

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
U. S. Coast Guard
Thirteenth Coast Guard District

915 Second Ave.
Seattle, WA 98174-1067
Staff Symbol: dpi
Phone: (206) 220-7226

16711/Class Exemption

SEP 24 2021

The Pacific City Dorymen's Association Inc.
P. O. Box 728
Pacific City, OR 97135
Attn: Mr. Craig Wenrick

Dear Mr. Wenrick:

Title 46 Code of Federal Regulations (CFR) Part 28.120 requires vessels operating beyond 12 nautical miles but less than 20 nautical miles from shore to carry an inflatable buoyant apparatus. The authority to grant exemptions for commercial fishing industry vessel safety regulations is contained in 46 CFR 28.60. The provision recognizes that there may be cases where exemptions are warranted, and establishes qualifying criteria for such exemptions. Specifically, an exemption may be granted when good cause exists, and the safety of the vessel and crew onboard are not adversely affected.

After careful consideration of your request and the discussion notes of the meeting between you and staff from CG MSU Portland convened on March 8, 2021, a class exemption is approved. This approval is subject to the following conditions:

- Eligible vessels are limited to dory-type commercial fishing vessels, that are state numbered, less than 23-feet in length, flat bottom, non-displacement hull, designed to launch through the surf at Pacific City, Oregon.
- Eligible vessels may not operate beyond 20 miles from shore without the required survival craft on board. Any fishing operations beyond 12 miles from shore must be limited to the immediate vicinity of Stonewall Bank (off Newport, Oregon), be limited to trolling gear, and must be conducted during daylight hours only.
- When commercially operating beyond 12 miles, but less than 20 miles from shore without the required survival craft onboard, no more than 2 persons shall be carried onboard the vessel.
- Eligible vessels must demonstrate compliance with applicable sections of 46 CFR Part 28, with the exception of survival craft requirements, by displaying a U.S. Coast Guard dockside examination decal issued within the past 2 years.
- Additional carriage and operational requirements when operating under this exemption:
 - One 5-B portable fire extinguisher if not otherwise required.
 - An operational marine VHF-FM radio.
 - A means of dewatering the vessel.
 - An operational personal EPIRB attached to the operator.
 - All persons on board must wear a PFD.
- A copy of this letter must be kept aboard the vessel and be available for inspection by Coast Guard personnel.

16711/Class Exemption

This exemption will be reevaluated every 5 years or after any casualty or near casualty to ensure there are no adverse effects on the safety of the targeted commercial fishing fleet. If it is subsequently determined that the safety of the affected vessels or persons on board those vessels are adversely impacted, the exemption may be withdrawn at any time.

If you are aggrieved by this decision, a written appeal may be filed with this office no later than 30 days from the date of this letter. The appeal will then be forwarded to the Commandant (CG-CVC-3), in accordance with 46 CFR 1.03-25.

If you have any questions regarding this matter, please feel free to contact the Coast Guard 13th District Fishing Vessel Safety Coordinator, Mr. Dan Hardin at (206) 220-7226.

Sincerely,



P. C. BURKETT
Captain, Chief, Prevention Division
Thirteenth Coast Guard District
U.S. Coast Guard
By direction

Copy: USCG MSU Portland