



UNITED FISHERMEN OF ALASKA

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Attn: Rear Admiral Brian M. Salerno,
Assistant Commandant for Marine Safety, Security and Stewardship
U.S. Coast Guard
By Fax: 202-493-2251

United Fishermen of Alaska Comments on Advance Notice of Proposed Rulemaking for Commercial Fishing Vessel Safety

A. Background on United Fishermen of Alaska

United Fishermen of Alaska (UFA) is an umbrella association representing 37 commercial fishing organizations from fisheries throughout Alaska and its offshore waters. UFA passed a resolution in 2007 (attached), supporting the Commercial Fishing Industry Vessel Safety Advisory Committee, and the Commercial Fishing Vessel Safety Act of 1988 by which the committee was established, and encouraging member organizations to:

1. Strongly urge all members and fishermen to ensure that the required Coast Guard safety gear is onboard, is properly maintained, and crew are all instructed in its proper usage, where applicable.
2. Participate in the Coast Guard dockside exam program and maintain a current decal, where applicable.
3. Ensure that all crew participate in regular hands-on emergency drills conducted by a certified drill instructor who is preferably a member of the crew, where applicable.
4. Ensure that new crewmembers be given a safety orientation addressing what to do in the event of emergencies and proper use of appropriate safety and survival equipment prior to getting underway.
5. Ensure that safety programs be regularly reviewed.

The enactment by Congress of the Commercial Vessel Safety Act of 1988 and the work of the Commercial Fishing Industry Vessel Safety Advisory Committee has continued to improve the fishing industry safety record. The effectiveness of the safety measures and the committee have been remarkable – with nearly a fourfold drop in fishing fatalities since the measures went into effect in 1992 (from statistics from Alaska Marine Safety Education Association).

B. Commercial Fishing Industry Vessel Safety Advisory Committee

UFA supports the work of the Commercial Fishing Industry Vessel Safety Advisory Committee (CFIVSAC) and maintains regular communications with its current chairman, Jerry Dzugan. We reiterate the direction of the committee in stressing that for meaningful improvements in commercial fishing safety, regulators need to look more deeply into the topic than is indicated in the advance notice of proposed rulemaking. The separation of fishing vessels into categories based solely on vessel length is not a meaningful way to address fishing safety, and ignores the fact that there are hundreds of different fisheries conducted in our nation's waters, and each is unique. We strongly advise that attention be applied to assessing risk by fishery, then working with fishermen in fisheries that are shown to present a higher than normal risk to fishermen. To continue forward without consideration for different fisheries is a scattershot approach that brings undue costs and burden to regulators and to fishermen, and is not a cost effective problem solving methodology for further improvements in fishing safety. We recommend that you first identify the problem areas of fisheries that show high levels of fatalities. The Center for Disease Control National Institutes for Occupational Safety and Health (CDC-NIOSH) is in the process of long term studies on fisheries that will inform the Coast Guard in this direction.

C. Risk by Fisheries in Alaska

The Alaska Commercial Fishery Entry Commission regulates permits for Alaska state waters fisheries. A listing of fishery codes online at <http://www.cfec.state.ak.us/misc/FshyDesC.htm> shows 24 categories of fish species codes, 22 regulatory area codes, and 17 gear types altogether making for 325 different fisheries.

In the timing of the current Advance Notice comment deadline, we were unable to obtain thorough data on safety and fatalities in Alaska's fisheries, but we were provided general data on salmon fisheries. From records of Alaska fishing fatalities provided by the Center for Disease Control National Institutes for Occupational Safety and Health, there were 34 fatalities incurred in Alaska salmon fisheries from 2000 – 2007. To get an idea of the relative safety of the different types of salmon fisheries, we have estimated round numbers for crew to see how the fatalities compare to total participants. The results of this very preliminary assessment illustrate that there are significant differences in risks based on fishery. We encourage that this kind of assessment take place to identify problems in fishing vessel safety, so that appropriate solutions can be targeted without undue costs in fisheries that do not share the risks that a particular solution addresses.

