



THE TRITON

NAUTICAL NEWS FOR CAPTAINS AND CREWS



Find a job
Kiwis get creative in their job search. **A10-11**

Land a fish
Megayachts can catch big sportfish, too. **A6**

Way outback
Sleigh ride into Pitcairn Island. **B1**

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LESSON LEARNED

Navigating U.S. clearance rules for foreign-flagged yachts

By Capt. John Campbell

In the aftermath of Sept. 11, there has been a huge shake-up in the procedures for entering the United States. This has affected many people and, it seems, foreign-flagged yachts in particular.

It is entirely understandable that the government wishes to beef-up

security for the borders, but what to me is so bizarre is that the procedures one must follow to enter seem to be one of the best kept secrets within the government. We found it incredibly difficult to find out what we needed to do.

Border security appears to be in the hands of U.S. Customs and Border Protection, so that seemed to be a

good place to start. The CBP has a large and enormously complicated Web site at www.cbp.gov. It will answer almost every question except the one I was asking, which was what we, as a foreign-flagged vessel, needed to do to enter the country legally.

The site has reams of frequently asked questions, and an e-mail via the contact page did nothing more than

send me back to the FAQs. I kept being told I had to file a notice of arrival 96 hours before our arrival, but nobody seemed to know how to do it.

Eventually, another captain gave me the address of <https://enoad.nvmc.uscg.gov/>. On this page you have to set up a user account name and password.

See **LESSON**, page A18

A LEGACY OF NOT LEAVING



S/Y *Legacy* remains in Key West amid insurance and legal issues, her stud-link anchor chains strapped around her hull to hold up the keel. **Story, A6**

PHOTO/CAPT. TOM SERIO

APA sufficient if it's calculated properly first

As the summer charter season ramps up, we figured it would be a good time to talk about the business of chartering – from the megayacht

captain's perspective. At the suggestion of one captain, we started our monthly roundtable discussion with a query about the

allowance that is paid by the charterer before a charter and is designed to cover the costs of food, beverages, dockage, fuel and any other costs incurred during the course of the charter.

"When you charter a boat, you get the boat and the crew and that's it," one captain explained. "Any other expenses, unless it's a failure of equipment, the guests are responsible for."

As always, individual comments are not attributed to any one person in particular so as to encourage frank and open discussion. The attending captains are identified in a photograph on page A16.

We wanted to know if the APA system worked. For the most part, it does. Most of the captains in attendance said they had never had a problem with the APA not covering the costs of a charter.

"Thirty percent normally is enough for a week charter," one captain said.

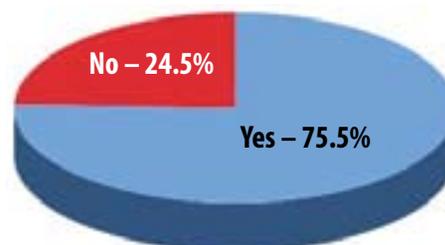
See **BRIDGE**, page A14

Have you thought about and begun planning for your retirement?

Has the downturn in the economy influenced captains and crew to consider retirement as a career strategy? Yes, and no. A full 75 percent of the 188 respondents to this month's survey may be thinking about retiring (and have gone so far as to begin planning for it), but they aren't doing

so necessarily because of the economy. When we crunched these numbers by position, we discovered that captains weren't the most adamant about planning, and indeed fell close to the bottom of the list.

Find out more in this month's survey, beginning on page **C1**.



You will have to find somebody to be your shore contact

LESSON, from page A1

Once you have this, you can fill out all the details of the yacht and crew, and then when the time is ripe, you can give them your estimated time of arrival at least 96 hours in advance.

Using this system, you do not have to go directly to a customs port as such. It appears you can go to almost any shipyard or marina within the customs district. We were going directly to a shipyard.

One slight problem is that on the Notice of Arrival form, you have to name a local contact ashore who is your 24-hour telephone contact. In our case, the shipyard gave us the number of a designated person. You will have to find somebody to be your shore contact.

It is unclear what happens if you arrive early or late. I assume you can update the NOA if the plan changes, assuming that you have Internet on board. There does not appear to be any facility for updating the NOA other than by Internet, so I have no idea how the small cruising boats can cope.

I decided to allow an extra day for our passage from St. Maarten, and we spent the last 24 hours going very slowly so we could arrive with the tide, exactly at our given estimated arrival time. I had advised our designated contact ashore the evening before, and he confirmed the time with customs.

