

PROCEDURES FOR OPERATING NEAR COVERED CABLES

The following are adopted under the “AMENDED AND RESTATED NORTHERN CALIFORNIA CABLE & FISHING AGREEMENT” dated as of October 5, 2021 (the “Agreement”). Following these procedures protects a Fisherman from potential liability for damaging a Covered Cable under that Agreement, and facilitates reimbursement for fishing gear lost as provided in the Agreement.

SAFETY FIRST

The Cable Company Representative and Fishermen’s Association discourages trawling or placing other fishing gear over submarine cables. These procedures define how vessels should behave when fishing in the vicinity of cables. These procedures do not change the vessel operator’s authority and responsibility to care for the safety of crewmembers, passengers and the vessel, taking all relevant factors into account. **No step in these procedures should be followed if doing so would be unsafe.**

PROCEDURES WHEN OPERATING NEAR A COVERED CABLE

For purposes of these procedures, a vessel is considered “near” a Covered Cable if the distance from the vessel to the charted position of the Covered Cable is equal to or less than:

- 3 times the depth of water, in depths 150 fathoms (275 meters) or more, or
- 4 times the depth of water, in depths less than 150 fathoms (275 meters).

A vessel relying on Loran instead of GPS or DGPS should assume a potential error of ½ mile in the vessel’s position, and should consider itself “near” a Covered Cable if it is within ½ mile plus three times the depth of water of the charted position of the Covered Cable.

WHENEVER OPERATING “NEAR” A COVERED CABLE, A VESSEL MUST COMPLY WITH ALL OF THE FOLLOWING STEPS, A THROUGH F:

- A. The vessel shall have on board in useable form the most current nautical chart information including:
 - 1. The latest NOAA chart available for at least 72 hours prior to the vessel operating near a Covered Cable;
 - 2. Any updates (electronic and/or paper chart) made available by the Cable Company Representative and Fishermen’s Association at least 72 hours prior to the vessel operating near a Covered Cable, such as those regarding cable burial status; and
 - 3. Nautical chart information made available to the Fishermen’s Association by Cable Company Representative at least 72 hours prior to the vessel operating near a Covered Cable.

- B. Anyone acting as helmsman “near” a Covered Cable must understand and be able to implement these procedures.

C. If a vessel has an electronic or video chart plotter, the route of the Covered Cable shall be displayed on the plotter screen or display. If the vessel has gear on the bottom near a Covered Cable, the plotter shall be recording the tow.

D. When operating “near” a Covered Cable, due care should be observed.

E. No clam or scallop dredge, vessel anchor, grapnel, or other gear designed to significantly penetrate the surface of the seabed should be used “near” a Covered Cable. All trawl or other fishing gear should be in good condition, free of elements that could snag cables.

F. The helmsman should closely monitor the groundspeed by the most accurate means available when “near” a Covered Cable, and monitor the video plotter display for any sign of possible cable contact.

PROCEDURES IN CASE OF POSSIBLE CABLE CONTACT

1. In case of any deviation from normal towing conditions the helmsman, if other than the master, should summon the master of the bridge. The master of the vessel shall take all appropriate action to keep the vessel safe and protect the Covered Cable.
2. If conditions (such as reduced speed near a Covered Cable) suggest possible cable contact, the operator should take the vessel out of gear.
3. Do not attempt to free the gear by hauling up gear or by powering up the vessel.
4. If the available communications equipment allows, call the hotline at 1-888-260-1123 to report the incident, your vessel name and location. The representative will check the position, and if it appears to be on a Covered Cable, will ask that you cut away (sacrifice) your gear.

If you are unable to speak with a hotline representative and it appears that the trawl gear is fouled on a cable, the gear should be cut away (sacrificed). The gear should also be cut away if so advised by the hotline representative.

5. Before the leaving of the scene of a suspected cable contact, or as soon as possible after returning to port, the master should call 1-888-260-1123 and supply all information requested.
6. In any case of a possible or known cable contact, the master and helmsmen should file a report with Cable Company Representative immediately upon returning to port; preserve all related records (including tow records); and cooperate with any investigation by the Fishermen’s Association or by the Cable Company Representative. The report should contain the following information as a minimum:

- Vessel name
- Vessel documentation or state registration number
- Vessel owner's name and contact information
- Captain's name and contact information
- Vessel length and horsepower
- Date and time of incident
- Location of incident
- Water depth at location of incident
- Description of incident
- Description of fishing gear involved

7. Sacrificed gear should be marked (by a buoy or float) where possible to allow for gear recovery if the claim is deemed to be unrelated to the presence of a Covered Cable.