

COAST GUARD INTERPRETATION OF THE OCEANOGRAPHIC RESEARCH VESSEL (ORV)
DESIGNATION

Excerpted from a letter written by Rear Admiral C.E. Bone, Commander, US Coast Guard District 11 to Cal State University, Long Beach on February 1, 2008.

“... It appears from the Congressional Record of House Report No. 599, 1965, and Pub. L. 89-99, codified at Title 46 U.S.C. p2101(18), that the intent of Congress in establishing an ORV designation was to encourage oceanographic and limnologic study and research that furthers the national interest. Forty-three years ago this included “seismic, gravity meter, and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research.” The determining factor is the “study of the marine environment for the national interest”, which in my view has expanded to include certain activities associated with oil and energy exploration, environmental monitoring, and fisheries studies. The inclusion of the term “oceanographic instruction” in the ORV designation was to encompass college students who are acting as, or are in training to be, scientists. The Office of the Commandant (G-MVI-1) on June 3, 1988 issued MVI Policy Letter 12-88 that in part addresses ORVs. It states,

The ORV legislation was intended to provide relief for bonafide oceanographic research, not a loophole for passenger or small vessel operations (e.g., whale watching). Due to the wording of the statute, a degree of latitude in the determination is afforded.

Furthermore it advises that,

... certain activities, such as celestial navigation, seamanship and scuba diving, have invalidated a claim of exclusive employment in the oceanographic/limnologic research or instruction. In determining whether a vessel will be employed in bonafide oceanographic research, the OCMI should review the proposed research project and determine what organization is sponsoring the research. For oceanographic instruction, course curriculum and information on approval of the course for academic credit at accredited institutions should be provided and reviewed. The presence of walk on ‘students’ who will simply be observing should raise serious doubt regarding qualification of the vessel/operation for ORV designation. Again, the OCMI must make a subjective analysis based on the specific facts of the situation.

Therefore, the ORV determination should consider whether the research or study that a vessel conducts is of national interest and/or whether the course of instruction will further national interest. Educational cruises for students not enrolled in undergraduate or graduate-level courses of instruction (i.e., high school students, among others) that

provide an introduction to the marine environment or the oceanography/limnology course of instruction are beyond the scope and intent of the ORV legislation. “