



DEPARTMENT OF HOMELAND SECURITY

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WebWatch Division 8, 5NR January 2013

A. LOSS OF COAST GUARDSMAN

ADM Bob Papp, Commandant

1. It is with deep regret and sadness that I report the loss of Boatswains Mate Chief Terrell Horne, the Executive Petty Officer of *CGC HALIBUT*, who died early this morning from injuries sustained while conducting maritime law enforcement operations off the California coast.
2. *CGC HALIBUT* was investigating a panga-type vessel suspected of illicit activities after it was detected by a Coast Guard maritime patrol aircraft. When the *CGC HALIBUT* small boat approached, the suspect panga-type vessel maneuvered at a high rate of speed directly towards the small boat and struck it before fleeing the scene. Two Coast Guardsmen were thrown from the boat into the water, and both members were immediately recovered by the small boat. Upon recovery it was apparent that BMC Horne had sustained a traumatic head injury. The other crew member had minor injuries. *CGC HALIBUT* crew quickly recovered the small boat and boarding team and immediately administered first aid. *CGC HALIBUT* returned to port where emergency medical service units pronounced BMC Horne deceased.
3. Coast Guard assets later successfully interdicted the fleeing panga-type vessel, boarded it, and detained two suspects. I commend the Coast Guard and Customs and Border Protection units who continued the pursuit and apprehended those believed to be responsible. We are actively investigating the incident.
4. BMC Horne stood the watch on the front lines of Coast Guard operations throughout his nearly 14 years of active duty. He previously served at Coast Guard Stations Emerald Isle, Humboldt Bay and Charleston, and also sailed aboard *CGC DALLAS*. Throughout his Coast Guard service, BMC Hornes professionalism and commitment, like those before him, ensured that we were always ready to answer the nations call.
5. The entire service is energized to support the family and shipmates of BMC Horne. Please keep his family and the crew of *CGC HALIBUT* in your thoughts and prayers.
6. Semper Paratus.



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B. MEMORIAL SERVICE FOR BMC TERRELL HORNE III

VADM J. P. Currier, Vice Commandant

1. A memorial ceremony will be held to remember and honor BMC Terrell Horne III on Saturday, 8 December at 1300. The ceremony will take place at Base Los Angeles/Long Beach, 1001 S. Seaside Avenue, San Pedro, CA 90731.
2. The uniform for all active duty attendees will be Service Dress Blue with combination cover, or equivalent uniform for members of other services.
3. Family and friends of Coast Guard members are welcome to attend. Guests are requested to arrive no later than 1215 PST, and be seated no later than 1245 PST. Car pooling is strongly encouraged.
4. Official travel is authorized in limited circumstances.

C. 237TH ANNIVERSARY OF THE NAVY CHAPLAIN CORPS

ADM Bob Papp, Commandant

1. The men and women of the United States Coast Guard join me in wishing a happy 237th birthday to the U.S. Navy Chaplain Corps.
2. Navy Chaplains have been supporting our nations sea service since 28 November 1775. Throughout our struggle for independence, and even before the adoption of our Constitution, the Continental Congress recognized the necessity of enduring spiritual support for our military personnel.
3. With over 700,000 active and reserve Sailors, Marines and Coast Guardsmen stationed around the world and in the most remote areas of the United States, the task is as formidable as it is important. It is made even more so by the wide spectrum of beliefs held by those who enter the service. Our military chaplains support service members of over 100 different faith groups.
4. Chaplains have stood along-side the men, women and families of the Coast Guard since 1929, when the first chaplain assigned to the Coast Guard, Chaplain Roy Lewis, reported to the Coast Guard Academy.
5. Today 40 active and 11 reserve chaplains continue to exemplify their motto "*Vocati Ad Servitium*" (called to serve) by faithfully providing spiritual support, pastoral care and a steady presence around the Coast Guard. Their commitment to caring for all was most recently visible during and following the Hurricane Sandy response efforts.

