

FISH TENDER/LOAD LINE DISCUSSION



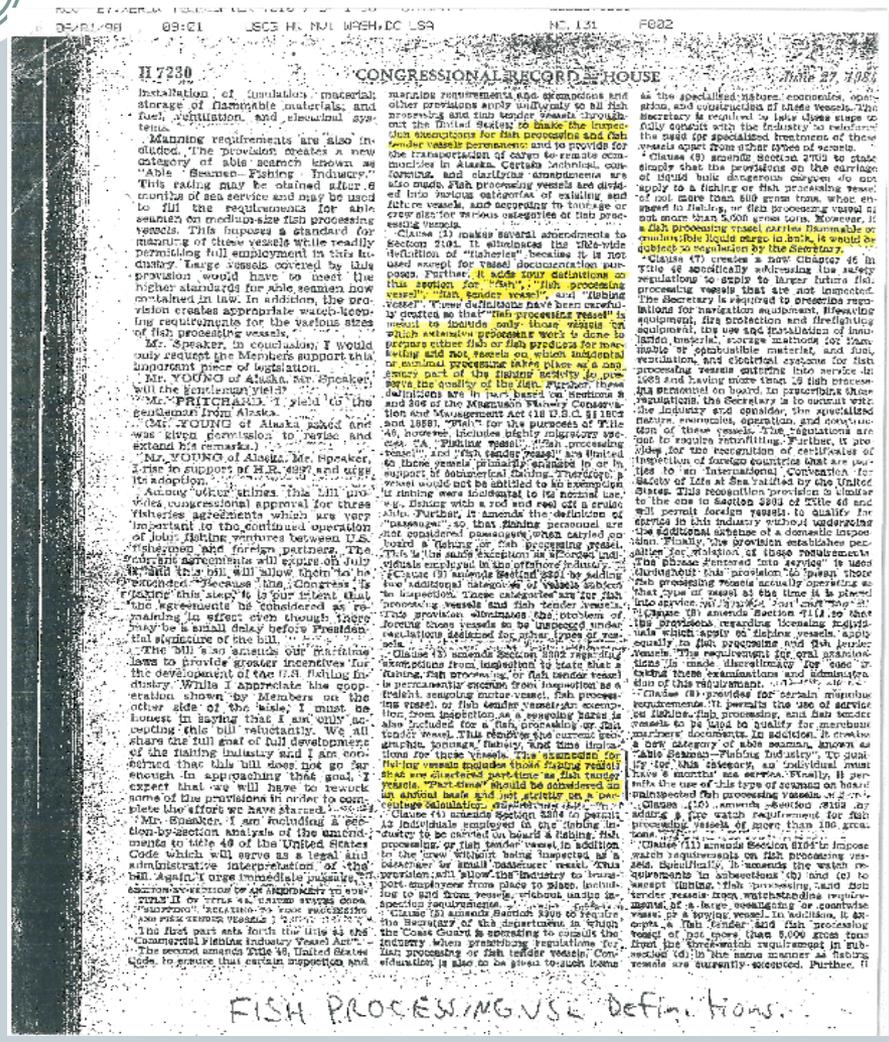
HOW DID WE GET HERE?



- Believed that a long standing misinterpretation of the term “part-time tender” and applicable exemption from the inspection requirements of 46USC3302 as a result of HR7230, June 1984
- Increase in the number of vessels solely tendering after crab rationalization brought this “on the radar”
- Applicability questions as a result of certain casualty/fatality investigations

PART TIME TENDERS H7230 June 27, 1984

- H7230 amended Section 3302 of 46 USC to permanently exempt fishing, fish processing and fish tender vessels from inspection as a freight, seagoing motor vessel, fish processor or fish tender
- The exemption included those fishing vessels that are chartered part-time as fish tender vessels
- This language MAY have led to an early interpretation that these Part-time tenders were exempt from load line also?



H7230

CONGRESSIONAL RECORD OF THE HOUSE

June 27, 1984

Installation of insulation, material storage of flammable materials, and such ventilation and electrical systems.

