

USCG 6-Pax General Guidance



Editor's Note: I asked CWO Ron Bennett in the Kenai Office to give us his views on what we should be doing as charter operators in Central Cook Inlet. You have already, or will soon, be receiving this information from the KRC; however it is good information so we have included it. Thanks Ron!!

COAST GUARD NEWSLETTER

For guides operating out of Deep Creek or Anchor Point

COAST GUARD MARINE SAFETY DETACHMENT KENAI

Looking back on the 2001 operating season it became apparent that there may be a few misconceptions among the local charter fleet. So, in an attempt to clear some of this up we're including this newsletter with your permit package from Alaska State Parks. Following is some discussion to try to clarify certain "hot" topics that came up last season, along with some general information on Coast Guard related issues.

Passenger, Passenger for hire, Etc.:

How many people total can I carry on my boat? Is it OK to say I am only charging for 6 people and take a couple more along since they aren't "paying" passengers?

Well, no. The law is very specific on this subject. Without getting in too deep, here are a few pertinent parts: "Uninspected passenger vessel" means an uninspected vessel of less than 100 gross tons carrying not more than 6 passengers, including at least one passenger for hire. It further defines "passenger" as "an individual carried on the vessel except; the owner, the master, or a member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services." It also defines "passenger for hire" as "a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel. So, what is "consideration"? Consideration means an economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity.

Bottom line: If anyone is paying, you are now carrying passengers for hire and can only carry 6 persons on the boat. (Not counting the crew — normally a Master and one deckhand.)

Drug Testing Programs; what's required?

First, of course, you need the initial test to obtain your Coast Guard License. Then, if you are not continually- year around- enrolled in a random testing program you must complete a pre-employment test prior to operating each season. Then, during the operating season, you must remain enrolled in a random testing program. There are a couple of ways to run a testing program for your company. Many people choose to enroll with a “consortium”. Many consortiums, in addition to managing random drug tests, will complete and submit all required paperwork for you. But, this is not always the case, and it is still your responsibility to comply with the applicable regulations. A list of all approved consortiums can be obtained from our office if you need one. If you are a large employer and choose to run your own drug testing program you should get familiar with 46 Code of Federal Regulations (CFR) Part 16. Again, more information may be obtained from our office or any Coast Guard Marine Safety Office. A couple of things to keep in mind are: if you do not dis-enroll from the testing program at the end of your season, you are subject to random testing year around. We receive a number of “failure to test” letters every off season for

employees who are no longer operating but are still enrolled in a random testing program. By law these are treated the same as a positive test so you stand a good chance of losing your license. So, you have two choices: either remain in a program year-round or complete a pre-employment test prior to operating every year and enroll for your operating season only.

The Drug Program requirements also apply to Crewmembers (Deck Hands). 46 CFR Part 16- Chemical Testing (16-210-Pre-employment testing requirements) states “No marine employer shall engage or employ any individual to serve as a crewmember unless the individual passes a chemical test for dangerous drugs for that employer” (16-230 – Random testing requirements) states “Marine employers shall establish programs for the chemical testing for dangerous drugs on a random basis of crewmembers on uninspected vessels who perform duties and functions directly related to the safe operation of the vessel”. Another common problem we see is lackadaisical or even non-response to a notification to test during the operating season which again is treated similar to a positive test, much as a refusal to submit to a breath test during a traffic stop.

Notice of Marine Casualty Reporting

All commercial vessels are required to report Marine Casualties to the Coast Guard. That being said, here are some specifics:

Casualties which need to be reported include: Loss of main propulsion, primary steering or anything that reduces the maneuverability of your vessel; Any occurrence adversely affecting the seaworthiness of your vessel, including but not limited to fire or flooding; Loss of life; Injury that requires professional medical treatment beyond first aid. This list is not all-inclusive but are the casualties most likely to affect your vessels.

There are two parts to the report that need to be completed. 46 CFR 4.05-1 states that “Immediately after the addressing of resultant safety concerns, the owner, agent, master, operator, or person in charge,” shall notify the nearest Marine Safety Office whenever a vessel is involved in a Marine Casualty. A phone call when you return to the dock meets this requirement. The second part of the reporting process requires you to file a written report within five days with the Coast Guard Marine Safety Office. These forms are available at our office or we can fax or mail them to you. If you are

involved in a marine casualty that you think may need to be reported the best thing to do is call our office. We can tell you if it meets the requirements and supply you with any necessary forms.

Required equipment and the Five Star Program

The Seventeenth Coast Guard District's Five Star Program is entering its third year this season. Signs have been placed at launch sites and harbors throughout the state explaining the program, and participation in the program is growing. The Coast Guard Auxiliary conducts the Five Star exams and issues the appropriate decals. Remember, even if you don't meet all the requirements for "5" stars you probably already meet the requirements for at least one, two or three stars. For more information and a list of participating vessels you can access the web site www.uscg.mil/d17/m/6pac/index.shtml. Even if you choose not to participate in the Five Star Program you are encouraged to have the Coast Guard Auxiliary conduct a courtesy marine exam (CME) on your boat; sometimes a 'new' set of eyes notices things you may miss because you see it every day. If you are interested please contact your local Coast Guard Auxiliary or our office this spring and we can get you scheduled. If nothing else, use a self-exam check-off sheet listing the *minimum requirements for un-inspected passenger vessels*. Please use it prior to starting the season to make sure you have what you need. (These checklists are available at our Kenai office.)

License upgrades and renewals

Our main office in Anchorage includes the Regional Exam Center (REC), which is responsible for issuing and renewing licenses. Their phone number is (907) 271-6736. Call them and they will mail you the required packet, or if you are in the area we have application and renewal packages available at our office in Kenai. You can also get application packages electronically off the web at www.uscg.mil and follow the links for licensing. If you are looking to upgrade or renew your Coast Guard License, or one of your employees needs to obtain a license, remember to turn in your package as early as possible- the REC gets extremely busy in the spring.

Coast Guard Marine Safety Detachment Kenai

Our office is located at 150 North Willow street in the Salamatof Center, just down the street from the Kenai Airport. We are a "Detachment" of Marine Safety Office Anchorage, and are responsible for lower Cook Inlet and the Kenai River. We have five people assigned, and regulate everything from deep-draft shipping at the port of Nikiski, the oil platforms in the inlet, to both inspected and un-inspected charter vessels operating in the inlet and on the river.

If you have any questions or there is anything we can help you with, our phone number is (907) 283-3292 and our address is 150 N. Willow St., Suite 41, Kenai, AK 99611.