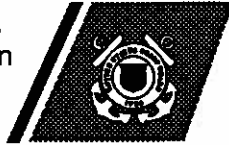


U.S. Department  
of Transportation  
United States  
Coast Guard



Commander  
Thirteenth Coast Guard District

915 Second Avenue  
Seattle, WA 98174-1067  
Staff Symbol: (m)  
Phone: (206) 553-1711

16711.13  
14 July 1992

From: Commander, Thirteenth Coast Guard District  
To: Commandant(G-MVI)

Subj: BOUNDARY LINE AND THE COMMERCIAL FISHING VESSEL REGULATIONS

Ref: (a) CCGD13 ltr to COMDT(G-M) dtd 23 APR 1991  
(b) COMDT(G-MVI) ltr dtd 29 AUG 1991

1. The issue of the boundary line in the Strait of Juan de Fuca, as applicable to the commercial fishing safety regulations, has been a point of considerable discussion for the past year and a half between the industry and the Coast Guard in this district. The general feeling is that the CFIVSA of 1988 intended the requirements specified for "outside the boundary line" to be for coastal or unprotected waters. The uniqueness of the Strait and the area just north of there known as the San Juan Islands and Point Roberts warrants some special consideration since these are considered "sheltered waters".

2. In reference(a), it was noted that the boundary line in the Strait of Juan de Fuca essentially splits the Strait. We reviewed the marine casualties for the previous ten years and concluded that the requirements outlined for documented vessels operating outside the boundary line would not have contributed to the elimination nor mitigation of those casualties. It was therefore recommended that for enforcement purposes, the entrance to the Strait be considered the "boundary" line. This was subsequently denied by reference(b). The reasoning given for Commandant's decision was that "these vessels probably have the equipment anyway and therefore would not be a significant financial cost to them". Our contacts with our customers tell us that this is not the rule, but rather the exception, and this additional equipment must be purchased in most cases. It is important to note that the regulations were not final when our letter was submitted. A significant item cost-wise is liferaftage which was not addressed because we did not know what the regulations would be at that time. The final rules, however, did add another dimension to this issue in that outside the boundary line requires liferafts for all documented vessels versus no rafts or inflatable buoyant apparatus inside the boundary line. Inside the boundary line, skiffs could be considered suitable alternatives. This is a significant financial impact not supported by the casualty data to date.

3. Originally, as noted above, we were concentrating on the impact of the boundary line on vessels fishing the Strait of Juan de Fuca; it has recently been brought to our attention that the fisheries off Point Roberts (see map) is also significantly impacted on by the boundary line issue. The prime fishing grounds are west of the point which currently place their operations "outside the boundary line" requiring significantly more equipment than what I believe the regulations were intending for an area of this type. This area, by the definition in the regulations, is not even considered coastal waters, and the vessels are usually within 3-5 miles of shore. Some examples of more treacherous waters which are considered "inside the boundary line" are the Columbia River on the West Coast and the boundary line waters off the coast of Maine. We really do not feel that these waters were what were envisioned by the drafters of these regulations when they identified waters "outside the boundary line".

4. The 1933 Treaty between the U.S. and Canada (also see 46 CFR 42.03-35) has already set a precedence. This treaty considers waters inside the Port Angeles-Victoria(Race Rocks) line to be sheltered waters or "lakes, bays and sounds" which essentially equates to inland waters. Isn't this basically the intent of the boundary line: denoting the difference between ocean(unprotected waters) and the inland (protected and partially protected) waters? This Treaty also has allowed tugs, ferries, barges, and passenger vessels large and small for decades to take advantage of this inland route and its lesser regulatory requirements based upon the protected nature of this area, why shouldn't the same considerations be applied to commercial fishing industry vessels? Enclosure (3) is a package of correspondence dating back to the 1970s addressing how these waters have been viewed for manning and licensing purposes based upon the Treaty, by both D13 and D17.

5. We feel strongly that it is important to be consistent with our application of similar type regulations in the maritime industry. Our proposal would be to consider the waters identified by the 1933 Treaty between the U.S. and Canada as being "inside the boundary line" for the purpose of these regulations only. The request for redefinition of the applicability of the fishing vessel safety regulations inside the Strait of Juan de Fuca and the inside passage between Washington and Alaska appears to be within the intent of the CFIVSA of 1988.

H.H. DUDLEY  
By direction

- Encl: (1) Chartlet for Strait of Juan de Fuca and San Juan Islands  
(2) Copy of 1933 Treaty between U.S. and Canada  
(3) Copy of policy letters regarding inside passage to Alaska

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BH/COGARD STA BELLINGHAM WA  
NB/COGARD STA NEAH BAY WA  
QR/COGARD STA QUILLAYUTE RIVER WA  
QQ/COGARD STA SEATTLE WA  
PB/USCGC POINT BENNETT  
PD/USCGC POINT DORAN  
PR/USCGC POINT RICHMOND  
CT/USCGC CUTTYHUNK  
OR/USCGC ORCAS  
MR/USCGC MARIPOSA  
QQ/USCGC BAYBERRY  
BB/COMCOGARDGRU ASTORIA OR  
RL/USCGC RESOLUTE  
AC/USCGC ACTIVE  
ZEN/USCGC STEADFAST  
ZEN/USCGC ACUSHNET  
ZEN/USCGC CITRUS

