

FIFTH COAST GUARD DISTRICT ENFORCEMENT REPORT



01 October 2015 – 30 November 2015

Presented to the Mid-Atlantic Fisheries Management Council

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Fifth Coast Guard District

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List of Abbreviations

CFVS – Commercial Fishing Vessel Safety	SAR – Search and Rescue
HC-130 – USCG Fixed-Wing Aircraft	WLB – 225ft Buoy Tender
WPB – 110ft or 87ft Patrol Boat	P/C – Pleasure Craft
STA – USCG Small Boat Station	F/V – Fishing Vessel
EPIRB – Emergency Position Indicating Radio Beacon	A/S – Air Station
WMEC – 210’ or 270’ Medium Endurance Cutter	SEC - Sector
M/V – Motor Vessel	M/T – Motor Tanker

I. Mid-Atlantic Fisheries Enforcement and Marine Protected Species Operations

Operations Summary

During this period, patrol boats and stations conducted fisheries patrols in the Mid-Atlantic in an effort to curtail illegal fishing throughout D5's AOR. Throughout this period, units conducted 67 boardings, issuing four notices of violation.

Boarding Statistics (Note: "This Period" data should be considered preliminary and is subject to change)

01 October – November 2015 Activities		Comparison to FY15
Fisheries Boardings.....	67.....	81
Fisheries Boardings w/Fishery Violations	4.....	2
Violation Rate	5.9%.....	2.5%
Activities Fiscal Year 2016		Comparison to FY15
Fisheries Boardings.....	67.....	81
Fisheries Boardings w/Fishery Violations	4.....	2
Violation Rate	5.9%.....	2.5%

Violation Summary

20-21OCT15: CGC CUSHING issued violations to two fishing vessels for not having the required operator's permit.

07NOV15: CGC CUSHING issued a violation to a fishing vessel for not having the required HMS permit onboard.

11NOV15: CGC NANTUCKET issued violations to a recreational vessel for not having the required HMS permit and retaining a prohibited species onboard (sand tiger shark).

Marine Protected Species Support Summary

01NOV15: D5 commenced Operation Right Speed in support of the Right Whale Ship Strike Reduction Rule. Throughout the month of November, units reached out to mariners through public forums, posted the regulations to websites, and distributed regulation flyers during Port State Control exams. Sectors continue to inform pilots and shipping agents in their respective areas of responsibility at various meetings.

II. Commercial Fishing Vessel Safety Efforts

(October 1, 2015 – November 30, 2015)

Fishing Vessel Dockside Safety Examinations.....	This Period.....	Fiscal Year to Date
Dockside Exams.....	52.....	52
Decals Issued	45.....	45
Commercial Fishing Vessel Safety Terminations.....	2.....	2

III. Search and Rescue Highlights

From October 1, 2015 – November 30, 2015, there were 17 marine casualties reported involving commercial fishing vessels:

- Allision – 1
 - MISS FLORENE (O.N. NC3624BS) – 14 OCT 2015;
- Capsize – 0
- Collision – 0
- Damage to Environment (Pollution/Hazmat) – 3
 - CALCASIEU PASS (O.N. 651261) – 04 NOV 2015;
 - DIAMOND CITY (O.N. 504591) – 14 NOV 2015;
 - ALYSSA NICOLE (O.N. 650261) – 30 NOV 2015;
- Death – 2
 - NC3377AN (O.N. NC3377AN) – 05 OCT 2015;
 - SASSY GIRL (O.N. 616434) – 15 OCT 2015;
- Disabled – 2
 - MISS FLORENE (O.N. NC3624BS) – 14 OCT 2015;
 - OCEAN HUNTER (O.N. 614436) – 18 NOV 2015;
- Fire – 1
 - ALYSSA NICOLE (O.N. 650261) – 30 NOV 2015;
- Flooding – 2
 - DIAMOND CITY (O.N. 504591) – 14 NOV 2015;
 - ALYSSA NICOLE (O.N. 650261) – 30 NOV 2015;
- Grounding – 2
 - DIAMOND CITY (O.N. 504591) – 14 NOV 2015;
 - ATLANTIC GIRL (O.N. 679524) – 06 NOV 2015;
- Medevac – 1
 - TAMARA ALANE (O.N. 1029425) – 12 NOV 2015;
- Injury – 1
 - ZIBET (O.N. 1109998) – 06 NOV 2015;
- Fall(s) Overboard – 0
- Sinking – 2
 - DIAMOND CITY (O.N. 504591) – 14 NOV 2015;
 - ALYSSA NICOLE (O.N. 650261) – 30 NOV 2015;

- Terminations – 2
 - VA3747KK (O.N. VA3747KK) – 31 OCT 2015, insufficient number of flares, no signaling device, no current registration, and negligent operation for operating without navigation lights;
 - MARY GRACE (O.N. MD6261BN) – 23 NOV 2015, insufficient fire extinguishers, insufficient life jackets, lack of immersion suits.