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6. On this special occasion of their 237th birthday, please thank our Chaplains for their faithful and dedicated service to our Coast Guard and to our nation.

D. CH-1 TO AIDS TO NAVIGATION MANUAL – SEAMANSHIP

RADM M. E. Butt, Assistant Commandant for Capability

1. This message announces the promulgation of CH-1 to the Aids to Navigation Manual - Seamanship, COMDTINST M16500.21a, dated 01Nov2012.
2. The change has been incorporated into the electronic copy of the manual available to all units on the CGPORTAL at <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>, the Intranet at <http://cgweb.comdt.uscg.mil/cgdirectives/welcome.htm>, and the internet at <http://www.uscg.mil/directives/>.
3. There will be no hardcopy distribution of this change.
4. This change updates the policy in Chapter 4 of the manual regarding use of chain hooks, and the crew requirements specified in Chapter 11 for cutter boats when conducting ATON operations. This change was based upon recommendations from the field, NATON School, and COMDT (CG-NAV-1).

E. OPERATIONAL RISK MANAGEMENT PROGRAM ADVANCEMENTS - SITREP ONE

RADM Maura K. Dollymore, Director of Health, Safety and Work-Life

1. This is the first in a series of SITREPs informing the field of efforts to improve the Operational Risk Management (ORM) program. All Coast Guard missions and daily activities, regardless of how routine, require decisions to manage risk. ORM is a systems-oriented process to identify, assess, and control hazards associated with any mission, function, operation, and activity both on and off-duty.
2. The Coast Guard is taking the following actions to reinvigorate the ORM program:
 - a. A dedicated training system is being developed to standardize and facilitate the delivery of ORM content. Currently, ORM content is integrated into Team Coordination Training (TCT) and Crew Resource Management (CRM) training. The consequence is that the quantitative and analysis-centric processes used in ORM have become diluted with the more informal qualitative processes of TCT and CRM. The Coast Guard is developing ORM



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training solutions that emphasize the analysis process and build proficiency in the use of tools to identify, assess, and control hazards.

- b. To achieve risk assessment proficiency sooner, a Hazard Inventory Tool (HIT) is being developed to catalogue known hazards and mitigations associated with high risk missions, evolutions, and activities. While OJT has an advantage of acquiring risk management knowledge and experience through actual performance of operations, a disadvantage is the delay in knowledge acquisition since operational scenarios may not occur on a frequent or consistent basis. The HIT will supplement the existing mentor and OJT systems with mentor-like data that can sensitize junior members to hazards and mitigation strategies even if they have not experienced high risk events first-hand.
 - c. Risk assessment processes and tools will be standardized within and across communities to improve the reliability and accuracy of risk management activities. Current processes and tools vary greatly, and operational communities have modified the rating scales and elements to meet personal preferences or perceived operational needs. The use of non-standard risk assessment frameworks delays proficiency development and complicates joint operations. A Hazard Assessment Tool (HAT) is under development that uses existing objective data on crew proficiency, crew state, mission hazards, and weather to calculate mission hazard exposure estimates that can be used across all operational communities.
 - d. In the future, deliberate ORM will be emphasized in mission planning and briefing activities to better leverage risk management opportunities. Current reliance on "time-critical" ORM reduces risk mitigation options since the member may not have sufficient time to consider all mitigation strategies. ORM doctrine is being revised to require specific analysis activities early in the work day, deliberate ORM, as opposed to waiting until the mission, time-critical ORM. The HAT will provide the framework for the deliberate ORM activity.
3. Due to the interdependent nature of ORM program elements under development, these efforts are being conducted in parallel. To inform operational communities of program development activities and progress, COMDT (CG-11) is using a bridging strategy to provide timely and detailed information on the status of each activity. This will also alert the field of resources available to improve ORM activities and proficiencies. Quarterly SITREPs will be released addressing the following topics:
 - a. MAR 2013 SITREP will address risk management proficiency development needs and introduce the concept of hazard inventories. COMDT (CG-113) is currently working with select operational communities to develop the HIT framework and begin analyzing high risk operations. This SITREP will detail these activities and formally introduce the HIT to the field.

