

# We're Being Boarded by the Coast Guard - Now What?

By Vincent Pica, Flotilla Commander, 18-06 ISR USCG Aux

(WESTHAMPTON, NY) -



If you've ever seen the reflection of the blue-rotating hailing light in the reflection of your windshield, you've felt the quickening in certain parts of your body – "Jeez, what did I do wrong??" The United States Coast Guard can and will board you at their discretion. They need no search warrant, no provocation, no reason other than "Good Morning, sir. My name is Officer Jones with the US Coast Guard - the Coast Guard is here to day to ensure

you are in compliance with all applicable federal laws and regulations."

## What Happens First

First, you will be impressed by their youthfulness and their polite and professional demeanor. These are highly trained Federal officers. And the very first question that they will ask you, before they even step off their vessel onto yours, is, "Without reaching for them or touching them, do you have any weapons on board?" Subtly but powerfully, the tone is set. "I am polite. I am professional. I mean business." Let's assume (and hope) that the answer to that question is "no" since I would need a lot more space than this column if the answer is "yes."

## What Happens Next

The inspection that follows is driven largely by the size of the vessel with a few standard exceptions. Your actual registration needs to be aboard and current. The "HIN" number, like your car's "VIN" number, needs to be the same on your registration and on your boat (low on the starboard side of the transom.) If they don't match, someone has a lot of explaining to do. The registration numbers must be of proper size (at least 3"), of contrasting color to your hull and be the most forward of any numbering or lettering on the boat.

If you have a "MSD" (Marine Sanitation Device, a.k.a. a "head" or toilet), regardless of the size of your vessel, it must conform to regulations. All the bays and creeks are "No Discharge Zones" so, if there is an over-board through-hull from the MSD holding tank, it must be in the locked/closed position and the key must under the control of the skipper. It can be seized closed or, lastly, the handle can be removed and it must be in the closed position. The rest is largely going to be driven by the size of your vessel:

- how many personal flotation devices (life jackets) – at least one for everybody aboard, be in good working order and readily available.
- fire extinguishers – boat size dependent but all must be in working order
- flares – boat size dependent but all must "good to go", i.e., unexpired!

And so on and so forth...

## What Happens Then?

Well, there are three outcomes from here. First and best, you will get a Report of Boarding and it is marked, "No violations." You are good to go for the season. Secondly, your Report of Boarding is marked "Written Warning" about some violation that has not risen to the level of Notice of Violation. One caveat. If the boarding officer returns to the station and finds that you already have been given a warning for the same issue, your notice becomes a Violation. That is also the third outcome that could happen right at the boat – a "Notice of Violation" is issued.

There are two general outcomes from here. If the boarding officer believes that the nature of the violation is inherently unsafe, you will be directed to follow the Coast Guard back to the dock. They are not going to allow you to keep fishing with some aspect of your boat that can lead to serious injury or death to you, your crew or other boaters. Secondly, it can take on the aspect of a driving violation. The notice is mailed to the Coast Guard hearing office in Portsmouth, VA. There, the boarding report will be reviewed by a case officer where fines, further letters of violations, etc will be issued. You will be notified by mail and you will have time (15 days) to file an appeal.

### **How to Avoid All This?**

Well, the United States Coast Guard Auxiliary conducts free (your favorite price) vessel exams all season long – and they are not enforcement events. If your boat "fails" virtually the same inspection that would be conducted by the regulars, you get a report that details the deficiency – and the inspector's cell phone number. He or she will tell you, "When you have this addressed, call me. I will come down and re-run the inspection." This results in a USCGAux sticker of compliance being affixed to your windshield.

Did I mention the price? Free. <http://www.safetyseal.net/GetVSC/>

BTW, if you are interested in being part of USCG Forces, email me at [USCGAUX2006@aol.com](mailto:USCGAUX2006@aol.com) or go direct to MaryJo Cruickshank, who is in charge of new members matters, at [FSO-PS@emcg.us](mailto:FSO-PS@emcg.us) and we will help you "get in this thing..."