Manning requirements are also included. The provision creates a new category of able seaman known as "Able Seaman—Fishing Industry." This rating may be obtained after 6 months of sea service and may be used to fill the requirements for able seaman on medium-size fish processing vessels. This imposes a standard for manning of these vessels while readily permitting full employment in this industry. Large vessels covered by this provision would have to meet the higher standards for able seaman now contained in law. In addition, the provision creates appropriate watch-keeping requirements for the vessels of fish processing vessels.

Mr. Speaker, in conclusion, I would very much like to thank you for this important piece of legislation.

Mr. YOUNG of Alaska, Mr. Speaker, will the gentleman yield?

Mr. BRITCH of Alaska, Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska asked and was referred to the text of the bill to extend his remarks.

Mr. YOUNG of Alaska, Mr. Speaker, rise in support of H.R. 7230 and urge its adoption.

Admiral VICKI states this bill provides congressional approval for three fisheries agreements and is very important to the continued operation of joint fishing ventures between U.S. fishermen and foreign partners. The bill's ratification will expire on July 1, and this bill will allow them to be extended. "Because" the Congress is "fixing" this agreement, it is our intent that the agreement be considered as remaining in effect even though they may be a small delay before Presidential signature of the bill.

The bill's ratification will ratify laws to provide greater incentives for the development of the U.S. fishing industry. While I appreciate the cooperation shown by Members on the other side of the aisle, I must be honest in saying that I am only supporting this bill reluctantly. We all share the full goal of full development of the fishing industry and I am confident that this bill does not go far enough in approaching that goal. I expect that you will have to work some of the provisions in order to complete the effort we have started.

Mr. Speaker, I am including a copy of the fishing industry and the amendments to title 46 of the United States Code which will serve as a legal and administrative interpretation of the bill. Again, I urge immediate passage.

Section 3302 of title 46, United States Code, is amended to read as follows:

Section 3302. (a) This section shall apply to the following vessels:

(1) fishing vessels;

(2) fish processing vessels;

(3) fish tender vessels;

(4) vessels engaged in the business of transporting fish or fish products for sale or for use in the fish processing industry;

(5) vessels engaged in the business of transporting fish or fish products for sale or for use in the fish processing industry;

(6) vessels engaged in the business of transporting fish or fish products for sale or for use in the fish processing industry;

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FISH PROCESSING VESSEL DEFINITIONS

DEFINITIONS/REFERENCES



- “Fishing Vessel” 46 USC 2101(11a)
 - A vessel that commercially engages in the catching, taking or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking or harvesting of fish

- “Fish Tender Vessel” 46 USC 2101(11c)
 - A vessel that commercially supplies, stores, refrigerates or transports fish, fish products or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing, or fish tender vessel or a fish processing facility

- “Existing Vessel” 46 USC 5101(3)
 - A vessel on a domestic voyage, the keel of which was laid, or at a similar stage of construction, before Jan 1, 1986; and
 - ✦ A vessel on a foreign voyage, the keel of which was laid, or that was at a similar stage of construction, before Jul 21, 1968 (no applicability here)

WHO DOESN'T NEED A LOAD LINE?



- 46 USC 5102(b)(3) – A Fishing Vessel, unless the vessel is built after July 1, 2013
- 46 USC 5102(b)5 – A fish tender vessel of not more than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title that— (A) (i) was constructed, under construction, or under contract to be constructed as a fish tender vessel before January 1, 1980; or
 - (ii) was converted for use as a fish tender vessel before January 1, 1983; and
- (B) (i) is not on a foreign voyage; or
 - (ii) is not engaged in the Aleutian trade (except a vessel in that trade assigned a load line at any time before June 1, 1992).
- (6) a vessel of the United States on a domestic voyage that does not cross the Boundary Line, except a voyage on the Great Lakes.