Alaska Salmon Fatalities per total estimated participants, by gear type, 2000-2007

Gear Type	Fatalities	Number of permitholders	Est. Crew	Total est. participants	Fatalities/participants
Drift Gillnet	17	3911	5800	9711	0.175%
Set Gillnet	8	4505	4000	8505	0.094%
Troll	4	3239	3200	6439	0.062%
Seine	2	1422	5000	6422	0.031%
Total	31	13077	18000	31077	0.100%

Notes: Does not include 2 salmon tender fatalities and one salmon processor fatality

Drift Gillnet estimated crew of 2 for Bristol Bay (4000) plus 1 for other areas (1800)

Set Gillnet estimated crew of one per site.

Troll crew estimated 1 per vessel

Seine estimated crew of 5 for SE (2000) plus 3 for other areas (3000)

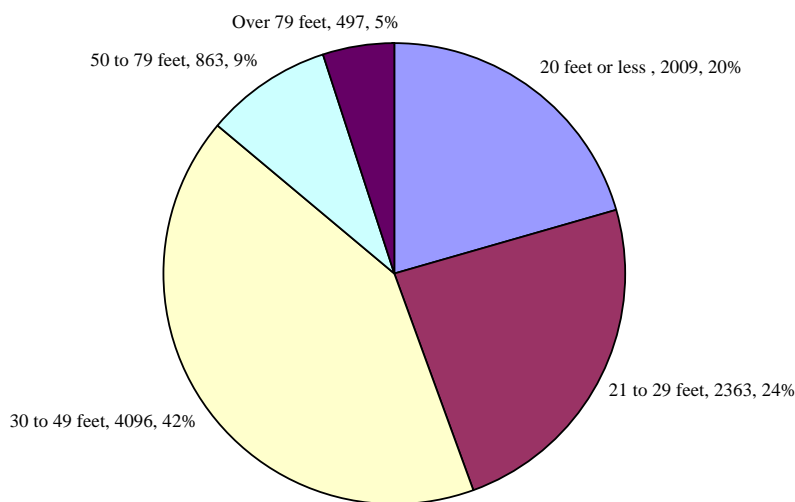
D. Fishing Vessels in Alaska

A listing of commercial fishing vessels registered in Alaska is available online at <http://www.cfec.state.ak.us/publook/other.jsp>. This listing provides valuable insight into the wide range of Alaska fishing vessels and raises doubts on the applicability of concepts contained in the advance notice of proposed rulemaking. We appreciate the intention of different safety requirements for different size vessels, but a seven tier categorization by vessel length, as shown in Table 4 in the Advance Notice falls short of meaningful differentiation of the safety needs in different fisheries. Differentiation using vessel size would cause some vessels within a fishery facing the same risks to have different regulations than another vessel. This seems appropriate in equipment common to all vessels such as the need for fire extinguishers – but other times it is not. More in depth risk assessment may indicate that stability regulations should be designed based on fishery more than vessel length, or a combination of the these and other factors.

The lengths of commercial fishing vessels registered in Alaska shows a wide range that may not be the common perception:

- 9828 Commercial fishing vessels were registered in Alaska in 2007, ranging in length from 7 feet to 635 feet.
- Over two thousand Alaska commercial fishing vessels are of 20 feet or less in length.
- Over two thousand are from 21 to 29 feet.
- 4,404 are from 30 to 49 feet
- 863 are from 50 to 79 feet
- 497 vessels are over 79 feet

