

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commander  
17th Coast Guard District

P. O. Box 25517  
Juneau, Alaska 99802-5517  
Staff Symbol: dpi  
Phone: (907)463-2810  
FAX: (907)463-2820  
Email: Anthony.s.wilwert@uscg.mil

16731

March 4, 2015

Southeast Alaska Fishermen's Alliance  
Attn: Ms. Kathy Hansen, Executive Director  
9369 North Douglas Highway  
Juneau, AK 99801

Dear Ms. Hansen:

This letter is in response to your request dated October 9, 2012 and subsequent phone conversation in January 2015, requesting a class exemption from the mandatory dockside examination requirement for commercial fishing vessels operating upon the inside waters of Southeast Alaska. This letter discusses the Coast Guard's enforcement of the requirements in Title 46, United States Code (USC), Section 4502, paragraph (f) (2), which mandate successful completion of a dockside safety examination by all commercial fishing vessels operating beyond three nautical miles of the territorial sea baseline of the United States. For the purposes of enforcing the requirements for mandatory exams and issuance of certificates of compliance, the Commander, Seventeenth District has exempted specific geographic areas as discussed below.

Title 46, Code of Federal Regulations (CFR), Part 28.60 allows the Coast Guard to issue 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 issuance of this exemption should not adversely affect the safety of this fleet.

The Coast Guard will not enforce the requirements of 46 USC 4502 (f) (2) on any commercial fishing vessel with fewer than sixteen (16) persons on-board operating: 1) inside three nautical miles from the territorial sea baseline of the United States; 2) operating in the "interior doughnut holes" of Cross Sound, Sitka Sound, Icy Strait, Chatham Strait, Stephens Passage, Lynn Canal, Frederick Sound, Clarence Strait, Cordova Bay and Revillagigedo Channel; 3) operating in the waters of Chatham Strait north of a line drawn from 56-06.65N 134-22.00W west to 56-06.65'N 134-40.00'W (see attached chart). This has the effect of closing off entrances from the ocean and exempting the "interior doughnut holes" consistent with other places in Alaska and the rest of the United States.

This exemption is valid for two years and expires October 31, 2017. At that time, the Seventeenth Coast Guard District will re-evaluate the impact of this exemption regarding the safety of commercial fishing vessels operating in this area, and will consider many factors, including casualty history, changes to the fisheries, changes in regulations or laws, etc. If the Coast Guard chooses to continue this policy after October 31, 2017, a notice will be re-issued, indicating any changes from the information contained herein. However, the Coast Guard reserves the ability to revoke this exemption at any time.

16731  
March 4, 2015

After October 15, 2015, all commercial fishing vessels operating seaward of three nautical miles of the territorial sea baseline of the United States or in places other than described above or vessels with sixteen (16) or more persons on-board are required to comply with the mandatory examination and certificate of compliance requirements of Title 46, USC, 4502 (f) (2).

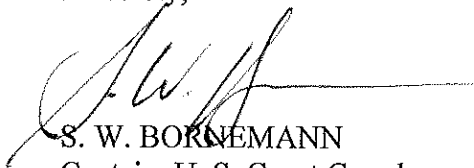
This exemption applies only to the applicability of mandatory examinations and certificates of compliance. This does not apply, nor does it change the applicability, to any of the applicable equipment carriage requirements of Titles 33 and 46, CFR.

I advise all owners and operators of commercial fishing vessels to keep abreast of the coming changes to the Coast Guards commercial fishing vessel safety regulations, as a result of the Coast Guard Authorization Act of 2010 and Marine Transportation Safety Act of 2012. These Acts will include future regulation changes to carriage requirements for certain vessels, therefore it is imperative for the fishing industry to keep abreast of changes through their local Coast Guard field units. As specific regulatory changes are made, the Seventeenth Coast Guard District will re-evaluate the appropriateness of this exemption, and update the fishing industry as needed. I strongly encourage the fleets which operate on these waters to continue their robust participation in the Voluntary Dockside Examination Program.

If you have any questions regarding this exemption notice, please contact the Seventeenth Coast Guard District's Commercial Fishing Vessel Safety Coordinator, Mr. Scott Wilwert, at (907) 463-2810.

If you feel aggrieved by my decision, you may submit an appeal to the Commandant of the Coast Guard (CG-CVC-3) following the procedures in Title 46, CFR, Part 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,



S. W. BORNEMANN  
Captain, U. S. Coast Guard  
Chief, Prevention Division  
By direction of the District Commander

Copy: Commandant (CG-CVC-3)  
Commander, Coast Guard Sector Juneau (sp)  
CGD SEVENTEEN (dre)