



SMALL BOAT STANDARDS COMMITTEE

2016

Capt. Gordon Boivin-USC, Capt. Steve Monk-HSU, Capt. James Fitzgerald-UCD

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I. OVERVIEW

Scientific diving and boating activities in the research and educational communities are overseen by The American Academy of Underwater Science (AAUS) and The Scientific Boating Safety Association (SBSA), respectively. Each of these organizations consists of skilled professionals who serve through volunteer membership and have been responsible for developing the training standards and operational guidelines for the safety and oversight of scientific diving and boating operations. Through institutional collaboration, they have established a cohesive set of program policies and operational guidelines for selfS regulation and legal compliance.

The AAUS was created in October 1979, in response to the Commercial Diving Codes issued by OSHA on October 20, 1977; these OSHA Codes were restrictive to Scientific Diving operations. The AAUS founders were directly involved in the petition process with the objective of “selfS regulation” and seeking an exemption from those new Commercial Diving Regulations. On November 28, 1982, the AAUS was successful in their overall efforts and received “selfS regulation” status = 29 CFR 1910.402, Scientific Diving.

The AAUS currently has 100 member organizations with thousands of active divers. It is directly responsible for establishing and maintaining the training standards and operational guidelines that serve the active research and training dives annually; which number in the tens of thousands each year.

In March 2000, a preventable boating accident took place in a remote area of Baja California. A professor and four other members of the scientific research team died when their vessel capsized. This loss of life initiated an intensive investigation by the U.S. Coast Guard.

The result of the incident and investigation was to establish a formal watercraft safety program to support the training and operational safety of researchers using watercraft. U.C. Davis initiated efforts in 2005 to establish industry standards and operational guidelines for crews involved in small boat based research operations and formal boat operator training. This action spearheaded scientific boating safety efforts and became a collective mission through university campuses, aquariums and state agencies to become today’s Scientific Boating Safety Association; since joined by institutions and agencies across the U.S.A.

The SBSA was formed to develop recommendations that help manage the potential risks for operating boats (<65’) in support of scientific research. It now has a 10+ year history of conducting training and providing safety guidelines for scientific boating operations.

Currently the SBSA has 31 Organizational Members from across the U.S.A. Some membership organizations have overlapping responsibilities (AAUS and SBSA), where the Diving and Boating Safety Officer is the same person. Other programs are much larger and warrant splitting the responsibilities and program efforts due to the sheer magnitude of research activity, numbers of personnel and the distinct differences and complexity within the two disciplines; all the while working together to ensure cohesiveness and cross-discipline compliance.

The SBSA Boating Safety Officers are directly responsible for implementing the program guidelines for marine operations; providing and overseeing the quality of training for thousands of scientific boat operators/crew and project review for thousands of scientific boating sorties annually.

The Scientific Diving and Boating community have a proven operational history and a strong safety record.

II. COMMITTEE OBJECTIVE

The SBSA Standards Committee is seeking recognition and endorsement for a reasonable level of self-regulation within a specific section of the U.S. Federal Code – 46 CFR Chapter 1 Sub Chapter B, Part 15 - USCG Manning Requirements.

The committee seeks to work in cooperation with and under direct advisement of the local USCG Sector, Officer in Charge (OIC) of Marine Inspections and within the existing CFR's to better accommodate the operational needs of SBSA Organizational Members and their represented researchers.

Case Study: Interpretation varies between local USCG offices

Professor Jones wishes to take his undergraduate students onboard an SBSA University-owned Class A, 1 or 2 vessel to conduct scientific field training pertinent to their classroom efforts.

As per CFR 46 Chapter 1 Sub Chapter B, Part 15, "Manning Requirements," Professor Jones "can or cannot" be the vessel operator:

- 1. Are students considered paying passengers?*
- 2. Must Professor Jones hold a Merchant Mariner Credential of some level to avoid being in violation of this CFR?*

Depending on local USCG interpretation the professor's options are:

- Have a licensed mariner operate the boat, increasing logistics and costs.*
- Have one of the undergraduate students be the operator of the boat*
 - This is not considered an efficient or safe alternative.*

The overall effect of this section of 46 CFR- CH 1, subchapter B, part 15 is restrictive and could be unsafe or punitive depending on the action taken. This decision is difficult for responsible safe individuals trying to work within the spirit of the law.