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- b. JUN 2013 SITREP will address hazard analysis challenges and propose specific frameworks to objectively quantify mission hazard exposure. This SITREP will address these activities and introduce HAT to the field.
 - c. SEP 2013 SITREP will discuss ORM e-learning. Given the critical role of ORM in shaping risk acceptance attitudes and risk assessment activities, a recent Strategic Needs Assessment (SNA) recommended introducing ORM at all accession points in the Coast Guard. An effort is underway to develop e-learning solutions to address introductory and advanced ORM knowledge needs for Coast Guard operations. This SITREP will detail these activities and introduce e-learning solutions to the field.
4. I am very pleased with the advances being made in ORM. These efforts represent extensive collaboration with operational field units to identify risk management needs and ensure that the products developed enhance operations but do not hinder the operator. My goal is to provide tools to ensure operators have the best opportunity to mitigate the hazards they confront daily. I am confident in the commitment and professionalism of our people to practice good ORM. Good ORM depends on sound judgment and decision making by our people. Our current efforts focus on providing members with the most accurate and timely information to assist them in the decision making process. Every leader and operator is encouraged to practice ORM through all phases of mission execution. Make ORM part of routine training scenarios, seek guidance from leaders, and challenge subordinates to practice ORM at all times. I am proud of the risk decisions our service members make, and will strive to provide the tools over the next year to help protect our service members from unwarranted risks and enhance Coast Guard operations.

F. FIELD INPUT FOR THE COMMANDANTS LEADERSHIP, EXCELLENCE, AND DIVERSITY (LEAD) COUNCIL

Mr. Curtis B. Odom, Director of Civilian Human Resources, Diversity and Leadership

1. The purpose of the LEAD Council is to gather information and make recommendations to enhance leadership development practices, support a diverse and inclusive workforce, and as necessary, bring field leadership and diversity issues to the highest levels of the Coast Guard. Semiannually the LEAD Council will meet and consider issues including unfiltered input submitted by field personnel.
2. The next meeting of the Commandants LEAD Council will be held in Spring 2013. Coast Guard military members (active and reserve), civilian employees, and Auxiliarists are highly encouraged to provide the LEAD Council with input on leadership and diversity related topics for discussion. Issues should be submitted no later than 1 February 2013 via www.uscg.mil/diversity/leadissuesubmission.asp. Units/individuals without Internet access may email the POCs listed in Para. 5.

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3. Although not required, members are encouraged to discuss proposed topics with their local command, senior enlisted advisor, or use the Leadership and Diversity Advisory Council (LDAC) network prior to submission. The intent of this request for field input is to provide an avenue for members to communicate leadership and diversity concerns to the Commandant via the LEAD Council.
4. The LEAD Council and LDACs are not authorized to intake, counsel, investigate, adjudicate, or mediate equal employment opportunity/equal opportunity (EEO/EO) complaints. In accordance with regulations and policy, responsibility for such matter remains with EEO specialists (Civil Rights Service Providers). Therefore, if the matter involves an EEO/EO complaint, members should contact their servicing civil rights provider.

G. 2012-2013 SEASONAL INFLUENZA (FLU) UPDATE

RADM Maura K. Dollymore, Director of Health, Safety and Work-Life

1. Influenza (flu) activity continues to increase in the United States with most of the country now experiencing high levels of flu cases.
2. Vaccination remains the best tool to protect against the flu. Coast Guard personnel and their families are encouraged to get their flu shot. There are a number of no and low cost ways to get a flu shot.
 - a. Coast Guard Active Duty and Selected Reservists are reminded that the flu shot is mandatory (unless medically or administratively exempted). Tricare beneficiaries can receive their flu shots at no cost at military treatment facilities or at a participating network pharmacy. Additional information can be found at the following website: <http://www.tricare.mil/flu>.
 - b. Coast Guard civilians are authorized to receive the flu shot at no cost at Coast Guard clinics and at any federal health clinic (as supplies permit).
3. In addition to getting the vaccine, it is important to wash your hands frequently, shield your cough or sneeze with a tissue or your elbow, and if you are sick, stay home and remain home until you have been without a fever for 24 hours.