AK State Registered Fishing Vessels 2007 - by Length

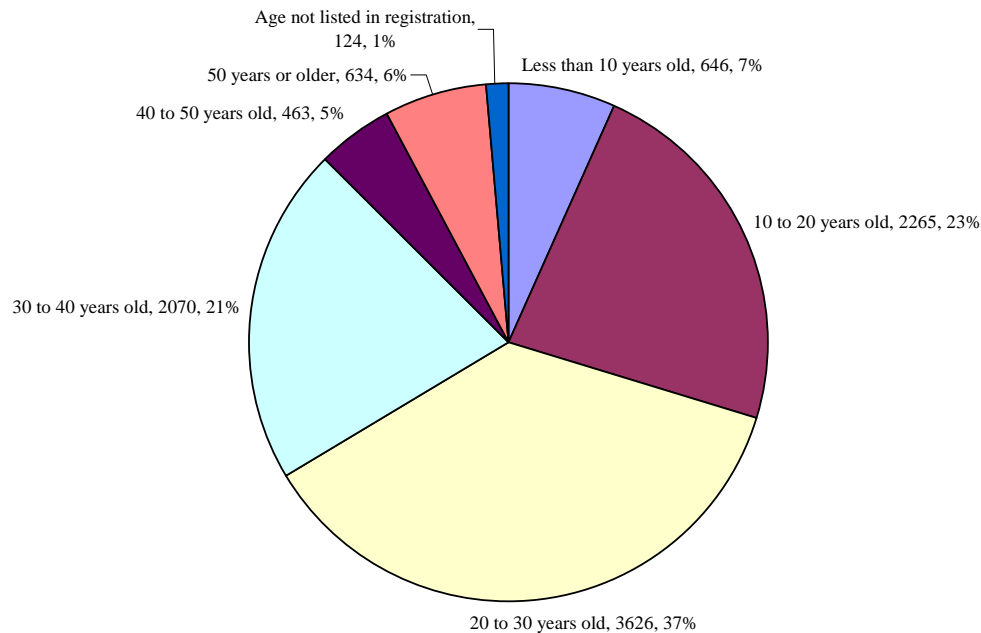


E. Age of Alaska Fishing Vessels

The wide range of age of fishing vessels in Alaska is an indication that the application of ABS classification is not feasible, even with a long phase in period:

- 634 vessels are over 50 years old, built before 1959, (two are over 100 years old).
- 463 are 40 to 50 years old, built in 1959-1968
- 2,070 are 30 to 40 years old, built in 1969 – 1978
- 3626 are 20 to 30 years old, built in 1979-1988
- 2265 are 10 to 20 years old, built in 1989 – 1998
- 646 are less than ten years old.
- 4395 (45%) are of 5 net tons or less and not currently required to be documented vessels.

Alaska Registered Fishing Vessels 2007 - by Age



F. Stability Assessments and changes in deck gear

It is also not easy to categorize fishing vessels by gear type. It is common practice for fishermen to fish in different fisheries with the same gear type, often changing deck gear multiple times through a fishing year.

Understanding the concepts of stability assessment is vital to fishermen as they change deck gear, but a requirement for documentation of calculations for every combination of gear on board a vessel will become burdensome and unworkable for many fishermen.

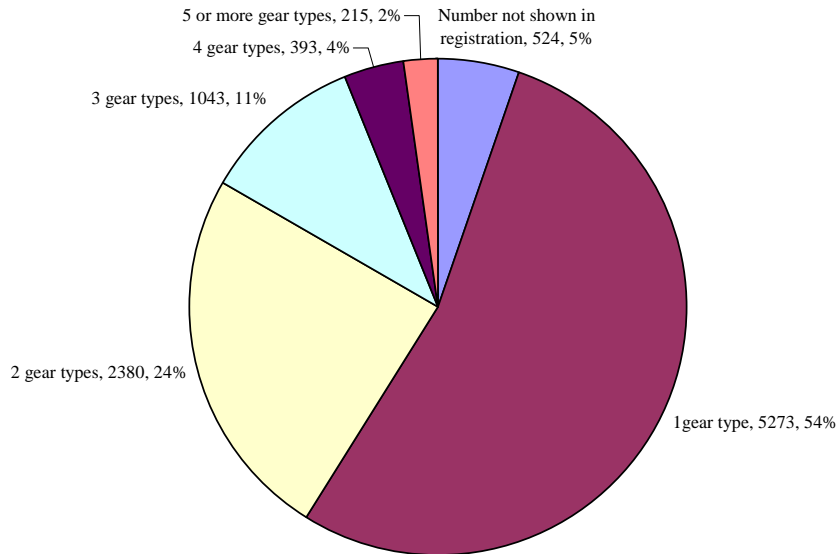
F. Stability Assessments and changes in deck gear (continued)

Of 9828 vessels, 4031 (41%) are registered to fish more than one gear type.