The SBSA Committee respectfully submits the following as a viable resolution:

- Each USCG Sector Officer in Charge of Maritime Inspections can recognize the SBSA operator training and certification guidelines outlined in this document as an equivalent to the US-DOI vessel operator guidelines when considering vessel operator qualifications for SBSA Universities class A-, 1-, 2- and 3-sized vessels.
 - NOTE: Some Class 3 vessels may warrant USCG MMC and licensing for instructional voyages of a certain nature.

There is USCG precedence demonstrating this positive position as presented in letters enclosed in this document:

- The letter dated December 2010, 16711/Serial No. 137 addressed to the American Sailing Association, referencing the issue of equivalency - CFR 24.15 (appendix 5)
- The USCG Policy letter 16721 CG-543 No. 10-04 (appendix 3)

III. COMMITTEE POSITION STATEMENT

The SBSA Committee understands the requirements and intent of Title 46 CFR Chapter 1, Sub Chapter B, Part 15 "Manning Requirements." It is the position of the committee that the intent of section 46 CFR and the USCG is to ensure safety at sea for the crew and passengers during all "*for hire*" vessel operations.

The purpose of the educational trip in which tuition is paid for instructional college units may not necessarily be considered "*a monetary consideration or a vessel for hire instance*" and does not apply directly to that specific use of the vessel.

The committee's objective is to seek direct wording in regards to USCG interpretation and the application of the above-referenced section of 46 CFR on SBSA University-owned, class A, 1 and 2 vessels as not to be restrictive and prohibitive to safety.

This document has been prepared to present the information to the USCG Sector COI Marine Inspections Offices. It directly relates to the above position and defensibility of the SBSA committee seeking equivalency under CFR 24.15 as it relates to the application of the above-referenced section of 46 CFR. Furthermore, it outlines the standards for the operation of small vessels in support of scientific research, including underwater operations and within the recommended guidelines established by the Scientific Boating Safety Association.

To ensure compliance with operational guidelines SBSA Organizational Members will:

1. Enhance the safety for crew and passengers and shall act as if in full compliance under CFR 33 and 46 for all university owned SBSA Class A, 1, 2 and 3 vessels.
2. Provide entry-level education as a standard; SBSA OM's will utilize the State-approved curriculum for watercraft safety training as outlined and approved by the National Association of State Boating Law Administrators.
3. Establish documented hands-on skill-based training and operator check outs as outlined by the SBSA.
4. Provide active researchers access to advanced comprehensive training for skills and knowledge. The SBSA utilizes industry training standards as outlined and endorsed by the U.S. Department of the Interior, Motorboat Operator Certification Course. Presented by the SBSA as the Motorboat Operator Training Course and must be conducted by DOI-MOCC/SBSA-MOTC certified instructors.
5. Ensure operator and passenger safety by establishing vessel classifications and operator training and certification requirements for all-size vessels under university auspices within SBSA OMs.

Adopting these recommended guidelines into an SBSA Organizational Members program and Boating Safety Manual, OMs will establish them as the minimum operational standard to guide their vessel classifications and provide operator and crew training standards.

| The process will be done with the full intent to satisfy United States Code 33 CFR and applicable sections of 46 CFR Chapter 1, Sub Chapter B, Part 15 “Manning Requirements,” and the sub-section CFR 24.15, thereby ensuring the “safety at sea” of all persons engaged in scientific research while onboard SBSA OM vessels.

IV. MOTORIZED VESSEL CLASSIFICATIONS

This committee recommends four vessel classifications for small boats operating under SBSA OM auspices; the vessel size classifications are consistent with the U.S. Coast Guard classification of Federal Requirements for Recreational Boats.

- All vessels will comply with U.S. federal equipment carriage requirements.
- When applicable, additional equipment will be carried as determined by specific state and local laws.

The SBSA committee also took into account, the same classifications are utilized by the U.S. Department of Interior MOCC training program, as well as the existing vessel inventories and individual needs of each SBSA OM in 2015.

- The SBSA strongly encourages additional recommended equipment also be carried onboard for the mission and the area of operation, as outlined in the MOCC student manual and SBSA operational guidelines.

The process of assigning vessel classifications is essential for standardization and continuity at the OM level, and should be included in OM program safety manuals and recognized by each OM's Scientific Boating Control Board and the Boating Safety Officer.

- Note, when a vessel is assigned a classification it is considered permanent and cannot be changed to meet the needs of a project or individual.

Class "A" Vessels: Vessels less than 16 feet in length (NOT Personal Watercraft)

- Dinghy's, prams, tenders and skiffs
- Trailer-able small boats
- Limited to calm water applications
- Propulsion outboard propeller with tiller steering
- Vessel activities extremely limited due to load and stability parameters
- Near-shore activities unless working directly with larger vessels

Class "1" Vessels: Vessels 16 feet to less than 26 feet in length

- Trailer-able small boats
- Tiller or helm steering (open deck or cabin)
- Inboard or outboard drive
- Propeller or Jet propulsion
- Vessel activities fairly limited due to load and stability parameters
- Range and area of operation restricted by the OM's safety manual and BSO

Class “2” Vessels: Vessels 26 feet to less than 40 feet in length

- Trailer-able boats (with special considerations)
- Helm or joy stick steering (open deck and/or cabin/may have 2 steering stations)
- Inboard or outboard drive
- Propeller or jet propulsion
- Vessel activities slightly limited due to load and stability parameters
- Range and area of operation is expanded beyond class 1 vessels and is outlined in the OM’s safety manual, additional restrictions may be applied by the BSO based on operator experience, mission, weather and sea state.

Class 2 Vessel Special Considerations

- It is recommended that BSOs consider obtaining USCG Oceanographic Research Vessel Designation for class 2 vessels on inventory. (See section VII. “ORV Process”)

Class “3” Vessels: Vessels 40 feet to 65 feet in length

- Trailer-able boats (with specialized and licensed transport support)
- Helm or joy stick steering
- Inboard or outboard drive
- Propeller or Jet propulsion
- Vessel activities may be limited due to load and stability parameters
- Range and area of operation expanded beyond class 2 vessels and is outlined in the OM’s safety manual, additional restrictions may be applied by the BSO based on operator experience, weather and sea state.

Class 3 Vessel Special Considerations

- It is recommended that BSOs consider obtaining USCG Oceanographic Research Vessel Designation or USCG Uninspected Passenger Vessel depending on use and mission application for class 3 vessels on inventory. (See Section IV “ORV Process”)
- The class 3 vessels certified as USCG UPV should consider complying with the USCG voluntary UPV examination process.

V. BOATING PROJECT PLAN AND FLOAT PLAN

Boating Project Plan

OMs must have an established procedure for submitting, reviewing and approving all scientific boating project plans. The BSO is responsible for reviewing the project in detail and communicating the plan to the SBCB for final approval. The BPP should provide all of the persons and vessels involved on the project with an overview of the mission, sampling and research techniques, the areas of operation, the project times and duration, as well as the emergency management plan.

BSO consideration must include time and experience of each vessel operator, the designated crewmembers and their qualifications. Additional training may be required if they fulfill all of the standard training and qualification requirements, but there are specialized operations, or there has been an extended period of time that has lapsed between projects. The committee recommends that as a minimum, “Operational Orientation” to both procedures and vessels be reviewed and documented annually for boating personnel.

Float Plan

All authorized SBSA OMs must have an internal system for boat operators to file a float/trip plan. The BSO should review and authorize all departmental “Float Plan” procedures and require all operators to follow float plan procedures when operating any class of vessel for any official boating activities in support of science.

When a “Responsible Shore Party” undertakes the responsibility for holding a float plan, the float plan should be reviewed and emergency management procedures discussed to ensure timely implementation of emergency procedures.

Float plans should be directly affiliated with an approved project/mission and have an approved emergency management plan. All project/mission approvals should consider r the experience of the operator and crew and equipment carriage beyond the minimum outlined here and include the area(s) of operation, severity and complexity of the mission as well as the forecasted weather and sea states.

VI. RECOMMENDED OPERATOR QUALIFICATIONS

Operator qualifications are established for each class of vessel.

As a minimum, each SBSA OM's vessel operators must have documentation on file with the OM. The documentation should provide the individuals' training and education, operator experience, specialty endorsements and history with applicable dates.

This information will also be provided for visiting operators to another OM's field location and shared use of vessels. SBSA OM's will provide requisite forms: Verification of Training [VOT] and/or Letters of Reciprocity [LOR] from their home institution to the hosting institution or during collaborative projects. Depending on locations and operator experience, area familiarization training may be required.