WHO DOESN'T NEED A LOAD LINE (cont'd)



- (7) a vessel of less than 24 meters (79 feet) overall in length.
- (8) a public vessel of the United States on a domestic voyage.
- (9) a vessel excluded from the application of this chapter by an international agreement to which the United States Government is a party.
- (10) an existing vessel of not more than 150 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title that is on a domestic voyage.
- (11) a small passenger vessel on a domestic voyage.
- (12) a vessel of the working fleet of the Panama Canal Commission not on a foreign voyage.
- (13) a vessel of the United States on a domestic voyage that is within the Gulf of Mexico and operating not more than 15 nautical miles seaward of the base line from which the territorial sea of the United States is measured between Crystal Bay, Florida and Hudson Creek, Florida.

APPLICABILITY SPREADSHEET



- ADFG/CFEC data used almost exclusively to determine tendering history
- Do not believe the data to be 100% accurate
- Will need industry input to achieve accuracy
- Will entertain objective evidence etc. to reassign

ADFG Number	Year Built	Converted	Started Tendering	Length	Gross Tons	Net Tons	Fuel Capacity	Home Port City	Home Port State	ON	Vessel Name	Owner Name
11005	1944			86	197	159	6500	PETERSBURG	AK	271628	AFOGNAK	LAZNACK CORP
22011	1972			98	165	125	19348	KODIAK	AK	544967	ALASKA BEAUTY	STARR RICHARD K
4100	1978			99	195	168	24000	SEATTLE	WA	597377	ALASKA CHALLENGER	ALASKA CHALLENGER TENDER LLC
61223	1979		2000	92	196	135	45000	SEATTLE	WA	556251	ALASKA CHIEFTAIN	UNITED STATES SEAFOODS LLC
69765	1997		2015	90	175	55	10000	SAND POINT	AK	1051463	ALASKA DAWN	ALASKA DAWN SEAFOODS LLC
11886	1943		1978	82	191	168	5500	SEWARD	AK	252152	ALASKA EAGLE	HOCKEMA JOHN S
38989	1979		1997	125	197	123	51600	UNALASKA	AK	610984	ALASKA ROSE	ALASKA ROSE ALASKA LLC
35949	1978		1995	98	193	131	34000	KODIAK	AK	605674	ALASKA SPIRIT	SCHMEIL ALBERT T
41312	1981		1996	172	451	306	70000	SEATTLE	WA	640130	ALASKAN DEFENDER	DONA MARTITA LLC
23574	1971		1990	115	190	119	11000	HOMER	AK	534777	ALASKAN DREAM	HULSE ROBERT G
32728	1978			151	573	135	60000	SEATTLE	WA	595760	ALASKAN ENTERPRISE	SANKO FISHERIES LLC
61538	1944	1994	1996	180	484	253	36000	SEATTLE	WA	591678	ALASKAN LADY	SHELFORD BOAT LTD
48215	1983		1984	132	190	138	70000	SEATTLE	WA	664363	ALDEBARAN	ROYAL VIKING INC/AK SUPPORT

ALTERNATE COMPLIANCE??

- In lieu of full compliance with the Load Line requirements
- Enhanced/increased level of safety and material condition
- Plan formed in collaboration with industry
- Certain challenges to implement, track and document



