

December 15, 2011

Commandant (CG -543)
Care of Commander
USCG Atlantic Area
Portsmouth, VA

Subject: Sailing Ship Bounty O.N. 960956

Dear Sir,

We are writing to you to respectfully appeal the decision of USCG Activities Europe to consider the changes that were made to the subject vessel in 2006 as a major alteration, per NVIC 11-93 CH 3, as outlined in their July 15, 2011 CG-835.

On December 14th 2011, when the Bounty arrived in San Juan Puerto Rico we were required to surrender our Certificate of Documentation and our Tonnage Certificate, per the direction of USCG Activities Europe, and until we can resolve this issue, the Bounty will be unable to leave Puerto Rico.


While trying to make the vessel safer for the crew we replaced a vertical ladder with an inclined ladder and inadvertently invalidated the midline tonnage hatch, we were completely unaware what we had done until this past summer, and it is our intention to put the vessel back to its original tonnage configuration as soon as possible.

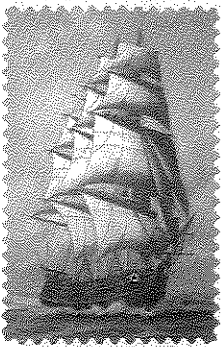
We have hired the firm of Farrell and Norton Naval Architects to help us bring the vessel back to its original tonnage configuration while trying to maintain the level of safety afforded by having the second means of escape from the below deck accommodations as an inclined ladder. We intend to work closely with the Coast Guard in Puerto Rico during this process, submitting all proposed arrangements for their approval.

Once we have successful brought the Bounty back to her original tonnage configuration we respectfully ask the she be granted grandfather status again with regard to ITC tonnage, as having to meet current SOLAS and MAROL regulations would put undo hardship on a fifty year old wooden sailing ship.

Thank you,

Respectfully,


Tracie Simonin
Director
HMS Bounty Organization, LLC
20 Cedar Lane
Setauket, NY 11733



Tel: 631.584.7900
Fax: 631.584.7901

December 16, 2011

LCDR Michael E. DeLury
USCG Activities Europe

Subject: Sailing Ship Bounty O.N. 960956

Dear LCDR DeLury,

We are writing to you to respectfully appeal the decision of USCG Activities Europe to consider the changes that were made to the subject vessel in 2006 as a major alteration per NVIC 11-93 CH 3, and the action taken on December 13th 2011 in San Juan, Puerto Rico of stripping the vessel of her Certificate of Documentation and Tonnage Certificate


While trying to make the vessel safer for the crew we replaced a vertical ladder with an inclined ladder and inadvertently invalidated the midline tonnage hatch, we were completely unaware what we had done until this past summer, and it is our intention to put the vessel back to its original tonnage configuration as soon as possible.

We have hired the firm of Farrell and Norton Naval Architects to help us bring the vessel back to its original tonnage configuration while trying to maintain the level of safety afforded by having the second means of escape from the below deck accommodations as an inclined ladder. We intend to work closely with the Coast Guard in Puerto Rico during this process, submitting all proposed arrangements for their approval.

Once we have successful brought the Bounty back to her original tonnage configuration we respectfully ask the she be granted grandfather status again with regard to ITC tonnage, as having to meet current SOLAS and MAROL regulations would put undo hardship on a fifty year old wooden sailing ship of primitive build.

Thank you.

Respectfully,


Tracie Simonin
Director
HMS Bounty Organization, LLC
20 Cedar Lane, Setauket NY 11733

January 23, 2012

LCDR Brian Province
USCG Atlantic Area (LANT-543)
431 Crawford Street
Portsmouth, VA 23430

Subject: Sailing Ship Bounty O.N. 960956
Reference: HSM Bounty Organization appeal letter 12/16/2011
USCG Activities Europe Letter Dated 1/18/2012

Dear LCDR Province,

We are writing to you to respectfully appeal the decision of USCG Activities Europe to deny our appeal of 12/16/2011.

While on a Voyage to Europe this past summer, the Bounty was boarded by the USCG Activities Europe to be inspected as a shore side attraction. It was this inspection that ultimately led to the vessel being issued an 835 which stated that the vessel had gone through a "substantial alteration" per NVIC 11-93 CH 3, and that the vessel would no longer be grandfathered with regard to ITC tonnage. USCG Activities Europe also ordered that the Bounty surrender her Certificate of Documentation and Tonnage Certificate, and upon arrival in San Juan, Puerto Rico on December 13th 2011 the Bounty's Certificate of Documentation and Tonnage Certificate were surrendered to the local USCG OCMI, effectively tying the vessel up.

While we now understand that we invalidated the Bounty's midline tonnage hatch, we certainly did not do so intentionally. While the Bounty was being worked on in Sample's Shipyard in Maine, in 2006, a stairway was added to the vessel as a second means of escape from below decks. This was done to increase crew safety. This new stairway was located on the forward hatch so that it would be widely separated from the aft stairway. (See attached photos) While this work was ongoing the local Coast Guard inspectors were repeatedly onboard the vessel, and no mention was ever made of the issue of the tonnage hatch.

We are now working with the firm of Farrell and Norton Naval Architects, and the USCG in San Juan to help us bring the vessel back to its original tonnage configuration while trying to maintain the level of safety afforded by having the second means of escape from the below deck as widely separated from the aft stairway as possible.

We did not intentionally invalidate the Bounty's tonnage hatch; we did it inadvertently while we were attempting to make the vessel safer for her crew. Respectfully we are asking that the Bounty be granted grandfather status again with regard to ITC tonnage, once we have successfully brought her back to her original tonnage configuration, as having to meet the current international regulations would put undo hardship on a fifty year old wooden sailing ship of primitive build.

Thank you,

Respectfully,

A black rectangular redaction box covers the signature of Tracie Simonin. A thin black line extends from the right side of the box.

Tracie Simonin
Director
HMS Bounty Organization, LLC
20 Cedar Lane
Setauket, NY 11733
631-584-7900
www.tallshipbounty.org

February 17, 2012

Commandant (G-MOC)
US Coast Guard

Subject: Sailing Ship Bounty O.N. 960956
Reference: HMS Bounty Organization, LLC appeal letter dated 12/16/2011
USCG Activities Europe Letter Dated 1/18/2012
USCG Atlantic Area Letter Dated 1/31/2012

Dear Sir

We are writing to you to respectfully appeal the decision of USCG Activities Europe, and USCG Atlantic Area to deny our appeals.

While on a Voyage to Europe this past summer, the Bounty was boarded by the USCG Activities Europe to be inspected as a shore side attraction. While the Bounty is in port, she is open to the public for tours. There is a fee charged for these tours to try and offset the cost of operating a 50 year old wooden sailing ship. While underway the Bounty does not carry passengers, carry any cargo, or engage in any commercial activity. It was this inspection that ultimately led to the vessel being issued an 835, which stated that the vessel had gone through a "substantial alteration" per NVIC 11-93 CH 3, and that the vessel would longer be grandfathered with regard to ITC tonnage. USCG Activities Europe also ordered that the Bounty surrender her Certificate of Documentation and Tonnage Certificate, and upon arrival in San Juan, Puerto Rico on December 13th 2011 the Bounty's Certificate of Documentation and Tonnage Certificate were surrendered to the local USCG OCMI, effectively tying the vessel up.

While we now understand that we invalidated the Bounty's midline tonnage hatch, we certainly did not do so intentionally. While the Bounty was being worked on in Sample's Shipyard in Maine, in 2006, a stairway was added to the vessel as a second means of escape from below decks. This was done solely to increase the safety of the Bounty for her crew. We certainly had no idea it would end up creating such a problem. This new stairway was located on the forward hatch so that it would be widely separated from the aft stairway. (See attached photos) While this work was ongoing, even though the Bounty is not an inspected vessel, we worked closely with the local Coast Guard inspectors in Boothbay Harbor Maine. The inspectors were repeatedly onboard the vessel, and no mention was ever made of the potential issues the addition of this stairway would create.