The system obviously worked, as there were four officials waiting for us on the dock as we arrived in the shipyard.

I have to say that the officers who

came could not have been friendlier or more helpful, and formalities were quickly completed.

A few things came to light as we cleared. Firstly, it is entirely at the discretion of the immigration officer as to how long foreigners can be stamped into the country. There is a widely held belief that holders of a B1/B2 visa can enter for only six months. It appears that this is not the case.

I showed the officer our cruising plans, which include another small refit at the end of the summer season, and he had no problems stamping us in for eight months. Bearing this in mind, I suggest that all captains have a cruising plan laid out in advance, and if this covers more than six months, then ask for the required time. There is at least a sporting chance that you will be able to get more than six months if that is what you need.

It appears that the officers are allowed to grant up to one year, but this again seems to be a closely guarded secret, of which not even all the immigration officers seem to be aware.

The other issue for foreign-flagged boats is the cruising permit. Vessels flagged in many countries can apply for a cruising permit. This lets you pass from one customs district to another with just a phone call, and without having to go through the clearance process at each and every port.

There are a couple of things to bear in mind. It appears that once the permit expires, if you are in U.S. waters, then the CBP is not supposed to be able to renew it.

However, I have heard of one case where it was indeed renewed, so maybe sometimes, in some places, it can be renewed, but I would not bank on it.

The official line is that it cannot be renewed and you have to leave U.S. waters for 15 days before a new one can be issued. It appears that this 15-day limit is often overlooked, but again, I would not bank on it.

We had a cruising permit that was going to expire two days after our planned arrival. I decided to delay our trip until the old permit had expired. We arrived with no valid permit. This was no problem, but the CBP officer wanted to wait 15 days before issuing the new one. This was not a problem for us, as we were in the shipyard, but if arriving on a tight schedule, perhaps to pick up the owner and go cruising, then it could be a snag.

Some say you can cancel the old cruising permit when you leave; others say you cannot. The cruising permit is automatically issued for a year, but you can ask for and get a shorter period.

Rather than have the boat face the same issues next spring, I requested a cruising permit that will expire at the end of the year instead of after 12 months. This caused a small amount of tooth-sucking, but it was eventually

granted. So I suggest that once again you plan ahead and make sure that the cruising permit that is issued will expire at least 15 days before you might possibly want to return.

The only fly in the metaphorical ointment was with the agricultural inspector. He was as friendly as the others, but was insistent on us removing all fruit and vegetables, dairy products, chilled meats and most of the dry goods, such as flour, sugar, rice, cereals, etc.

Slightly reluctantly he let us keep some unopened items and some frozen food, but he sealed freezers so we could not use the contents until we are once again at least 25 miles from shore.

For the rest of the stuff we had to get a special disposal truck to come and take it all away. This cost about \$600 for the truck and 52 cents a pound to dispose of everything. I can understand the importance of keeping potential pests out of the country, but it was possibly a bit of overkill, since most of everything we paid to get destroyed had come from the United States via the suppliers in St. Maarten.

Once again, there seems to be some discrepancy between different areas and possibly between different officers as to how rigorously these rules are enforced, but it is safest to arrive with minimal provisions just in case. What does seem clear is that in many ports they are enforcing these rules more rigorously than in the past.

One glaring anomaly seems to be with vessels arriving from the U.S. Virgin Islands and/or Puerto Rico. Some friends on a foreign-flagged boat arrived in Florida, having come from Puerto Rico. They told the Puerto Ricans their plans and destination, and declared their arrival in Florida.

On arrival they were told that there were no formalities to complete, since they were effectively coming from U.S. waters. There was not a hint of any inspection of their provisions being needed, neither in Puerto Rico nor in Florida. Ironically, they too had done much of their provisioning in St. Maarten, yet their supplies were deemed clean to enter and ours contaminated.

Unfortunately, what works for one yacht in one place on one day may not work for another in another place or even a day or two later in the same place. It seems to me the whole thing is as mysterious to the CBP as it is to us.

What I have related worked for us on the day we arrived in the port we visited. I hope it works for you, too, wherever you choose to enter.

Capt. John Campbell has been yacht captain for more than 20 years and a sailor all his life. He is currently in command of the 45m S/Y Timoneer. Comments on this story are welcome at editorial@the-triton.com.



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