215 vessels are registered to fish 5 or more gear types.

Two vessels are registered to fish 11 different gear types.

AK Fishing Vessels 2007 - Number of Fishery Gear Type Endorsements



G. Fish Safe Website

We appreciate the creation of the Fish Safe Website at www.fishsafe.info, and monitor it at least monthly and relay items of importance to Alaska fishermen to our email list of approximately 1500 individuals. We have heard anecdotally that staff at U.S. Coast Guard headquarters for fishing vessel safety has been reduced and ask that you ensure that adequate staff resources to maintain and grow the site to retain its usefulness are intact.

In particular in researching this topic, we found that a link for certified dockside examiners in Alaska was broken. This was reported to staff, and we were provided with a list of certified dockside examiners within the Coast Guard, but this does not include private individuals that have also been certified. We ask that the Fish Safe website include a comprehensive list of all certified examiners, and also include an up-to-date calendar showing all scheduled locations of courtesy dockside exams.

H. Voluntary vs. Mandatory Dockside Safety Exams

UFA encourages all skippers to participate in voluntary dockside exams, but this is not always feasible without undue costs. Although courtesy free dockside exams were conducted in more than 65 Alaska ports, this does not cover all vessel home ports, and traveling to a port solely for a dockside exam would prove an economic hardship to many vessel owners.

H. Voluntary vs. Mandatory Dockside Safety Exams (continued)

Rather than mandating dockside exams, we suggest instead more meaningful incentives for participation. The best incentive would be a reasonable expectation that the dockside exam would prevent routine boardings without reasonable cause. According to Coast Guard News, April 29, 2008, "Fishermen operating vessels with recently-issued decals benefit by being less likely to have to suspend fishing operations to accommodate an at-sea Coast Guard or Alaska State Trooper law enforcement boarding."

Alaska fishermen commonly report this to not be the case, and many report being boarded more than once in a fishing season even with a current decal displayed. The Coast Guard should have a database that shows when courtesy exams were conducted rather than asking the vessel captain the date. Boardings of vessels while transiting or fishing interferes with fishermen's livelihoods, and is unnecessary on vessels that have already undergone a recent dockside exam. Standard operating procedures should instruct Coast Guard personnel to not delay or interfere with fishing vessels on the water displaying recent safety exam decals without reasonable cause.

I. Voluntary vs. Mandatory Stability Training

While offering stability training during "off seasons" may make this more convenient for many, it brings up the problem of providing training where fishermen live. Over 25 percent of Alaska permitted fishermen live outside Alaska, some in every state of the U.S. We suggest that training be available online, yet still this would not remove our concern that making these trainings mandatory would present a logistical difficulty and cost to many who do not have internet access or live in areas not served with Stability Training classes. The CFIVSAC recommended that stability training for vessels over 30ft to be vessel specific. This would be extremely expensive for operators and vessels that only have one or two fishermen located in remote rural communities.

J. Mandatory Safety Equipment & Survival Craft

The listing above of the length of fishing vessels in Alaska illustrates the impracticality of imposing requirements on all vessels for survival craft and embarkation stations, as very small vessels have no room for carrying a survival craft and no need for a designated embarkation station.

It is also important to note that purse seine fisheries are conducted with a skiff that tows the seine net from, and back to the primary vessel. In purse seine fisheries the seine skiff should not need to duplicate the safety equipment that is carried on board the seine vessel.

Embarkation stations are impractical on vessels less than 79 to 100 ft range. Vessels smaller than this size are well known to the individuals onboard the vessel. Designating an embarkation station and providing lighting and boarding ladder on only one side of the boat may hamper the ability to use the safety equipment if the vessel is listing to that side. If all the training and drills are done specific to it being done in only one way and place, in the case of an emergency the individual might not be able to react as quickly as needed.

