kipnuk, Kongiganak, Kwigillingok, Mekoryuk, Napakiak, Napaskiak, Newtok, Nightmute, Oscarville, Platinum, Quinhagak, Scammon Bay, Toksook Bay, Tuntutuliak, and Tununak.
2. A properly sized, Coast Guard approved, Type I, II, III or V personal flotation device **must be worn at all times** by each person onboard when operating.
3. Each personal flotation device must have 31 square inches of type I retro-reflective tape attached to the front and 31 square inches on the back. If the device is reversible, retro-reflective tape must be attached to the inside in the same manner. In addition, each personal flotation device must be equipped with a properly maintained Coast Guard approved PFD marker light, preferably of the strobe light type.
4. Operations are limited to favorable weather conditions with winds less than 34 knots.
5. This exemption only applies when there are four (4) or fewer people aboard. If the skiff displays a manufacturer's maximum capacity of less than four (4) persons, then that rated capacity is the maximum number of persons authorized.

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April 19, 2012

6. At least one (1) GPS-enabled, FCC type-accepted 406 MHz Personal Locator Beacon (PLB) will be carried on the vessel, securely attached to an individual and immediately available for use in an emergency.
7. The vessel must be equipped with a buoyant waterproof container or bag that contains the required visual distress signals and is stowed in a readily accessible location that will allow the crew easy access during an emergency or if the vessel is capsized.

In addition to the above exemption for the carriage of immersion suits, those vessels operating beyond three (3) miles of the coastline may substitute a GPS-enabled, FCC type accepted 406 MHz Personal Locator Beacon (PLB) in lieu of a Category 1 or 2, 406 MHz EPIRB, provided the PLB is securely attached to an individual and immediately available for use in an emergency.

A copy of this exemption letter must be carried on board each vessel taking advantage of this exemption.

This exemption does not apply to those skiffs with an enclosed pilothouse arrangement that allows for adequate stowage of immersion suits and their donning in an emergency. Such vessels may apply for an individual exemption and will be evaluated on a case-by-case basis.

As a reminder, each vessel must comply with all other requirements contained in Title 46 CFR Part 28. I advise your organization to keep abreast of the coming changes to the Coast Guard's commercial fishing vessel safety regulations, as a result of the Coast Guard Authorization Act of 2010. This will include future mandatory dockside examinations for certain vessels. As specific regulatory changes are made, the Seventeenth District will re-evaluate the appropriateness of the entirety and/or parts of this exemption, and continue to work with you.

If you feel aggrieved by my decision, you may submit an appeal to the Commandant of the Coast Guard (CG-543) following the procedures in 46 CFR 1.03. The appeal should be submitted through my office in writing within 30 days of receipt of this letter. Your appeal must contain a description of the decision or action being appealed and your reason(s) why the decision or action should be set aside or revised.

Sincerely,

K. M. LAWRENSON
Commercial Fishing Vessel Safety Coordinator
U. S. Coast Guard
By direction of the District Commander

Copy: Commandant (CG-543)
Commander, Coast Guard Sector Anchorage (sp)