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H. PROMULGATION OF U.S. COAST GUARD SAR ADDENDUM, COMDTINST M16130.2F

RDML C.B. Thomas, Assistant Commandant for Response Policy

1. This ALCOAST announces the release of U.S. Coast Guard SAR Addendum, COMDTINST M16130.2 (series).
2. This revision incorporates several ALCOASTs and provides policy clarification throughout the Manual. Major changes are as follows:
 - a. Chapter 1: Incorporated ALCOASTs 004/11 (SMC and ACTSUS Policy) and 129/11 (Revision to LANTAREA SAR Regions). Completed major overhauls to Sections 1.2 (SAR Coordination), 1.3 (Professional Requirements), and 1.6 (Agreements, Split into three separate sections).
 - b. Chapter 2: Incorporated ALCOASTs 231/08(Commercially-Based Distress Alerting Device Policy) and 709/09 (Ship Security Alert System Policy).
 - c. Chapter 3: Incorporated ALCOAST 325/10 (PSDA for SAR Planning Policy).
 - d. Chapter 4: Updated 4.4.2.1 (Firefighting Activities Policy) to align with the Deep Water Horizon Joint Investigation Team Final Report.
 - e. Chapter 5: Updated tables for SRUs.
 - f. Appendix B: Added section on the use of CGBI for case and data management.
 - g. Appendix E: Created new appendix for Risk Management and General Guidelines for Boat Operations, extracted from Section 1.2.
 - h. Appendix M: Created new appendix on SAR Case Studies and included a sample memorandum, extracted from Section 3.9.4.
 - i. Appendix O: Created new appendix for Summary of Major Changes.
3. Personnel who are required to attend the Maritime Search Planning Course per this update shall meet the new requirements by 01 January 2014.
4. Personnel currently designated as SMC with a rotation date of AY-2014 or sooner will be exempt from SAR Supervisor Course attendance requirements.

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5. Distribution will be electronic only and can be accessed via the CG Directives System at one of the following locations:
 - a. CG Portal: <https://cgportal2.uscg.mil/library/SitePages/Home.aspx>
 - b. CG WWW: <http://www.uscg.mil/DIRECTIVES/CIM.ASP>
 - c. <http://cgweb.comdt.uscg.mil/CGDirectives/Welcome.htm>
6. The Office of Search and Rescue has begun work on the next change. Change recommendations can be routed to COMDT (CG-SAR) via the chain-of-command.

I. OPERATIONAL TASKING (OPTASK) DIVERSITY FY2013 SITREP ONE

VADM Manson K. Brown, Deputy Commandant for Mission Support

1. As Deputy Commandant for Mission Support (DCMS), I am pleased to continue to share some of our latest efforts to operationalize the Commandants Diversity Strategy. Our Leadership, Excellence, and Diversity (LEAD) Council held a very productive meeting in October to address issues that impact command climate and workplace culture. Efforts also continue to establish a robust Leadership and Diversity Advisory Council (LDAC) network throughout the field. At this time, all LDACs should be formed and functioning across the Coast Guard. Commands needing assistance establishing their LDAC should review Commandants Leadership, Excellence, and Diversity Council and Leadership and Diversity Advisory Councils, COMDTINST 5350.9 and act immediately. Amplifying information can be found by visiting www.uscg.mil/diversity/LEAD.asp.
2. U.S. Coast Guard Diversity Strategic Plan C. Sexual Assault Prevention and Response (SAPR) Program, COMDTINST M1754.10 (series) requires that quarterly progress reports and updates be submitted to me. The following highlights reflect recent progress in achieving Diversity Strategic Plan goals from around the Service.
 - a. The Coast Guard participated in over 40 diversity events in order to expand outreach and recognize our personnel. Twelve Coast Guard members received awards for their superior performance and accomplishments at the Great Minds in STEM Hispanic Engineer National Achievement Awards Conference and Women of Color STEM Conference. Recognition such as this displays a commitment to retaining our talented junior and mid-grade workforce. More information on the awardees and their awards can be found at www.uscg.mil/diversity. (Goals 3 and 4).
 - b. Recognizing that preventing and responding to sexual assault is a leadership issue, the Deputy Commandant for Operations (DCO) Leadership and Diversity Advisory Council (LDAC) designated Sexual Assault Victim Advocates within the DCO organization to assist

