

Upon acceptance of ACR 26 in the Fall workshop, member Jensen and I were assigned the task of looking into the question of seine vessel length. To that effect, we will be meeting with interested agencies and stakeholders sometime during the Sitka meeting in February. In preparation, we have been researching pertinent regulation and statute that apply to seine vessel length. This report is intended to bring the Board up-to-date with our findings so far.

Over the years, various proposals have brought to the Board's attention some seiners were building/buying vessels longer than the 58' limit then cutting the bow off and welding on a plate making a blunt-nosed 58' vessel. Then, to regain the sea kindly nature of the vessel, the portion of the boat that had been removed was being re-attached and it was being argued with enforcement that it was a part of an anchor roller and not the vessel itself therefore meeting applicable regulation and statute. It is felt that this affords an unfair advantage to operators of what are for all intents and purposes larger vessels than regulation allows.

This past fall the Board was asked in ACR 26 (now proposal 276) to again consider defining seine boat length. This time language is proposed the author found that resembles language currently defining vessel length in Bristol Bay:

PROPOSAL 276 – 5 AAC 39.117. Vessel length; bulbous bow. Redefine the method used to determine maximum overall length of salmon purse seine vessels, as follows:

5 AAC 39.117 (a) Notwithstanding any other provision in 5 AAC 01 – 5 AAC 39, the addition of a bulbous bow may cause a vessel, other than a vessel engaged in the Bering Sea hair crab fishery, to exceed an established vessel overall length limitation. Only that portion of the vessel comprising the bulbous bow may cause the vessel to exceed a vessel overall length limitation.

....

(c) Anchor rollers extending beyond the forward extremity of the bow are not included in the determination of the overall length of a salmon seine vessel as specified in AS 16.05.835 or a regulation of the Board of Fisheries, however when anchor rollers are inset into the bow, or placed behind the bow, the determination of overall length is made using the forward extremity of the bow.

(d) For the purposes of this section and as used in AS 16.05.835 (c), "anchor roller" means a device used solely in aid of deploying and retrieving anchor gear, and does not provide any additional flotation, planing surface, deck surface, or structural support to the vessel. The anchor roller may not extend more than 12 inches beyond the overall length restriction for the vessel.

Currently there are two pieces of code on the books in Alaska that address vessel length other than the CFEC fee schedule in AS 16.05.530:

AS 16.05.835 - "a salmon seine vessel may not be longer than 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels."

and; **5 AAC 39.117. Vessel length; bulbous bow**

(a) Notwithstanding any other provision in 5 AAC 01 - 5 AAC 39, the addition of a bulbous bow may cause a vessel, other than a vessel engaged in the Bering Sea hair crab fishery, to exceed an

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established vessel overall length limitation. Only that portion of the vessel comprising the bulbous bow may cause the vessel to exceed a vessel overall length limitation.

(b) For the purposes of this section, "bulbous bow" means a bulbous extension of the bow, below or predominately below the water line of a vessel, that is designed to increase stability or fuel efficiency and does not contain storage space or equipment that can be accessed from within the vessel.

Other fishermen have expressed a sentiment that since most-likely all Alaskan commercial fishing vessels are USCG registered and carry a certification of vessel length (per the federal code) there is a sentiment among some fishermen that the state's standard should be the same as the USCG standard so all that would ever be required to establish the length of the vessel would be to produce the documentation paperwork.

The USGC code is as follows:

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(15) "marine environment" means—

(A) the navigable waters of the United States and the land and resources in and under those waters;

(B) the waters and fishery resources of an area over which the United States asserts exclusive fishery management authority;

(C) the seabed and subsoil of the outer Continental Shelf of the United States, the resources of the Shelf, and the waters superjacent to the Shelf; and

(D) the recreational, economic, and scenic values of the waters and resources referred to in subclauses (A)–(C) of this clause.

(15a) "mobile offshore drilling unit" means a vessel capable of engaging in drilling operations for the exploration or exploitation of subsea resources.

(16) "motor vessel" means a vessel propelled by machinery other than steam.

(17) "nautical school vessel" means a vessel operated by or in connection with a nautical school or an educational institution under section 558 of title 40.

(17a) "navigable waters of the United States" includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

[(17b) Repealed. Pub. L. 109–304, § 15(2)(A), Oct. 6, 2006, 120 Stat. 1702.]

(18) "oceanographic research vessel" means a vessel that the Secretary finds is being employed only in instruction in oceanography or limnology, or both, or only in oceanographic or limnological research, including studies about the sea such as seismic, gravity meter, and magnetic exploration and other marine

geophysical or geological surveys, atmospheric research, and biological research.

(19) "offshore supply vessel" means a motor vessel that regularly carries goods, supplies, individuals in addition to the crew, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources.

(20) "oil" includes oil of any type or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes except dredged spoil.

(20a) "oil spill response vessel" means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.

(20b) "overall in length" means—

(A) for a foreign vessel or a vessel engaged on a foreign voyage, the greater of—

(i) 96 percent of the length on a waterline at 85 percent of the least molded depth measured from the top of the keel (or on a vessel designed with a rake of keel, on a waterline parallel to the designed waterline);

or

(ii) the length from the fore side of the stem to the axis of the rudder stock on that waterline; and

(B) for any other vessel, the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern, excluding fittings and attachments.

(21) "passenger"—

(A) means an individual carried on the vessel except—

(i) the owner or an individual representative of the owner or, in the case of a vessel