We are now working with the firm of Farrell and Norton Naval Architects, and the USCG in San Juan to help us bring the vessel back to its original tonnage

configuration while trying to maintain the level of safety afforded by having the second means of escape from the below deck as widely separated from the aft stairway as possible.

The Bounty is a traditionally build wooden sailing ship that is now over fifty years old. The implications of having to use the ITC Gross Tonnage of 412 for MARPOL and SOLAS regulations while on International Voyages, as USCG Activities Europe has indicated we must in their e-mail dated 7/26/2011, are significant. Many of these regulations were not even written when the Bounty was built.

We did not intentionally invalidate the Bounty's tonnage hatch; we did it inadvertently while we were attempting to make the vessel safer for her crew, and we are still at a little bit of a loss as to how such a small change could have such big consequences. Respectfully we are asking that the Bounty be granted grandfather status again with regard to ITC tonnage, once we have successful brought the her back to her original tonnage configuration, as having to meet the current international regulations would clearly put undo hardship on a fifty year old wooden sailing ship of primitive build.

Thank you.

Please feel free to contact me for any additional information you might need.

Regards,

A black rectangular redaction box covering the signature of Tracie Simonin.

Tracie Simonin
Director
HMS Bounty Organization, LLC
20 Cedar Lane
Setauket, NY 11733
631-584-7900

BOUNTY revised tonnage

From: "StGermain, Andre LT" <Andre.J.StGermain@uscg.mil>
 Subject: BOUNTY revised tonnage
 Date: Tue, July 26, 2011 10:40 am
 To: Tsimonin@tallshipbounty.org
 Cc: "D05-DG-ACTEUR-Inspections" <ACTEURInspections@uscg.mil>, "Akins, Marcus" <Marcus.J.Akins@uscg.mil>, mtreder@eagle.org, shreddy@eagle.org

Ms Simononin,

Please find a revised 835 attached.

Having consulted with ABS and CG Headquarters, Activities Europe has decided that the vessel may operate under the previously issued International Tonnage Certificate and National Tonnage Certificate & Certificate of Documentation until return to the US and in no case later than the date on the CG-835. At that time, the vessel will surrender her ITC certificate and National Tonnage Certificate as well as her Certificate of Documentation to the CG Officer in Charge of Marine Inspection at that port. The vessel will then be subject to the revised ITC tonnage of 411, and a keel laid/conversion date of 2006 with no regulatory tonnage at present. A Special Note will be entered into our database, and consultation with the next port will take place to ensure proper understanding of the requirements following our review/discussions.

Our estimation of the impact of this change, based on our review and consultation is the following (this list is not necessarily exhaustive):

- 1) BOUNTY must comply with MARPOL Annex I since the vessel is 'oceangoing' & over 400 tons. Since the vessel also makes voyages to other nations Party to MARPOL, this requires issue of an International Oil Pollution Prevention Certificate. This will likely require an Oily Water Separator and/or alternative arrangements with approval.
- 2) BOUNTY must comply with MARPOL Annex VI (air) and when operated on voyages to other Party nations; obtain an International Air Pollution Prevention Certificate. This will not be a great challenge as I believe the installed engines with over 135 kW power installed after 2000 hold required EPA Engine International Air Pollution Prevention Certificates
- 3) BOUNTY must meet SOLAS requirements for 'cargo ships' over 300 gross tons and below 500 gross tons when on an international voyage which would include (but not necessarily be limited to): Full GMDSS suite for the vessel operating area (currently the vessel is making voyages in sea area A1, A2, A3) and hold a SOLAS Cargo Ship Safety Radio Certificate. Long Range Identification and Tracking (LRIT) must be installed since the vessel engages on international voyages. Additional navigational safety equipment as per SOLAS Chapter V based on 2006 keel laid date and tonnage, much of which may be already fitted.
- 4) The vessel must obtain a Loadline, as it is not operated exclusively for 'Recreational' use in the voyages to which loadline regulations and the international convention would apply and is operated on voyages outside the Boundary Lines as defined in 46 CFR Part 8. As you note below, the vessel is a private vessel, operated as a moored attraction vessel and also in tall ship events for profit. In 2007, during the last European tour, the CG issued a letter that the vessel could be allowed to be considered as a 'recreational' vessel between ports, if the vessel was not offering passage for hire or engaging in commercial operations. Clearly, despite the terms of the letter, as was discovered during this voyage, passage for hire was again offered on the website, and in the Discussion board following removal of the webpage once we drew your attention to it. The vessel has sought stability letters including passenger operations as well. In any event, the vessel is a private and commercial operation operated for profit. These are clearly proof that the vessel is not operated 'primarily' nor 'only for pleasure' as the definition of a recreational vessel requires in the US Code.
- 5) The vessel must be inspected and hold a USCG issued Certificate of Inspection under Subchapter I (46 CFR 90 et seq) as a sail vessel with auxiliary machinery over 300 GT for the purposes of CFR & "seagoing motor vessel" for the purposes of US Code. This is the biggest impact of removal of regulatory tonnage at this point, and we believe it is not possible for BOUNTY, which means regulatory tonnage of less

