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[Formerly Gulf Coast Mariners Association, Founded in 1999.]

NAUTICAL CHARTS AND COAST GUARD INSPECTIONS

Most U.S.-flag commercial vessels operating today are now or will become uninspected vessels. As such, a Coast Guard inspector will visit each vessel on a periodic basis and check on its charts and publications to determine if they are the latest edition and have been corrected and brought up-to-date by the vessel's licensed officers.

Enforcement Issues for Inspected Vessels

Boat owners purchase charts and publications for their vessels. One such boat owner purchased several hundred dollars worth of charts, all of which were the current edition as verified by the National Ocean Service (NOS). One of those charts, #11346, Edition 1, printed 8/1/2004, was a chart of Port Fourchon, LA, the Gulf Coast's busiest oil port. That chart, although it was the latest edition, had 121 corrections that needed to be made according to the most recent list of updates from the internet. **The Coast Guard inspector would not accept the brand new, current edition of this chart because it had not been "corrected" through the latest Local Notice to Mariners (LNM)**⁽¹⁾ which would include all 121 changes.⁽²⁾ [⁽¹⁾You can obtain LNMs at this website: <http://www.nancen.uscg.gov> ⁽²⁾Corrections for individual charts are available at the NOAA, Office of Coast Survey website; read the applicable information; then go to the Chart Update section and enter the chart number for the chart you want to update.]

The boat owner, faced with the prospect of not being able to place a brand new, recently outfitted offshore supply vessel into service, made a wise decision to purchase a complete new suite of "Print on Demand" charts from a chart agent who had access to very sophisticated print-on-demand computerized equipment that produces up-to-date charts that allow shipboard personnel to avoid the time-consuming practice of making chart corrections by hand. The boat owner stated that his employees, although properly licensed, would not be able to make the 121 chart corrections to satisfy the Coast Guard because they simply did not know how and were never trained to do so. This is a very common problem and one that has been largely ignored. He believed that by buying all new and significantly higher-priced print-on-demand charts would satisfy the Coast Guard at least to get the new boat out of the shipyard and until the next scheduled annual inspection where he (presumably) would have to buy another complete, updated suite of charts. This involved taking a calculated risk that the same inspector would not visit the boat and cite his vessel for failing to update its print-on-demand charts at some date before the next scheduled inspection. Presumably, the licensed officers would learn by osmosis⁽¹⁾ how to correct their charts in the meantime. [⁽¹⁾We suggest that a better method is for licensed mariners to practice using the LNM and NOAA's list of chart corrections over the internet and correcting charts on your vessel. If you do not have an internet connection, have your employer use his office computer to print out the LNM every week and send it to the boat.]

Unfortunately, many if not most lower-level mariners were never trained how to use the Local Notice to Mariners (LNM) to bring their charts up to date. This is the reality of the situation as we see it in the Gulf Coast area. However, the **National Maritime Center** would be best able to tell how many of the license-prep courses they have approved for years include such chart correction training requirements and for which level, grade, or specific license that training is given.

Correcting charts for most lower-level mariners (i.e., those serving on vessels of less than 1,600 GRT) is something learned by osmosis if it is ever learned at all. Every employer assumes their licensed officers have the knowledge, resources, training and interest to correct their nautical charts. Several years ago, the method of distributing the LNM was changed from snail-mailing paper copies to e-mailing on the internet. This change made very little difference to many mariners who had never seen, read, or understood the paper version of the LNM, avoided boring Broadcast Notices to Mariners, or had no access to a computer in their pilothouse. The Coast Guard continues to ignore their own Newman Report of 1973 that pointed out educational deficiencies including reading comprehension problems throughout the entire Gulf Coast area. Without its ingrained attitude that their own ignorance is bliss, they might even have to pay attention to lower-level mariners.

All of this translates into the fact that many mariners and their employers were shocked to find out that **having the "latest edition" of a chart might no longer satisfy Coast Guard inspector** and that these inspectors expected that every chart as well as government publications like the Coast Pilot and Light List to be kept up-to-date based on changes taken from the weekly LNM.