K. "Safety Regulations" currently in place that do not address safety

Regulations that dictate what a fisherman may do with fish once caught, such as the prohibition of filleting on board, have nothing to do with safety and should be eliminated.

L. Documentation – Trip Departure Report

Fishing is often an exploratory venture and fishermen need to be able to seek fish, which may or may not be found where expected. The requirement of filing a departure report with a vessel's owners before leaving on a fishing trip is an unnecessary burden and should be left to the discretion of the owner of the vessel. Most vessels under 79 ft in Alaska are owner-operated, which raises the question of who will these owners file a departure report with. Many fishermen plan to leave but then wait for a day or two or anchor up and wait for the weather to clear before fishing. Although recordkeeping of safety activities may be required for enforcement purposes, we do not see a clear safety benefit to the filing of trip reports.

M. Other Comments

Commercial fishing is a challenging occupation, with high operating overhead and no guarantee of income. Any regulations in the name of safety that cost fishermen money or usurp fishing time have a negative effect on fishing income and the ability to provide optimal safety equipment. All fishermen understand the dangers of fishing and the need for preventative vessel maintenance and working safety equipment, and appreciate a common sense approach that allows economically viable fishing.

Although we understand that federal fisheries policy is not within the jurisdiction of the Coast Guard, it plays a huge role in fishing safety. We point out that there have been no crew deaths in the Alaska Bering Sea crab fishery since major regulatory changes were implemented beginning in 2005. The high number of casualties that occurred in this fishery prior to these changes is referenced in the Advance Notice as a prime motivator for stability training – but that is not the only solution:

“In 1999, due to the high number of deaths in the Alaska/Bering Sea crab fisheries, the Coast Guard and the Alaska Department of Fish and Game began a program to analyze crab-vessel loading when stability instructions are provided on board the vessel prior to departure. Despite having stability information on board, overloading still occurred in some instances. Factors contributing to this, as confirmed in casualty investigations, are that the calculations often were not understood by operating personnel and stability information was often not updated after changes were made to the vessel, which invalidated the instructions provided...”

The Coast Guard should not discount the fact that major fishing safety improvements may occur in regulatory areas outside of Coast Guard jurisdiction. UFA supports the regional fishery management council process that allows a forum for fishermen to work collectively to solve problems, through which changes in the Bering Sea Crab fishery were implemented.

N. Timing of Advance Notice and Comment Period

Many Alaska fishermen fish in all months of the year, but virtually all of Alaska's fishermen make the most of warmer summer months and the timing of salmon runs to fish throughout the summer. The timing of your request for comment in spring and early summer, and the comment deadline of July 29 will prevent many Alaska fishermen from providing comment on the Advance Notice of Proposed Rulemaking.

We have been notified by Coast Guard and fishing vessel safety contacts that the comment period is to be extended through December 2008, and we support this extension. The extension of the comment period will allow fishermen to provide comment, and will allow UFA's member organizations to discuss this important topic for further comment.

O. Recognition of Exemplary Service by U.S. Coast Guard in Alaska Fishing Safety

In closing, we appreciate the attention by the Coast Guard to fishing vessel safety, and especially the exemplary work of the many Coast Guard personnel who make continued noble efforts in responding to emergencies that arise in Alaska's fisheries.

Thank you for consideration of these comments.

Sincerely,



Joe Childers
President



Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association
Alaska Scallop Association • Alaska Trollers Association • Alaska Whitefish Trawlers Association • Armstrong Keta • At-sea Processors Association
Bristol Bay Reserve • Bristol Bay Regional Seafood Development Association • Cape Barnabas Inc. • Concerned Area "M" Fishermen
Cook Inlet Aquaculture Association • Cordova District Fishermen United • Crab Group of Independent Harvesters • Douglas Island Pink and Chum
Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association
North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Petersburg Vessel Owners Association
Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Sitka Herring Association
Southeast Alaska Fisherman's Alliance • Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association
Southern Southeast Regional Aquaculture Association • United Catcher Boats • United Cook Inlet Drift Association • United Salmon Association
United Southeast Alaska Gillnetters • Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen