



CSNCOE Field Notice 01-2018

16715

23 January 2018

MEMORANDUM

From: R. J. Jenkins, CDR
CSNCOE

A handwritten signature in blue ink that reads "Randy J. Jenkins".

To: Distribution

Thru: CG-5P-TI

Subj: CSNCOE FIELD NOTICE – TENDER & EXCURSION VESSELS

Ref: (a) MSC.1/Circ. 1417
(b) Jones Act
(c) Passenger Vessel Services Act; 46 USC 289(a), recodified as 46 USC 55103

1. **PURPOSE:** This field notice provides amplifying guidance explaining the difference between a tender vessel and an excursion vessel onboard a foreign passenger vessel.
2. **OVERVIEW:** Foreign passenger vessels operating in the United States are increasingly using small vessels stored onboard ship for excursion activities. These excursions are primarily in remote areas with little or no population or other commercial activity. At times, these excursion vessels are referred to as tenders or are the same vessels that are being used as tenders. This field notice clarifies the difference between a tender and an excursion vessel.
3. Tendering operations consist of the delivery of passengers to and from the foreign passenger vessel and shore, where vessel berthing arrangements do not exist or are not available. Reference (a) provides guidelines that are intended for tenders used for transferring more than 12 passengers from a stationary passenger ship to shore and back.

Customs and Border Patrol (CBP) has consistently held that the use of non-coastwise qualified vessels as tenders in U.S. territorial waters is only permissible under limited circumstances and must meet all of the following:

- (1) tenders must arrive in U.S. territorial waters on board the cruise vessel;
- (2) tenders must be used solely to carry the passengers between shore and the cruise vessel;
- (3) tenders must be used solely in such carriage where the CBP Port Director is satisfied it is not safe or feasible for the cruise vessel to berth at a pier; and
- (4) the tenders must depart U.S. territorial waters on board the cruise vessel.

4. Excursion vessels carry passengers from ships and engage in operations that consist of sightseeing, nature watches, ecotourism, etc. and aren't transferring passengers solely to and from shore. Reference (a) states "Other types of voyages, for example coastal sightseeing excursions, are not considered appropriate for such tenders and should be undertaken by [vessels] that meet the requirements for passenger ships of the coastal State." These coastal State requirements include prohibitions against coastwise trade for non-coastwise compliant vessels.

5. The terms tender and excursion vessel have different meanings and are not interchangeable for these different operations. The issuance of a Certificate of Compliance on vessels being used for excursion activities that are onboard and provided by the foreign passenger vessel is currently not authorized.

6. Comments or questions regarding this field notice should be directed to LCDR Eric Jesionowski, who can be reached by e-mail at eric.s.jesionowski@uscg.mil or by phone at 954-767-2140 ext. 1001.

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