A Time-Consuming Job

Keeping charts and pubs up-to-date involves a great deal of time and effort. The more charts you have, the greater the time and effort that is required. Vessel officers on many small vessels, especially those in 24-hour service operating on a two-watch system simply do not have time to keep up with recurring and demanding secretarial tasks that were never part of the job they did before. On the other hand, naval and Coast Guard vessels generally have enough trained personnel they can assign to complete these tasks. Upper-level merchant marine officers serving on large tank, cargo, and passenger ships are usually on a three-watch system and have available overtime allotted to perform these paper tasks.

For most lower-level mariners and their employers who purchase all charts and publications for their vessels, having the latest edition (i.e., current editions) of a chart generally was considered good enough or at least it used to be in the past.

Differences in Regulations

In reviewing the applicable regulations for different classes of vessels, we note some significant differences including certain terms really should be defined more clearly or something easily deferred until some later regulatory spasm. We underlined those terms that needed more accurate definition in the following regulations. Since we deal almost exclusively with lower-level mariners, our concern is with approximately 5,200 towing vessels, 6,000 small passenger vessels and about 1,200 offshore supply vessels. We can count on the major maritime unions to look after the ships over 1,600 gross register tons. However, we also looked at the regulations that apply to big ships like tank ships and cargo vessels to see what the Coast Guard expects of these vessels. In the regulations that follow, the emphasis is ours.

The Role of Nautical Chart Agents

Every nautical chart agent is required to keep its stock of nautical charts up-to-date by stocking only the latest edition of each chart. The government helps chart agents to do this by announcing new editions of charts in a timely manner and granting chart agents credit for earlier editions that have become outdated. Chart agents must be on their toes and pay attention to their stock because free returns of outdated charts are strictly limited to 60 days from the date of official notification. A chart agency can lose its government contract for selling old editions of charts following official notification.

While mariners should have confidence that established chart agents will not sell them an outdated or obsolete chart, owners and licensed officers of inspected vessels have an additional problem. The Coast Guard inspector, aside from looking for charts of the latest edition aboard the vessel, apparently will now focus on charts that need to be corrected through the latest Local Notice to Mariners (LNM). Local Notices to Mariners are distributed electronically once a week over the internet.

The government has taken and is taking important steps to move from paper charts to electronic charts or a move that will eventually be able to fully utilize all of the chart corrections and updates in a timely manner on an electronic display in the pilothouse at some future date when electronic charts will replace paper charts. In the meantime, paper charts are still required. It is enforcement issues that recently became problematic for some lower-level mariners, boat owners, and chart agents.

Perhaps we can lay blame part of the problem to the across-the-board deterioration in the Coast Guard's Marine Safety functions including inspection noted in hearings before Congress on August 2, 2007 and more recently by former Vice Commandant James Card in a report to Coast Guard Commandant Admiral Thad Allen in November of that year. Perhaps today's crop of Coast Guard inspectors do not understand the industry they are supervising and do not understand that it operated for years believing that the latest edition of a chart represented the industry norm and that correcting charts to the latest LNM was unrealistic.

Chart & Publication Regulations for Tankships, Cargo Ships and Passenger Ships

These regulations appear to be the most demanding Chart and Pub regulations that were last updated in 2001. These regulations apply primarily to officers holding upper-level licenses serving on these vessels. The regulations in 46 CFR Part 35e are essentially the same as 46 CFR §97.05-1 and §97.05-5 for Cargo and Miscellaneous Vessels and Subpart 78.05 for Passenger Vessels greater than 100 gross register tons.

46 CFR §35.20-1 Notice to mariners; aids to navigation – T/OCLB.

(a) Licensed officers are required to acquaint themselves with the latest information published by the Coast Guard and the National Imagery and Mapping Agency regarding aids to navigation, and neglect to do so is evidence of neglect of duty. It is desirable that vessels navigating oceans and coastwise and Great Lakes water shall have available in the pilothouse for convenient reference at all times a file of the applicable Notice to Mariners.

