

# Boundary line not the way to figure risk

From the standpoint of fishing safety regulations established under the Commercial Fishing Vessel Safety Act (CFVSA) of 1988, the "boundary line" marks the point beyond which federally documented vessels must have specific safety equipment.

As an imaginary line marking the "difference" between low-risk and high-risk waters – a concept we might infer from the fact that more safety equipment is required outside of the "boundary line" than inside it – the boundary line has no real meaning.

The boundary line from Maine to Massachusetts zigzags from lighthouse to lighthouse, and sometimes to buoys, from Kendall Head Light in Eastport to the Cape Ann Lighted Whistle Buoy. At times the boundary line is close to or on shore while at other times it is miles at sea. For this reason it is not a realistic or meaningful line of demarcation as far as risk to crew and vessel is concerned.

The CFVSA boundary line is not marked on any chart, but it is "discernable" if one has a chart handy and can identify the lighthouses and buoys that determine the line. Originally used for customs purposes, as I understand it, this boundary line was a simple solution during the negotiations that produced the CFVSA that did not require any fancy technical measurements.

## Requirements

In a nutshell, federally documented boats, which comprise about one-third of the Maine commercial fishing fleet, when fishing beyond the boundary line must comply with the requirements regarding: first aid equipment and training; guards for exposed hazards; navigation information, compass, anchors, and radar reflectors; general alarm systems; communication equipment; high-water

Oregon Territorial Sea Plan, Thomas Jefferson devised the concept of a "territorial sea" and "seaward boundary for the United States" in 1793.

Drawing on this concept of a seaward boundary, the Submerged Land Act of 1953 gave states jurisdiction over the land and resources under the water in an area measured from a location on the shoreline out to three nautical or geographical miles.

It seems reasonable that if the fishing safety regulations are going to be tied to a line, they should be linked to a line measured as a distance from shore rather than as a line between lighthouses.

In the sense that the three-mile line designates an area of the marine

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environment in which proactive protection of fish stocks and ecology help sustain the fishing industry, it follows that the three-mile line should be the line that helps make fishing sustainable from a human resource perspective and promotes the safety and sustainability of the fleet.

Regardless of what is mandated by

law, all fishermen should invest in the maximum amount of safety equipment they can afford – perhaps purchasing a new item each year – and commit to follow safety information and training procedures to the very best of their ability. Often, those who survive are those who prepared. ■



Theresa Doleoff graphic



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## Requirements

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Clearly, these requirements promote safety and reduce risks. It follows that the line of demarcation should be a line related to the risk of exposure.

## Three-mile line

In contrast, the "three-mile line" is a more-complicated designation with a considerable history. According to the

## FISH SAFE:

- No matter where you fish or what is mandated, carry at a minimum a first aid kit, compass, charts, anchors, radar reflectors, communication equipment, and an EPIRB.
- Immersion (survival) suits and a buoyant apparatus such as a life raft are also strongly recommended even when not mandated.
- If you don't have them on board, seriously consider adding a general alarm, a bilge system, a high-water alarm, and electronic-fixing devices and giving all crewmembers emergency instructions and safety orientations.

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