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in responding to reports of sexual assault. Advocates such as these participate in the Sexual Assault Victim Advocate Training and are tasked with supporting sexual assault victims and in making improvements to the reporting process. Establishing a Coordinated Government-Wide Initiative to Promote Diversity and Inclusion, Executive Order 13583 and additional information on the SAPR Program are located at www.uscg.mil/hr/cg111/rape_sexual_assault.asp. (Goal 2)

- c. The Coast Guard Academy Chief Diversity Officer provided a newly developed cultural competence awareness training focusing on the diversity and inclusion imperative at the individual and organizational levels as a means to operationalize REF D into our everyday activities. The interactive five hour training session was incorporated into the Midgrade Officer Career Transition Course and similar modules are incorporated into other Leadership Development Center course curricula. The Presidents Executive Order, COMCOGARD PSC ARLINGTON VA 251221Z OCT 12/ALCGPSC 139/12 is available on the COMDT (CG-12B) website at www.uscg.mil/diversity. (Goals 1 and 5)
 - d. Sector Guam continued active participation in outreach programs in the Merizo Village by delivering holiday presents to 134 children in need through the islands Angel Tree program. Providing extensive interaction with village members through various community service projects, their exemplary involvement celebrates local cultures, solidifies partnerships, and provides the community with a heightened understanding of the Coast Guard and our mission. This effort supports REF E. Information provided by service members to prospective candidates is one of our most effective and productive means of recruiting. Efforts such as this are greatly appreciated and will continue to ensure we attract to the Coast Guard the best talent our nation offers. Goal 3 available at [www.uscg.mil/announcements/alcgpsc/139-12\(underscore\)alcgpsc.txt](http://www.uscg.mil/announcements/alcgpsc/139-12(underscore)alcgpsc.txt).
3. Thank you for all of your leadership efforts to amplify the importance of diversity and inclusion. I encourage you to provide your accomplishments and initiatives to your LDAC representatives and LEAD Council members to have them highlighted in future OPTASK Diversity messages.

J. AY13 FLAG OFFICER AND SENIOR EXECUTIVE SERVICE ASSIGNMENTS-UPDATE VADM J. P. Currier, Vice Commandant

1. COMDT COGARD WASHINGTON DC 141620z NOV 12 ALCOAST 480/12 is hereby updated to reflect the three remaining flag officer assignments for AY13.



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a. Headquarters Staff:

CG-095	Director, Enterprise Strategy, Management and Doctrine	RDML (SEL) M. F. MCALLISTER
CG-5R	Assistant Commandant for Response Policy	RDML (SEL) P. J. BROWN

b. Liaison position:

DHS	DHS Military Advisor to the Secretary	RDML (SEL) J. E. RYAN
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K. Save the Date for the 2013 American Boating Congress!

Lauren Dunn, National Marine Manufacturers Association

Mark your calendars! Join recreational boating industry advocates, stakeholders, policy makers, co-hosts and more on May 8-9 for the 2013 American Boating Congress in Washington, DC. Speakers and a detailed agenda are currently in development. ABC will once again feature an engaging line-up of savvy experts available to answer industry and policy-specific questions affecting your business

L. Requirements for the Ownership of Vessels Eligible to Engage in Restricted Trades by Publicly Traded Companies

Cindy Squires, National Marine Manufacturers Association

The US Coast Guard has issued a new notice (<https://www.federalregister.gov/articles/2012/11/26/2012-28560/mechanisms-of-compliance-with-united-states-citizenship-requirements-for-the-ownership-of-vessels>) to inform industry and the public on how the Coast Guard plans to exercise its discretion in enforcing the referenced U.S. citizen ownership requirement.

