



16713/5/2
July 8, 2024

GEMINI FISHING INC
2 MIDDLE ST
FAIRHAVEN MA 02719

Dear Sir:

In the absence of a response to the National Vessel Documentation Center's (NVDC's) second demand letter, dated June 7, 2024, wherein additional information related to the build/rebuild of the vessel currently documented as the 'VELARIS', O/N 252094 was requested, and pursuant to 46 C.F.R. § 67.175, this letter serves as a determination regarding the build status of the vessel named above.

In response to the NVDC's first demand letter dated April 1, 2024, your letter and its enclosures were referred to the Coast Guard's Naval Architecture Division (NAD) for its review of the implications of your proposal for the hull and superstructure of the vessel, which was also incorporated into the analysis of this determination.

Your reply indicated that, "...a twenty (20) foot section of the original keel from the old vessel was incorporated into the keel and used to rebuild/improve the vessel." It is our understanding the section of the 'old vessel' was acquired from the vessel formally known as the MICHIGAN.

The standard which is applied in determinations as to whether a "new vessel" has been created or, to the contrary, whether an older and existing vessel has simply been rebuilt, is found at 46 C.F.R. § 67.3. This regulation defines a "new vessel" as follows:

"New vessel" means a vessel:

- (1) The hull and superstructure of which are constructed entirely of new material; or
- (2) Which is constructed using structural parts of an existing vessel, which parts have been torn down so that they are no longer advanced to a degree which would commit them to use in the building of a vessel.

As to the first prong of this test, apart from a 1' x 20' section of the keel cropped from the vessel MICHIGAN and inserted into the enclosed skeg of the VELARIS, it appears that the hull and superstructure of this vessel were constructed entirely of new material.

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As to the second prong of the test, the use of a single 1' x 20' section of keel from a previous vessel is not sufficient to relieve the vessel of its status as a new vessel. You have not provided sufficient information concerning the current state or disposition of the vessel formally known as the MICHIGAN. Additionally, you have not provided adequate information, such as documentation or accurate photos, sketches, blueprints, specifications and/or drawings related to the construction/rebuilding/conversion of the hull, superstructure or other parts of the vessel VELARIS showing the use of any other materials from the MICHIGAN.

Therefore, after careful review and consideration of the information presented and available to our office, and for the reasons outlined above, my determination is that the vessel you have constructed and currently operating as the 'VELARIS', O/N 252094 is a *new vessel*, and, as such, the Certificate of Documentation for this vessel is hereby canceled.

You may apply for Initial documentation using the Official Number assigned during the application process in 2021 (1315354).

Sincerely,



Christina G. Washburn
Director