United States Coast Guard



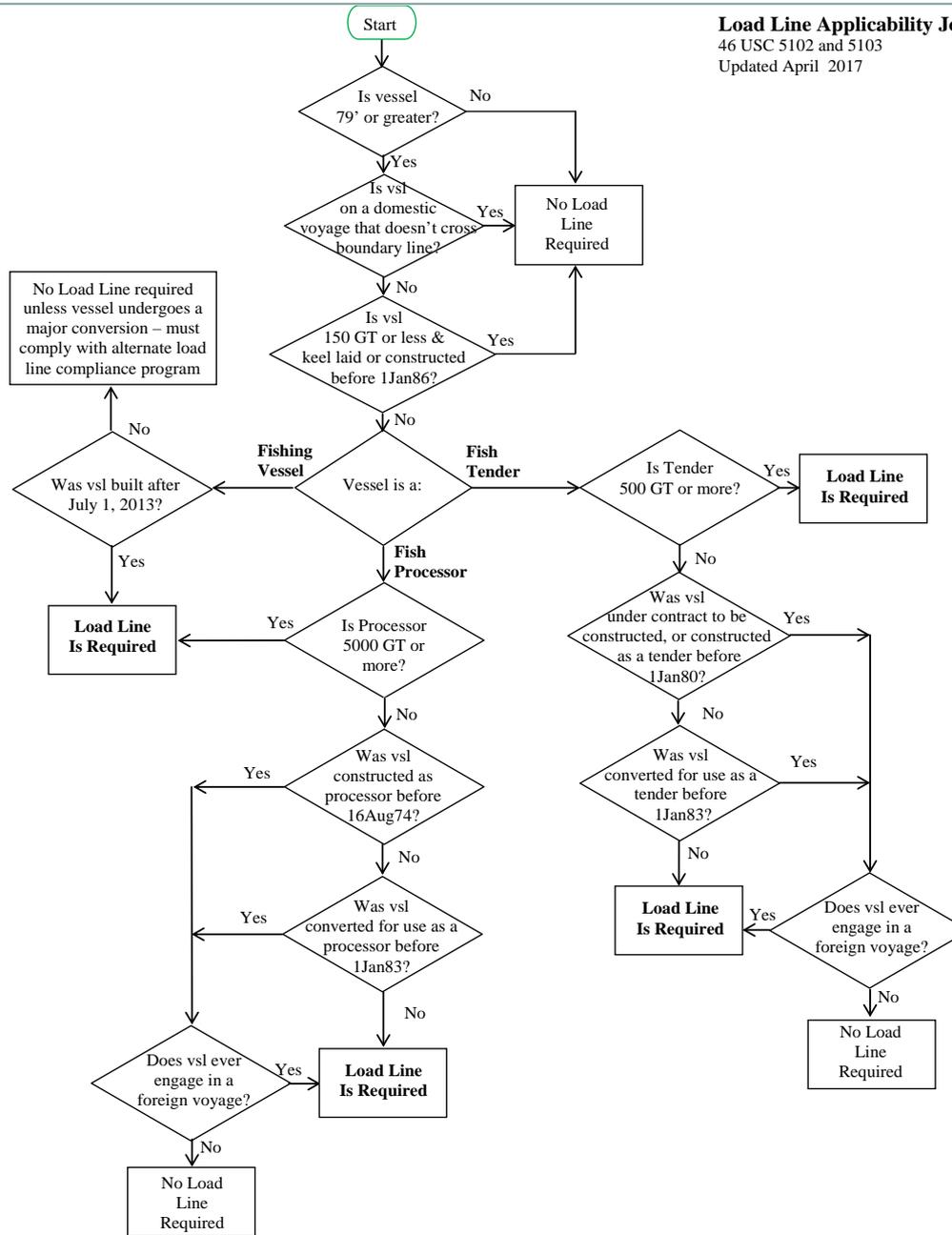
Tender Load Line (ALCP) 840 BOOK

Name of Vessel:	
Official Number:	Exemption(s) requested: <input type="checkbox"/> Load line
Date Completed:	Location:
Gear Type: Tender only: y / n Catcher/Tender: y / n	
Examination Type: • Exemption renewal • Dry-dock exam • Internal Structural (ISE) • Other _____	
USCG Personnel: 1. _____ 2. _____	
A- Stability B- Dry-dock C- Hull Gauging D- Watertight integrity	

Load Line Applicability Job Aid

46 USC 5102 and 5103

Updated April 2017



QUESTIONS



- Thank you for participating today! Please send an email to: TenderLoadlineSurvey@gmail.com and let us know that you were dialed in or virtually attended this meeting!
 - Please include:
 - ✦ Your name
 - ✦ Vessel name
 - ✦ Phone/Email(for future correspondence and work on this issue in the future if interested in participating)
 - ✦ Any questions you may not have had the opportunity to ask or that you have thought of since our meeting