This comes in response to a January 2011 report on a Coast Guard investigation into the citizenship of owners of a publicly traded company. The National Vessel Documentation Center had previously requested comments and information on the various measures that publicly traded companies employ to comply with the statutory requirement that at least 75 percent of the ownership of companies that operate vessels engaged in the coastwise trade be vested in U.S. citizens. This new guidance is a result of those comments. NMMA will continue to monitor any next steps taken by the Coast Guard and will update NMMA members accordingly.



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M. NASBLA CALLS FOR PROPOSED REVISIONS TO THE NATIONAL BOATING EDUCATION STANDARDS

National Marine Manufacturers Association

Recently, the National Association of State Boating Law Administrators (NASBLA) has called for proposed revisions to the National Boating Education Standards. Originally adopted in 1999, the National Boating Education Standards prescribe the minimum body of knowledge to effect safe, legal, and enjoyable recreational boating. NASBLA placed the document under the guardianship of the National Boating Education Standards Panel, whose primary function is to "gauge the efficacy of the Standards based on risk assessments and analyses that use the U.S. Coast Guard's Recreational Boating Statistics and other available, relevant, and reliable boating accident and participation data; and on other applicable boating safety and education research studies and scientific resources."

Submissions are encouraged from any party materially affected by the Standard, including NASBLA members and non-members alike. The Call for Proposed Revisions period closes on February 13, 2013.

Input on the Standard will be accepted exclusively via the EZ-ESP website, <http://esp.nasbla.org/esp>. Instructions for submitting comments (including how to obtain login credentials for the EZ-ESP website) and documents containing the current Standard (effective Jan. 1, 2012), the reformatted Standard, and the Education Standards Panel Rules are available for download at <http://esp.nasbla.org/esp>. Questions, including queries regarding the EZ-ESP website and login credentials, may be emailed to the Panel at esp@nasbla.org.

N. NATIONAL GET OUTDOORS DAY 2013 TO BE CELEBRATED ON SATURDAY, JUNE 8

National Marine Manufacturers Association

In its sixth year, National Get Outdoors Day is a partnership effort by hundreds of government agencies, recreation and healthcare businesses and nonprofit organizations to introduce America's youth to the healthy fun of America's Great Outdoors. NMMA supports the national effort and encourages you to learn more about events in your area. Events will be held at 200+ sites in urban centers, state and local parks and other places and the USDA Forest Service will waive many recreation fees on GO Day in national forests covering 192 million acres of the nation. If you are interested in becoming involved, learn how here. To read more visit www.funoutdoors.com.



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O. THE 2013 AMERICAN BOATING CONGRESS

Lauren Dunn, National Marine Manufacturers Association

The 2013 American Boating Congress is once again a true, all-industry event this year co-hosted by 23 organizations to date. The co-hosts, who support ABC by contributing time and assisting in program development, are as follows:

- American Boat Builders & Repairers Association
- Association of Marina Industries
- BoatU.S.
- Boy Scouts/Sea Scouts
- Boating Trades Association of Metropolitan Houston
- Center for Coastal Conservation
- CT Marine Trades Association
- Florida Yacht Brokers Association
- Lake Erie Marine Trades Association
- Michigan Boating Industries Association
- Marine Retailers Association of America
- National Boating Federation
- National Marine Bankers Association
- National Marine Distributors Association
- National Marine Manufacturers Association
- Northwest Marine Trade Association
- National Marine Trade Council
- RI Marine Trades Association
- South Carolina Marine Association
- States Organization for Boating Access
- U.S. Superyacht Association
- Wisconsin Marine Association
- Water Sports Industry Association

Join recreational boating industry advocates, stakeholders, policy makers, co-hosts and more on May 8-9 for the 2013 American Boating Congress in Washington, DC. ABC will once again feature an engaging line-up of savvy experts available to answer industry and policy-specific questions affecting your business.



