



16200
February 5, 2024

[PARTY]
[PARTY ADDRESS]

RE: Activity No. 5809358
[PARTY]
[VESSEL]
\$1,000.00

Dear [PARTY]:

The Coast Guard Hearing Office has forwarded the file in Civil Penalty Activity No. 5809358, which includes your appeal on behalf of [PARTY] as owner of the commercial fishing vessel [VESSEL]. The appeal is from the action of the Hearing Officer in assessing a \$1,000.00 penalty for the following violation:

<u>LAW/REGULATION</u>	<u>NATURE OF VIOLATION</u>	<u>ASSESSED PENALTY</u>
33 CFR § 164.46(b)	Failure to have, maintain, or operate an AIS.	\$1000.00

The alleged violation took place on the morning of August 25, 2022, when Coast Guard personnel observed your vessel, the [VESSEL], to be not transmitting on Automated Identification System (AIS) when within the navigable waters of the U.S, approaching Westport, Washington. On appeal, you assert that your AIS system was never turned off. Your appeal is denied, for the reasons given below.

According to 33 CFR § 164.46(b), self-propelled vessels of 65 feet or more in length engaged in commercial service are required to have on board a properly installed, operational Coast Guard-approved AIS device. The [VESSEL] is an 81.1-ft. commercial fishing vessel and therefore requires such a device.

There is evidence that the [VESSEL], while in U.S. navigable waters, at and after 8:10 A.M. on August 25, 2022, was not transmitting via AIS, although the vessel's AIS was turned on. Thus the [VESSEL] did not have an operational AIS at that time.

I find substantial evidence in the record to support the Hearing Officer's conclusion that your vessel was not operating the AIS on August 25, 2022. The penalty is within the amount authorized. The decision of the Hearing Officer was neither arbitrary nor capricious and is affirmed.

In accordance with the regulations governing civil penalty proceedings, 33 CFR Subpart 1.07, this decision constitutes final agency action.

Payment of \$1,000.00, by check or money order payable to the U.S. Coast Guard, is due and should be remitted promptly, accompanied by a copy of this letter. Send your payment to:

U.S. Coast Guard - Civil Penalties
P.O. Box 979123
St. Louis, MO 63197-9000

Interest at the annual rate of 4% accrues from the date of this letter but will be waived if payment is received within 30 days. Payments received after 30 days will be assessed an administrative charge of \$12.00 per month for the cost of collecting the debt. If the debt remains unpaid for over 90 days, a 6% per annum late payment penalty will be assessed on the balance of the debt, the accrued interest, and administrative costs.

Sincerely,

L. I. McCLELLAND
Civil Penalty Appellate Authority
By direction of the Commandant

Copy: Coast Guard Hearing Office
Coast Guard Finance Center