(b) Weekly Notices to Mariners (Great Lakes Edition), published by the Commander, 9th Coast Guard District, contain announcements and information on changes in aids to navigation and other marine information affecting the

safety of navigation on the Great Lakes. These notices may be obtained free of charge, by making application to Commander, 9th Coast Guard District.

(c) Weekly Notices to Mariners (worldwide coverage) are prepared jointly by the National Imagery and Mapping Agency, National Ocean Service, and the U.S. Coast Guard. They include changes in aids to navigation in assembled form for the 1st, 5th, 7th, Greater Antilles Section, 8th, 11th, 13th, 14th, and 17th Coast Guard Districts. Foreign marine information is also included in these notices. These notices are available without charge from the National Imagery and Mapping Agency, U.S. Collector of Customs of the major seaports in the United States and are also on file in the U.S. Consulates where they may be inspected.

(d) As appropriate for the intended voyage, all vessels must carry **adequate and up-to-date**:

- (1) Charts;
- (2) Sailing directions;
- (3) Coast pilots;
- (4) Light lists;
- (5) Notices to mariners;
- (6) Tide tables;
- (7) Current tables; and
- (8) All other nautical publications necessary.⁽¹⁾

[⁽¹⁾ For United States vessels in or on the navigable waters of the United States, **see 33 CFR 164.33.**] [CGFR 66-33, 31 FR 15268, Dec. 6, 1966, as amended by CGFR 68-32, 33 FR 5714, Apr. 12, 1968; CGD 75-074, 42 FR 5963, Jan. 31, 1977; CGD 88-070, 53 FR 34534, Sept. 7, 1988; USCG-2001-10224, 66 FR 48619, Sept. 21, 2001]

33 CFR §164.33 Charts and publications.

(a) Each vessel must have the following:

(1) Marine charts of the area to be transited, published by the National Ocean Service, U.S. Army Corps of Engineers, or a river authority that ó

(i) Are of a large enough scale and have enough detail to make safe navigation of the area possible; and

(ii) **Are currently corrected.**

(2) For the area to be transited, a **currently corrected copy of, or applicable currently corrected extract** from, each of the following publications:

(i) U.S. Coast Pilot.

(ii) Coast Guard Light List.

(3) For the area to be transited, the current edition of, or applicable current extract from:

(i) Tide tables published by private entities using data provided by the National Ocean Service.

(ii) Tidal current tables published by private entities using data provided by the National Ocean Service, or river current publication issued by the U.S. Army Corps of Engineers, or a river authority.

(b) As an alternative to the requirements for paragraph (a) of this section, a marine chart or publication, or applicable extract, published by a foreign government may be substituted for a U.S. chart and publication required by this section. The chart must be of large enough scale and have enough detail to make safe navigation of the area possible, and must be **currently corrected.** The publication, or applicable extract, must singly or in combination contain similar information to the U.S. Government publication to make safe navigation of the area possible. The publication, or applicable extract must be **currently corrected.** with the exceptions of tide and tidal current tables, which must be the current editions.

(c) As used in this section, **“currently corrected” means corrected with changes contained in all Notices to Mariners published by the National Imagery and Mapping Agency, or an equivalent foreign government publication, reasonably available to the vessel, and that is applicable to the vessel's transit.**

[CGD 82-055, 48 FR 44535, Sept. 29, 1983, as amended by USCG-2001-9286, 66 FR 33641, June 25, 2001]

Chart and Publications Regulations for Vessels Under 1,600 Gross Register Tons – Offshore Supply Vessels

The emphasis here is on “Current and Up-to-Date charts and publications. With few exceptions, these regulations apply to and are carried out by primarily by “lower-level” mariners. There is no mention in these regulations to the additional regulations cited above at 33 CFR §164.33 that call for “currently corrected” charts since those regulations at 33 CFR §164.33 specifically apply to vessels of more than 1,600 gross register tons according to the “Applicability” regulation (as per 33 CFR §164.01).