Class A and 1 Vessel Operators:

Prerequisite

Each operator must complete the State-specific NASBLA-approved Boating Education Course with the assigned Certificate.

All operators must have a valid Boating Project Plan in place, or present an official business need for boating activities and include the emergency management plan.

Additional Training

SBSA-MOTC or US-DOI MOCC boat safety training is recommended.

- Additional boat training modules may be required for specialty operations. (Open water, River, Surf Avoidance, Airboat Modules)

Documentation

Documented orientation to an OM's scientific boating policy, vessel operations procedures and boating safety guidelines as outlined in the OM's Boating Safety Manual.

- The OM's program documentation should include at minimum, the items listed in the SBSA Boating Safety Program Guidelines and Operator Checklist.

Qualifications

Documented vessel operator skills training and check out as authorized by the BSCB and the BSO in the OM Boating Safety manual.

- Vessel operator qualifications and vessel authorization should not be based on a minimum time requirement, but should be defined by the incoming operators' knowledge, experience and demonstrated abilities.
- The documentation should reflect a specific knowledge and performance-based evaluation by the BSO or qualified designate.

Class 2 Vessel Operators

Prerequisites

All Class A and 1 requirements as stated above.

Additional Required Training

SBSA MOTC or US-DOI MOCC boat safety training.

Recommended Training

USCG MMC

- USCG UPV Master License or where applicable, based on the defined area of operation, a Restricted Operator UPV as approved by the USCG OIC Marine Inspections.

Documentation

When necessary (such as a visiting operator), provide documented orientation to an OM's scientific boating policies, vessel operations, guidelines and procedures with an area familiarization overview as outlined in the OM Boating Safety Manual.

Document the vessel operator's orientation for each type of, or a specific Class 2 vessel.

- The OM's program documentation should include at minimum, the items listed in the SBSA Boating Safety Program Guidelines and Operator Checklist.

Qualifications

Documented vessel operator skills training and check out as authorized by the BSCB and the BSO in the OM's Boating Safety manual.

- Vessel operator qualifications and vessel authorization should not be based on a minimum time requirement, but should be defined by the incoming operators' knowledge, experience and demonstrated abilities.
- The documentation should reflect a specific knowledge and performance-based evaluation by the BSO or designate.

Re-Qualification Program

The OM BSO must apply full consideration with regards to sea time and operational experience of each Class 2 vessel operator. The individual may have completed all of the above requirements; however, if there has been an extended period of non-operator time that has lapsed between projects, the committee recommends that the prospective operator receive "Operational Orientation" to review both program policies and procedures, and participate in performance-based skill assessments for the assigned vessels. This process should be reviewed and documented.

SPECIAL CONSIDERATION

1. In order for a Faculty member, Principal Investigator, Teachers Assistant, Graduate Student, Post-Doctoral Student, Research Staff to operate an OM vessel with "students" onboard, at minimum, they must satisfy the qualifications for Class 2 operator status to be in compliance or equivalent to USCG Manning requirements.
2. Persons who fit in the above "special consideration" category may be accorded operator preference for qualifications based on historical practices and experience. The BSO may waive the MOTC/MOCC requirement if effective documentation can be presented to show demonstrated boat-handling skills and safe boat operations planning to be equivalent to an MOTC/MOCC completion, or have previously held USCG MMC.

Class 3 Vessel Operators

Prerequisites

All Class A, 1 and 2 requirements as stated above.

Additional Required Training

USCG OUPV or Master License, where applicable, based on the defined area of operation, and passenger numbers. A Restricted Operator UPV as approved by the USCG OIC Marine Inspections.

- USCG Master License with applicable tonnage endorsement as defined by USCG.

Documentation

When necessary (such as a visiting operator), provide documented orientation to an OM's scientific boating policies, vessel operations, guidelines and procedures with an area familiarization overview as outlined in the OM Boating Safety Manual.

Document the vessel operator's orientation to a specific Class 3 vessel.

- The OM's program documentation should include at minimum, the items listed in the SBSA Boating Safety Program Guidelines and Operator Checklist.

Qualifications

Documented vessel operator skills training and check out as authorized by the BSCB and the BSO in the OM's Boating Safety manual.

- Vessel operator qualifications and vessel authorization should not be based on a minimum time requirement, but should be defined by the incoming operators' knowledge, experience and demonstrated abilities.
- The documentation should reflect a specific knowledge and performance-based evaluation by the BSO or designate.