RECEIVED	
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A=ACTION	✓=INFO
C=COPY	FILE
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CIV .....	CLD .....
CVD .....	CAS .....
TO .....	✓ CPD .....
VIB .....	SUPPLY .....
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BT  
UNCLAS //N16703//  
SUBJ: CHANGE OF ENFORCEMENT AREA FOR COMMERCIAL FISHING VESSEL REGULATIONS IN PUGET SOUND  
1. EFFECTIVE IMMEDIATELY, THE BOUNDARY LINE ENFORCEMENT AREA FOR COMMERCIAL FISHING VESSELS IN PUGET SOUND IS CHANGED. THIS CHANGE WILL AFFECT APPLICATION OF THE COMMERCIAL FISHING VESSEL INDUSTRY SAFETY ACT (CFVISA) REGULATIONS REGARDING REQUIREMENTS WHICH ARE APPLIED TO THE VESSEL DEPENDING ON THE LOCATION WITH RESPECT TO THE BOUNDARY LINE.  
2. FOR PURPOSES OF APPLYING THE CFVISA REGULATIONS, ALL U.S. WATERS EAST OF A LINE DRAWN NORTH FROM ANGELES POINT WILL BE CONSIDERED TO BE WITHIN THE BOUNDARY LINE. VESSELS IN THIS AREA MUST MEET ALL APPLICABLE LAWS AND REGULATIONS FOR VESSELS OPERATING INSIDE THE BOUNDARY LINE. VESSELS WHICH OPERATE WESTWARD OF THIS LINE WILL BE CONSIDERED TO BE OUTSIDE THE BOUNDARY LINE AND MUST MEET ALL APPLICABLE LAWS AND REGULATIONS FOR THIS AREA. AGAIN, THIS BOUNDARY LINE INTERPRETATION ONLY APPLIES TO COMMERCIAL FISHING VESSELS OPERATING IN THESE AREAS.  
3. AN EXACT DESCRIPTION OF THE BOUNDARY LINE FOR THE CFVISA REGULATIONS IS AS FOLLOWS:  
A LINE DRAWN FROM THE NORTHERNMOST POINT OF ANGELES POINT, AT A POSITION OF LATITUDE 48° 09' N, LONGITUDE 123° 33' W, TO A POINT MIDWAY BETWEEN THE LINE DRAWN TO RACE ROCK LIGHT, AT THE INTERSECTION OF THE INTERNATIONAL BOUNDARY, NORTHWEST ALONG THE INTERNATIONAL BOUNDARY TO THE WEST SIDE OF POINT ROBERTS DESCRIBED AS FOLLOWS; FROM ANGELES POINT TO LATITUDE 48° 13.5' N, LONGITUDE 123° 32.5' W, THEN NORTHEAST ALONG THE INTERNATIONAL BOUNDARY 12 NM TO A POINT AT LATITUDE 48° 17' N, LONGITUDE 123° 15' W, THEN CONTINUING ALONG THE INTERNATIONAL BOUNDARY FOR 10 NM

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TO A POINT AT LATITUDE 48° 25.4' N, LONGITUDE 123° 07' W, THEN NORTHWEST 2.5 NM TO A POINT AT LATITUDE 48° 27.3' N, LONGITUDE 123° 10' W, THEN CONTINUING ALONG THE INTERNATIONAL BOUNDARY 5.7 NM NORTHWEST TO A POINT AT LATITUDE 48° 32.5' N, LONGITUDE 123° 13' W, THEN CONTINUING 9 NM NORTHWEST ALONG THE INTERNATIONAL BOUNDARY TO LATITUDE 48° 41.5' N, LONGITUDE 123° 16' W, THEN CONTINUING ALONG THE INTERNATIONAL BOUNDARY NORTHEAST 11 NM TO A POINT AT LATITUDE 48° 46' N, LONGITUDE 123° 00.6' W, THEN NORTH ALONG THE INTERNATIONAL BOUNDARY 4 NM TO LATITUDE 48° 50' N, LONGITUDE 123° 00.6' W, THEN 16.2 NM NORTHWEST TO LATITUDE 49° 00.2' N, LONGITUDE 123° 19.3' W, THEN 9.3 NM EAST ALONG THE INTERNATIONAL BOUNDARY TO THE INTERSECTION OF BOUNDARY BLUFF ON THE WEST SIDE OF POINT ROBERTS AT LATITUDE 49° 00.2' N, LONGITUDE 123° 05.5 W.

4. COMMANDS ARE REQUESTED TO GIVE THIS MESSAGE WIDE DISSEMINATION ESPECIALLY TO BOARDING PERSONNEL. QUESTIONS MAY BE DIRECTED TO THE MARINE SAFETY OFFICE PUGET SOUND FISHING VESSEL EXAMINER OR TO THE DISTRICT FISHING VESSEL SAFETY COORDINATOR, LCDR TOM ORZECH AT 206-220-7210

BT