IV. Outreach Information

Clarification of Mandatory Safety Exams for Commercial Fishing Vessels

This bulletin provides clarification about the five-year mandatory dockside safety exam that applies to many commercial fishing vessels (CFVs):

- Effective October 15, 2015, the law requires completion of a mandatory dockside safety exam on certain CFVs at least once every five years. (See the answer to first question below to determine if your CFV must comply.)
- Any affected CFV that has not successfully completed a dockside exam on or after January 1, 2013 must get an exam to be in compliance with the law.
- Any affected CFV found not in compliance with the safety exam requirement could be subject to civil penalty action or operational controls.
- We will continue to use the “two-year” Safety Decal for all successful exams, mandatory or otherwise.
- We understand that many vessels have been getting exams more frequently than once every five years, and we will continue to offer a free exam whenever requested or required for another reason.
- We will develop regulations that include the requirement for us to issue a Certificate of Compliance to document a five-year mandatory exam. Until then, we will use the two-year Safety Decal to demonstrate compliance with any exam requirement.
- We still highly encourage you to get an exam every two years to ensure all of your vessel’s safety and survival equipment are up to date and installed properly.

What CFVs are affected by the Exam requirement? A mandatory exam was required by the *Coast Guard Authorization Act of 2010* and the *Coast Guard and Maritime Transportation Act of 2012*, the latter of which required a period of at least once every five years. This applies to State-registered and Federally-documented CFVs that: 1) operate beyond 3 nautical miles from the territorial sea Baseline or Great Lakes coastline; 2) operate anywhere with more than 16 persons on board (including within 3 miles of the Baseline or Great Lakes coastline); or 3) are fish tender vessels engaged in the Aleutian trade. Additional background is in our bulletin of December 2014 and our open letter of August 2015. Both references are available at www.fishsafe.info.

When must I have last had an exam? To meet the mandatory five-year dockside safety exam requirement, a CFV must have successfully completed an exam on or after January 1, 2013. A CFV that has never been examined must have completed an exam prior to October 15, 2015 to be in compliance. A CFV that successfully completed an exam after January 1, 2013 has five years from the date of that successful exam to complete another exam under the law. Please note that other requirements may mean more frequent exams. Fish processing vessels and fish tender vessels engaged in the Aleutian trade require an exam every two years. (See 46 CFR Part 28, Subparts F and G). Also, NOAA’s National Marine Fisheries Service requires vessels that carry a NOAA Fisheries Observer to have passed an exam within the past 2 years or the Observer will not deploy, which may restrict the vessel from fishing. [See 50 CFR, Part 600.746(b)-(d)]. We

will schedule and provide a free exam and issue a two-year Safety Decal to meet any requirement whenever requested.

How will the Coast Guard know I'm in compliance with any exam requirement and what happens when a vessel doesn't meet the mandatory exam requirement? Until regulations are developed creating a Certificate of Compliance, our boarding officers will determine compliance with the five-year mandatory exam requirement by checking the issue date on the decal, or by viewing the exam report/booklet (CG-5587) for the date the exam was successfully completed. If it is within the last five years and on or after January 1, 2013, the vessel meets the requirement. If a vessel is boarded and it hasn't had the required five-year mandatory or other required exam, the operator or vessel could be subject to civil penalty action or operational controls.

Why is the Coast Guard going to eventually issue a Certificate of Compliance? The law that mandated the dockside safety exams also directed that a Certificate of Compliance be issued to a vessel that meets the requirements of Chapter 45, Title 46 United States Code. A Certificate of Compliance for commercial fishing vessels is still being developed. Until that time, the safety decal will demonstrate compliance with the exam requirement. Note: A copy of the exam report/booklet, also known as Form CG-5587, signed by the examiner and showing the decal number is provided to the owner and/or operator of the vessel after successfully completing an exam. This form also will demonstrate compliance with the exam requirement.

Are Voluntary Exams still offered? Yes. As we have for over 20 years, we will continue to conduct no-cost, no-fault voluntary dockside safety exams on CFVs, issuing a decal valid for two years upon successful completion of the exam. The decal shows compliance with applicable requirements at the time. A voluntary exam is offered as frequently as requested. This program is not changing. We highly recommend every CFV, even those not subject to mandatory exams, maintain a current two-year Safety Decal, which could facilitate a more streamlined safety check if we board you at sea. Please note that we may board you at any time or frequency to ensure compliance with safety and survival equipment and other requirements for your vessel, as well as for fisheries enforcement.

Are the Mandatory and Voluntary Exams the same? Yes. The safety and survival equipment and systems requirements that are checked for compliance on a vessel are the same whether it is a required exam or one voluntarily requested, and a safety decal will be issued in either case when completed successfully.

How do I request a Dockside Safety Exam? Request and schedule an exam by contacting your local Coast Guard Fishing Vessel Safety Examiner directly, or via a link on the Coast Guard's CFV Program web site at www.fishsafe.info. Third party organizations are also authorized to conduct dockside safety exams and issue decals on behalf of the Coast Guard; they include American Bureau of Shipping (ABS), Det Norske Veritas/Germanischer Lloyd (DNV/GL), Society of Accredited Marine Surveyors (SAMS), National Association of Marine Surveyors (NAMS), NAVTECH US Surveyors Association, and Bowditch Marine, Inc. These organizations should be contacted directly to schedule an exam. They can conduct the mandatory exam, a required exam, or a voluntary exam.

Who should I contact if I have questions? Please contact the Coast Guard Office of Commercial Vessel Compliance, Fishing Vessels Division (CG-CVC-3) at **202-372-1249** or by email at CGCVC@uscg.mil. Or, you may also contact your local Coast Guard District Fishing Vessel Safety Coordinator or local Sector Fishing Vessel Safety Examiner. The points of contact for these individuals can be found on the web site, www.fishsafe.info, by selecting the "Locate Examiners" tab.