Operator Orientation

The BSO must apply full consideration in regards to sea time and operational experience of each Class 3 vessel operator. The individual may have completed all of the above requirements; however if there has been an extended period of non-operator time that has lapsed between projects, the committee recommends that the prospective operator receive "Operational Orientation" to review both program policies and procedures, and participate in performance based skill assessments for the assigned vessels. This process should be reviewed and documented.

SPECIAL CONSIDERATION

- As a USCG OUPV or Restricted OUPV a Faculty member, Principal Investigator, Teachers Assistant, Graduate Student, Post-Doctoral Student, Research Staff may operate an OM vessel with “students” onboard and will satisfy the qualifications for Class 3 operator status to be in compliance with all USCG Manning requirements.

VII USCG ORV PROCESS

An Oceanographic Research Vessel is a specific designation assigned by the USCG.

An OM must demonstrate to the USCG that the vessel's use is exclusive to one or more of the following categories:

- a. Oceanographic instruction
- b. Limnologic instruction
- c. Oceanographic research; or,
- d. Limnologic research

ORV designation for Class 3, and possibly Class 2 vessels, specifies the following;

- a. The number of persons on board can be greater than six plus crew without a Certificate of Inspection (COI).
- b. A Merchant Marine Credential is not required for the operator as per USCG rules for carrying passengers for hire, e.g., students. If the operator meets the qualifications outlined herein.

If the USCG grants an ORV Designation, it is for a specific vessel and valid for the period specified on the application, provided all operating conditions remain unchanged from the date of designation.

- a. *Inspected Vessels* – ORV designation is indicated on the vessel's COI and is valid for the COI duration, usually five (5) years with annual inspections.
- b. *Uninspected Vessels*- SBSA Class 1, 2 and 3 vessels – ORV designation is indicated by a "Letter of Designation," which shall be maintained on board and is valid for two (2) years from the date of issuance. No mandatory vessel inspections are required.
- c. If there are changes in the operating conditions, the OM and BSO must advise the USCG Officer in Charge of the Marine Inspections office that issued the designation.

SBSA ORV APPLICATION PROCESS

The OM and BSO should formally establish class designations for the institutions' vessel inventory. The OM and BSO should then identify the Class 2, or 3 vessels that will better serve the OM with an ORV designation. The application process must be completed separately for each individual vessel.

Contact the USCG Sector Officer in Charge (OIC) of Marine Inspections. This may be an office, either at a major USCG Sector base or a field office.

- a. The OIC of the Inspections office will require a USCG Application form OMB No. 1625-0014. (Appendix 6)
- b. The OIC MI will require a detailed operating plan defining the intended use for the vessel.
- c. The OM should be prepared to provide supporting documentation, program and policy guidelines and be prepared to answer a variety of questions from the Inspector.

VIII. SBSA DEFINITIONS

- Vessel Operator:
 - The designated individual who is responsible for the safety of the vessel, its occupants and is in command of the vessel's propulsion and steering systems.
- Helmsman:
 - The individual performing steering and throttle control actions at the direction of the Operator.
- Crewmember:
 - Individual(s) who perform onboard duties at the direction of the vessel Operator, deck supervisor or Scientific PI.
- Operational Personnel:
 - Scientist, Technicians, Guests and Observers, Authorized Scientific Divers not covered by the passenger definition.
- Passenger:
 - The USCG considers that person(s) onboard a vessel who exchange any monetary consideration, goods or service, for passage onboard a vessel.
 - Under this definition, the following are considered:
 - Boating Passengers
 - Vocational Student - Course enrollee paying tuition
 - College Student - Undergraduate student
 - Institutional donors, public observers
 - Not Boating Passengers
 - Research staff, scientific party
 - Graduate student
 - Post-doctoral student
 - PhD, Principal Investigator, Researcher Associate
- Scientific personnel:
 - As per CFR § 188.10-71: Persons who are aboard an Oceanographic Research Vessel solely for the purpose of engaging in scientific research, or in instructing, or receiving instruction, in oceanography or limnology, shall not be considered seamen under the provisions of Title 46, United States Code

Inspected Vessel: Inspected by the USCG and issued a COI

- Required for: Commercial Motor Vessels, Tank Vessels, Passenger Vessels and vessels > 300 gross tons
- Required for commercial vessels carrying more than six passengers

Uninspected Vessel: A vessel not certified under inspection laws.