46 CFR §130.330 Charts and nautical publications.

(a) Except as provided by paragraph (b) or (c) of this section, as appropriate for the intended voyage, each vessel must carry **adequate and up-to-date**

(1) Charts of large enough scale to make safe navigation possible;

(2) U.S. Coast Pilot or similar publication;

- (3) Coast Guard Light List;
 - (4) Tide Tables published by the National Ocean Service;
 - (5) Local Notice or Notices to Mariners; and
 - (6) Current Tables published by the National Ocean Service, or a river-current publication issued by the U.S. Army Corps of Engineers or by a river authority, or both.
- (b) Any vessel may carry, instead of the complete publications listed in paragraph (a) of this section, extracts from them for areas it will transit.
- © When operating in foreign waters, a vessel may carry an appropriate foreign equivalent of any item required by paragraph (a) of this section.

Vessels Under 1,600 Gross Tons – Small Passenger Vessels

46 CFR §184.420 Charts and nautical publications.

- (a) As appropriate for the intended voyage, a vessel must carry adequate and up-to-date:
- (1) Charts of large enough scale to make safe navigation possible;
 - (2) U.S. Coast Pilot or similar publication;
 - (3) Coast Guard Light List;
 - (4) Tide tables; and
 - (5) Current tables, or a river current publication issued by the U.S. Army Corps of Engineers or a river authority.
- (b) Extracts from the publications listed above for the areas to be transited may be provided instead of the complete publication.
- [CGD 85-080, 61 FR 1002, Jan. 10, 1996, as amended at 62 FR 51358, Sept. 30, 1997]*

Vessels Under 1,600 Gross Tons – Towing Vessels
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33 CFR 164.72(b)

- (b) Each **towing vessel** must carry on board and maintain the following:
- (1) *Charts or maps.* Marine charts or maps of the areas to be transited, published by the National Ocean Service (NOS), the ACOE, or a river authority that satisfy the following requirements:
 - (i) The charts or maps must be of a large enough scale and have enough detail to make safe navigation of the areas possible.
 - (ii) The charts or maps must be *either*
 - (A) Current editions or currently corrected editions, if the vessel engages in towing exclusively on navigable waters of the U.S., including Western Rivers; or
 - (B) Currently corrected editions, if the vessel engages in towing seaward of navigable waters of the U.S. or more than three nautical miles from shore on the Great Lakes.
 - (iii) The charts or maps may be, instead of charts or maps required by paragraphs (b)(1) (i) and (ii) of this section, currently corrected marine charts or maps, or applicable extracts, published by a foreign government. These charts or maps, or applicable extracts, must contain information similar to that on the charts or maps required by paragraphs (b)(1) (i) and (ii) of this section, be of large enough scale, and have enough detail to make safe navigation of the areas possible, and must be currently corrected.
 - (2) *General publications.* A currently corrected edition of, or an applicable currently corrected extract from, each of the following publications for the area to be transited:
 - (i) If the vessel is engaged in towing exclusively on Western Rivers
 - (A) U.S. Coast Guard Light List;
 - (B) Applicable Notices to Navigation published by the ACOE, or Local Notices to Mariners (LNMs) published by the Coast Guard, for the area to be transited, when available; and
 - (C) River-current tables published by the ACOE or a river authority, if available.
 - (ii) If the vessel is engaged other than in towing exclusively on Western Rivers
 - (A) Coast Guard Light List;
 - (B) Notices to Mariners published by the National Imagery and Mapping Agency, or LNMs published by the Coast Guard;
 - (C) Tidal-current tables published by private entities using data provided by the NOS, or river-current tables published by the ACOE or a river authority;
 - (D) Tide tables published by private entities using data provided by the NOS; and
 - (E) U.S. Coast Pilot.