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P. 2011 NATIONAL SURVEY OF FISHING, HUNTING, AND WILDLIFE ASSOCIATED RECREATION FINAL NATIONAL REPORT RELEASED

National Marine Manufacturers Association

Wildlife-related outdoor recreation increased dramatically from 2006 to 2011. The national details are shown in the Final Report of the 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation released today by the U.S. Fish and Wildlife Service (Service). The Final Report, which follows the August 2012 Preliminary Review and the September 2012 State Overview, provides more information on the types of activities and money spent for fishing, hunting, and wildlife watching.

Highlights of the Final Report include:

- More than 90 million U.S. residents 16 years old and older participated in some form of wildlife-related recreation in 2011; that is up 3 percent from five years earlier. The increase was primarily among those who fished and hunted.
- Wildlife recreationists spent \$144.7 billion in 2011 on their activities, which equated to 1 percent of the Gross Domestic Product. Of the total amount spent, \$49.5 billion was trip-related, \$70.4 billion was spent on equipment, and \$24.8 billion was spent on other items such as licenses and land leasing and ownership.
- The number of sportspersons rose from 33.9 million in 2006 to 37.4 million in 2011. The data show that 33.1 million people fished, 13.7 million hunted, and 71.8 million participated in at least one type of wildlife-watching activity such as observing, feeding and photographing wildlife.

For more, read the full report at <http://www.census.gov/prod/2012pubs/fhw11-nat.pdf>.

Q. TEN PERCENT INCREASE IN NEW POWER BOAT SALES FOR 2012 POINTS TO CONTINUED GROWTH IN THE NEW YEAR

National Marine Manufacturers Association

New numbers from NMMA research show a 10 percent jump in powerboat sales in 2012 and early projections indicate that the industry will see additional increases in 2013 by as much as 5 to 10 percent. The level of growth in 2013 will depend on a number of factors, including continued improvement in economic conditions that affect recreational boating — namely consumer confidence and the housing market — and sustained increases in Americans' participation in outdoor recreation.

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R. WHITE HOUSE PLANS TO EXPAND CALIFORNIA MARINE SANCTUARIES

Cindy Squires , National Marine Manufacturers Association

The Obama administration plans to expand two marine sanctuaries in Northern California, a move that would permanently ban oil drilling along more than 50 miles of the state's coast. The announcement was made by officials from the National Oceanic and Atmospheric Administration and members of the congressional delegation from the Bay Area. The designation will more than double the size of the Gulf of the Farallones and Cordell Bank national marine sanctuaries, adding 2,771 square miles. It will also extend the Bodega Bay reserve. Oil drilling and other extractive activities will be banned in the newly protected areas, and sewage dumping by cruise ships will be regulated. But the move does not ban fishing or boating.

S. NOAA MAPS UNDERWATER NOISES TO PROTECT WHALES

Cindy Squires , National Marine Manufacturers Association

A federal agency is in the first phase of a project to curb human-caused undersea noises that experts worry could be affecting ocean mammals. The National Oceanic and Atmospheric Administration's project is looking to document noises across the globe to generate one of the first large-scale sound maps. The sea spans more than 70 percent of the Earth's surface, making the project a major undertaking. So far, dozens of the ocean visualizations have been made public. The maps use bright colors to depict the annual average noise that permeates through the waters in particular areas.

Scientists said the sonar blasts from military exercises, the air gun booms from energy exploration and noises from commercial fleets could be of particular concern to marine mammals, like whales. Whales, they said, depend on their hearing in order to find food or others of the species. Through the Endangered Species Act and the Marine Mammal Protection Act, the federal government has some standing to regulate underwater sounds — though exemptions exist for the military.