- Motorboats, fishing boats,
- ORV's < 300 gross tons.
- Voluntary involvement with the USCG UPV Examination process

Public Vessel: A vessel owned or chartered and operated by U.S. Government personnel.

- USCG, US Army Corp of Engineers, USFWS, USGS, etc.
- State Public Vessel: Vessel owned, chartered and operated by state government personnel
- CHP, CDFW, CDWR
- ORV: Oceanographic Research Vessel
 - A vessel, which the USCG has designated, is exclusively employed in instruction, oceanography or oceanographic research.
 - May require stability load testing, safety equipment upgrades; CANNOT be used for commercial purposes
- UNOLS Vessels- Research ships with a designation from the University National Oceanographic Laboratory System.

Commercial Boat Operator

- USCG MMC: Merchant Mariner Credentials (Master/Engineer/Mate) – MMC Captain- OUPV Restricted Operator / OUPV / 50 Ton / 100 Ton / 200 Ton / 500 / 1600 / Unlimited. Each of these could be designated as “inland waters” Near Coastal and Oceans.

Limited Operator of Uninspected Passenger Vessel (OUPV) of not more than 100 GRT

- These endorsements may be issued to those employed by organizations, such as yacht clubs, marinas, formal camps and educational institutions, limited to the specific activity and locality of the camp, yacht club or marina.
 - All applicants must have prior officer in charge of Marine Inspections (OCMI) Sector approval.
 - If the application is for restricted OUPV other than per 46 CFR 11.201, then Policy Letter 10-4 applies. (See CG 543 Policy Letter, appendix 3)
- USCG OUPV License: Operator of Uninspected Passenger Vessel
 - Required for vessels carrying up to six passengers
- MMC Captain Licensing Requirements: Experience and Education
 - USCG Examinations: Deck Seamanship, Plotting/Piloting and Navigation Rules
 - CPR and First Aid
 - Federal Drug Testing
 - Health physical and drug screening
 - NASBLA Exam is acceptable for Restricted/Limited OUPV License

Appendix

U.S. Department of
Homeland Security
United States
Coast Guard



Commandant
United States Coast Guard

2100 Second Street, S.W.
Washington, DC 20593-0001
Staff Symbol: CG-543
Phone: (202) 372-1206
Fax: (202) 372-1918

16721
CG-543 Policy Letter
No. 10-04

MAY 10 2010

From: R.M. Garvin
COMDT (CG-543) (Acting)

To: Distribution

Subj: RESTRICTED ENDORSEMENTS FOR MERCHANT MARINER CREDENTIALS
(MMC) AS OPERATOR OF UNINSPECTED PASSENGER VESSELS (OUPV)

Ref: (a) 46 CFR 11.467
(b) 46 CFR 11.201(i)
(c) 46 CFR 10.225
(d) 46 CFR 11.205

1. Purpose. Establish minimum requirements for, and provide guidance to Officers in Charge, Marine Inspection (OCMI) in determining appropriate qualifications for restricted OUPV endorsements within their Area of Responsibility (AOR).
2. Background.
 - a. Reference (a) establishes the requirements that must be met for applicants to be issued a merchant mariner credential (MMC) as Operator of Uninspected Passenger Vessels (OUPV). These requirements are summarized in enclosure (1). Recent Uninspected Passenger Vessel (UPV) outreach efforts and enforcement have led to the discovery of wide spread non-compliant operations. The vast majority of these operations are located on small remote federally navigable waterways not subject to routine Coast Guard presence. These waters present a low risk and the operations upon them lend themselves to issuance of a credential with qualifications less than the full OUPV requirements of reference (a). While these operations present a more limited risk, they are not eligible for the limited OUPV licenses issued to applicants employed by formal camps, yacht clubs, educational institutions and marinas as described in paragraph (g) of reference (a).
 - b. Reference (b) authorizes OCMI's to adjust the service and examination requirements to satisfy the unique qualification requirements of an applicant. These determinations are highly individualized and the resulting MMC endorsements are unique with respect to the service and examination requirements, area of operation and other restrictions imposed by the OCMI. In an effort to standardize the process and provide a consistent approach to making these determinations, Coast Guard Headquarters is establishing guidelines for developing restricted OUPV endorsements in accordance with reference (b). Marine safety