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BOUNTY revised tonnage

than 300 GT needs to be re-established. All of the above provisions will remain the same.

We recognize the challenge and hardships that full and immediate enforcement of these changes would have on your operation, and we are showing significant consideration out of regard for that. The vessel does not operate exclusively as a moored attraction vessel, as you note, BOUNTY has logged over 50,000 miles. Since it is routinely underway, it must meet the relevant requirements to ensure the protection of the crew in event of catastrophe, and while operating foreign, it must operate in compliance with the International Conventions to which the US is signatory or risk adverse impacts to US-Flagged shipping by impacts of Port State Control.

Looking forward, you have 3 options that I see on return to the US and the full enforcement of the new tonnage:

1--BOUNTY complies with International requirements per her ITC tonnage and a 2006 keel laid/substantial alteration date when on 'foreign voyages' based on loss of grandfathering. In addition based on the sole gross tonnage, she must obtain a Certificate of Inspection under Subchapter I.

2--Since obtaining a COI in compliance with Subchapter I would be very, very difficult, if not impossible. On return to US, BOUNTY should, after consultation with tonnage personnel, obtain regulatory tonnage to below 300 GRT by modification of the vessel, perhaps back to the 1990 configuration, though this should ONLY be done in consultation and using approved plans. This will alleviate Subchapter I COI requirement (though the attraction vessel COI will still be required) but must retain ITC and comply with international requirements based on ITC and loss of grandfathering should BOUNTY's management be anticipating any future 'foreign' voyages; OR

3--Vessel drops ITC tonnage, obtains regulatory tonnage below 300 and is prohibited from all 'foreign voyages' until such time as she complies with MARPOL/SOLAS requirements as above. BOUNTY may operate as she has with a moored attraction vessel COI, should require loadline for voyages outside of the Boundary Lines (46 CFR 8), and such other requirements as the certificating OCMI may require.

Should you wish to discuss any of this further, please feel free to reply. In addition, kindly sign the new 835 and return it, and provide your next US port as well.

Regards,
AJ St. Germain, LT
USCG Activities Europe

From: Tracie Simonin [mailto:Tsimonin@tallshipbounty.org]
Sent: Mon 7/25/2011 11:29 PM
To: StGermain, Andre LT
Subject: HMS Bounty / Revised ITC

Dear Lt. St. Germain,

Enclosed you will find the updated International Tonnage Certificate from ABS. We understand that with this certificate we are now over 400 Gross Tons, and this change may result in some changes to how we operate the ship. With this new tonnage weight, are we expected to comply with MARPOL and certain SOLAS regulations? As an attraction vessel not carrying any passengers, does that alleviate some of the regulations required?

The Bounty is a private vessel and operates solely as a moored attraction vessel for the past 10 years by offering dockside tours of the ship to the public. We would like to continue operating this way and to keep the art of square rigged sailing alive.

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