T. NMMA MEETS WITH NEW CALIFORNIA AIR RESOURCE BOARD (CARB) CHIEF

John McKnight, National Marine Manufacturers Association

On January 10, 2013, Jeff Wasil of BRP Evinrude, Mark Riechers of Mercury Marine and John McKnight of NMMA, met with Alberto Ayala, the recently appointed CARB Deputy Chief Executive Officer with responsibilities for the Mobile Source Operations Division, the Monitoring and Laboratory Division and Mobile Source Control Division. This position is responsible for all staff activities related to the regulation of emissions from recreational boats and marine engines.

The discussion centered around three main issues; the economic state of recreational marine businesses in California, future regulations for evaporative emissions and catalyst on outboards.

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NMMA presented statistics that highlighted California's struggling recovery which rates well below the national average. Specifically, marine sales in California have declined from approximately \$1.2 billion in 2006 to around \$300 million in 2011. This puts total California marine sales less than those of Delaware; in contrast, South Carolina saw marine sales grow 30% between 2010 and 2011. The presentation highlighted the fact that based on these current sales numbers, NMMA members would be challenged to support more stringent California "only" regulations.

Regarding evaporative emission controls, CARB staff stated that they plan to go to their board with a rulemaking possibly in September. At this time, the inventory data still need to be compiled and no rule can be brought before the board until that is complete. CARB staff has not modified its original proposal since our last meeting and the main disagreement continues to be its requirement for boat builder certification. This was discussed at length at the meeting and the plan is to assemble an NMMA/ CARB task force to work out this issue. Once they have the inventory complete, CARB will host a public workshop in Sacramento to go over the rule. Regarding catalyst on outboards, Mark Riechers updated Dr. Ayala on the progress of the Mercury catalyst test program. Overall the meeting was positive and all parties are willing to work together in the future.

U. SUPREME COURT RULES ON STANDARD FOR DETERMINING WHAT IS A VESSEL

National Marine Manufacturers Association

The Supreme Court on January 15, 2013 issued an opinion in the *Lozman v. City of Riviera Beach, Florida* case involving a floating house moored at a marina. The house in question was not capable of independent movement, had no steering capability, no ability to generate or store its own power and was not used for transportation purposes. The Court resolved a split in the circuits on how to apply the definition of vessel and in the process created a new reasonable observer standard. The definition in question defines "vessel" as encompassing "every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the water." 1 USC § 3. The Court found that it could "find nothing about the home that could lead a reasonable observer to consider it designed to a practical degree for 'transportation on water.'" The Court also noted the existence of state laws in Washington and California that treat "floating home" structures like ordinary land-based homes rather than like vessels. The Court noted that consistency with federal and state laws in this case "is a virtue that creates simplicity making the law easier to understand and to follow for lawyers and for non-lawyers alike." The U.S. opposed an "anything that floats" test because it would place an inspection burden upon the Coast Guard to inspect these structures.



DEPARTMENT OF HOMELAND SECURITY

The civilian component of the U.S. Coast Guard

Authorized by Congress in 1939

V. NMMA STAFF ATTENDS MEETING REGARDING CORAL AND ESA LISTING

Nicole Vasilaros, National Marine Manufacturers Association

On January 11, NMMA staff attended a public meeting to discuss certain species of coral on the endangered species listing. After receiving a petition in 2009 for listing 82 species of coral as endangered, NOAA has undergone a multi-year review process and is proposing to list 66 species of coral as endangered and reclassify the elkhorn and staghorn species from threatened to endangered. Public comments are being accepted until March 7th and a final rule is expected by December 2013. If all 66 species are finalized as endangered, NOAA will then engage in an assessment of critical habitat designations, to further protect coral species. A listing of endangered under the ESA does not automatically prohibit recreational activities in areas where coral exist. NMMA staff plans to work closely with NOAA to ensure critical habitat designations do not unduly burden recreational boating, fishing, and marinas.