Sail Teaching and Coastwise Endorsement

DATE: March 9, 2011

REVISION: Original

SUBJECT: Coastwise Endorsement Not Required for UPVs Used Exclusively for “Sail Training”

BACKGROUND: Trade agencies associated with teaching sailing (e.g., American Sailing Association) have had many discussions with the US Coast Guard about the requirement for a Documented Vessel to have a coastwise endorsement on their current certificate of documentation if their Uninspected Passenger Vessels (UPV) use is to teach sailing skills. The American Sailing Association, in particular, has organized a concerted effort to modify the need for a coastwise endorsement requirement for these vessels. Their effort has resulted in a statement from US Coast Guard Headquarters (CG-543) specifying that coastwise endorsements are NOT required for UPVs exclusively engaged in the on-water teaching of sailing techniques and expertise. The referenced letter, dated December 14, 2010, from CG-543, and addressed to Mr. Dave Lumian at the American Sailing Association, is at Attachment A.

The referenced CG-543 letter explicitly notes that vessels used to teach sailing are UPVs, and must meet UPV regulatory requirements. The only UPV regulatory requirement exception addressed in the letter is the requirement for the UPV to have a coastwise endorsement on its certificate of documentation (COD), wherein it says, “In addition, when engaged exclusively in sail training, these vessels are not required to have coastwise endorsements on their certificate of documentation.”

PURPOSE: This UPV Outreach Team Guidance Statement provides the UPV Examiner guidance in the interpretation of the requirement for a coastwise endorsement aboard documented UPVs used exclusively for “sail training”.

GUIDANCE: All UPVs, regardless of use, are required to comply with all applicable UPV requirements as outlined in the current edition of the UPV Safety Examination checklist in use by the UPV Outreach Team. These requirements include, for self-propelled or solely sail powered vessels, either a V2 Use notation on their current CA Registration for vessels less than five net tons, or, for larger vessels, a coastwise endorsement on their current certificate of documentation (COD).

For documented UPVs operated by a business entity that offers sailing lessons as part of their business, compliance with the requirement to have a coastwise endorsement on the current COD for a UPV may come into question in the context of the CG-543 letter contained in Attachment A. The subject may arise in one of two ways:

- The operator may broach the subject during conversation with the UPV Examiner (preferred approach), or
- During conversation with the operator, it may become obvious to the UPV Examiner that the use of one or more of the operator's UPV(s) always, or potentially always, may fall into the category of exclusively used for "sail training" in the context used in the CG-543 letter.

If the subject of the coastwise endorsement requirement for UPV's used exclusively for "sail training" arises, the UPV Examiner shall initiate an in-depth discussion with the UPV operator as follows.

- If the UPV is used, or may potentially be used, for both "sail training" and any other UPV use, the UPV requires a coastwise endorsement on its current COD when in use as a UPV and not doing "sail training" as described in Attachment A.
- If the UPV is used exclusively for "sail training" (as described in Attachment A), a coastwise endorsement on the UPV's current COD is not required. The UPV Examiner shall explain to the owner/operator that, when asked by appropriate authorities, it will be the responsibility of the onboard licensed operator in-charge of the UPV to satisfy those authorities that the current UPV use meets this "sail training" exception to the normal requirement for a coastwise endorsement on the UPV's current COD.

DEFINITIONS/REFERENCES:

46 CFR 169.107 - Definitions

Sailing instruction means teaching, research, and practical experience in operating vessels propelled primarily by sail, and may include any subject related to that operation and the sea, including seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature. In conjunction with any of those subjects, "sailing instruction" also includes instruction in mathematics and language arts skills to a sailing school student with a learning disability.

COORDINATION: This policy has been coordinated with Mr. Tom Coleman, Branch Head, Domestic Inspections, USCG Sector LA-LB, March 9, 2011 and is published with the approval of Ms. Norma Lococo, D11SR ADSO-MS (UPV), UPV Outreach Team Leader.

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant (CG-543)
Office of Vessel Activities
United States Coast Guard

2100 Second Street, S.W. Stop 7581
Washington, DC 20593-7581
Staff Symbol: CG-5431
Phone: (202) 372-1224
Fax: (202) 372-1921
E-mail: CG5431@uscg.mil

16711 / Serial No.137

DEC 1 3 2010

American Sailing Association
Attn: Mr. Dave Lumian
5301 Beethoven Street, Suite #265
Los Angeles, CA 90066

Dear Mr. Lumian:

This is a follow-up to your meeting with Mr. Scott Kuhaneck, a member of my staff, on October 20, 2010, concerning American Sailing Association (ASA) vessels that conduct sail training but are not, by definition, sailing school vessels. As discussed at that meeting and in subsequent e-mails, these vessels are uninspected passenger vessels (UPVs) for purposes of determining applicable regulatory requirements. In addition, when engaged exclusively in sail training, these vessels are not required to have coastwise endorsements on their certificates of documentation.

The requirements for UPVs can be found online here: <http://www.uscg.mil/pvs/UPV.asp>. In addition to these requirements, operators of these vessels require a (OUPV) license. Information on licensing can be found here: http://www.uscg.mil/nmc/cb_capt.asp. Please direct licensing questions to the National Maritime Center (<http://www.uscg.mil/nmc/default.asp>).

In your meeting with Mr. Kuhaneck, the topic of equivalents for required items was discussed. At present, per the regulations (Title 46, Code of Federal Regulations, Subpart 24.15), each operator would need to submit their request for an equivalency to this office via their respective Officer in Charge, Marine Inspection (OCMI), located at their local Coast Guard Sector offices. For more on equivalents, see here: http://edocket.access.gpo.gov/cfr_2009/octqtr/46cfr24.15-1.htm. Equivalents are typically vessel-specific determinations, although circumstances may warrant a different level of determination, on a case-by-case basis, for your vessels.

Questions concerning this letter may be directed to Mr. Scott Kuhaneck of my staff; he can be reached at (202) 372-1221 or Thomas.S.Kuhaneck@uscg.mil. If needed, Mr. Kuhaneck can assist your members in contacting their local OCMI.

Sincerely,

A handwritten signature in black ink, appearing to read "G. L. Boone".

G. L. BOONE
Commander, U. S. Coast Guard
Chief, Domestic Compliance Division
By direction

Copy: Commander, CGLANTAREA (LANT-3P)
Commander, CGPACAREA (PAC-34)
Commander, Sector Los Angeles / Long Beach (sp)

U.S. DEPARTMENT OF HOMELAND SECURITY U.S. COAST GUARD	Request for Designation and Exemption of Oceanographic Research Vessels	OMB No. 1625-0014 Exp: 12/31/2018
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Who must comply?	Owners or operators of vessels.
What is this collection about?	This information is used by the Coast Guard's (CG) Officer in Charge, Marine Inspection (OCMI) to determine: 1) if a vessel can be designated as an Oceanographic Research Vessel (ORV); and 2) can be exempted from specific inspection and/or manning requirements.
Where do I find the requirements for this information?	Title 46 CFR Parts 3 and 14, are available at— http://www.eCFR.gov , select TITLE 46 – SHIPPING, and follow to Parts 3 and 14 (Subpart D) respectively.
When must information be submitted to the Coast Guard?	For a vessel seeking an initial designation as an ORV, the information must be submitted to the CG before a determination can be made. For a vessel that has previously been designated an ORV and seeks a renewal of the designation, the information must be submitted at least 60 days prior to the expiration date of the Letter of Designation or Certificate of Inspection.
How is the information submitted?	By mail, fax or electronically submitted via e-mail to the OCMI. A list of Coast Guard sectors, as part of a comprehensive list of Coast Guard units, can be found at: http://www.uscg.mil/top/units/ .
What happens when complete information is received?	The CG will review the information and determine if a vessel is eligible to receive a designation as an ORV. If it qualifies, an ORV will receive— <ul style="list-style-type: none"> • a Letter of Designation (if an uninspected vessel); or • a designation on its Certificate of Inspection (if an inspected vessel). A Letter of Designation is valid for two years and a Certificate of Inspection is valid for five years.
For additional information, contact--	Your local CG Sector Office. <ul style="list-style-type: none"> • A list of Coast Guard sectors, as part of a comprehensive list of Coast Guard units, can be found at http://www.uscg.mil/top/units/.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number.

The Coast Guard estimates that the average burden for this report is 1 hour. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Commandant CG-CVC, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr Ave SE, Washington, DC 20593-7501 or Office of Management and Budget, Paperwork Reduction Project (1625-0014), Washington, DC 20503.