



National Association of Charterboat Operators

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Virginia Charter Boat Assn.
Westport Charterboat Association

Mr. Alan Risenhoover
Director, Office of Sustainable Fisheries
NMFS
1315 East-West Highway
Silver Spring, MD 20910

January 9, 2008

By Fax: Attn: William D. Chappell 301-713-1175

Re: Comments on Boarding Ladder Rule

Dear Mr. Risenhoover:

NACO is the recognized voice for charter boat owners and operators across the country. On behalf of our membership we wish to provide comments on your proposed boarding ladder requirement.

A number of our members own and operate vessels with a freeboard of 4 feet or greater from the lowest portion of the gunwale or opening in the bulwarks. All of our member's vessels are subject, in one regulation or another, to be boarded by various governmental agency representatives. Your proposal to require a specific type of boarding ladder causes an excessive burden of expense, upkeep, and potential liability to the vessel owner. Any requirement should be flexible depending on the type of vessel, the type of operation, and the typical operational conditions of such vessel.

Clearly, a charter vessel is rarely fishing in extreme conditions, which could be considered hazardous. To this point, since charter vessels routinely depart and return to the same dock, we cannot envision any fishery situation where a boarding party would have an issue so dire that the boarding party would need to board the charter vessel immediately. The exception would be, should a personnel or vessel emergency require immediate boarding to assist with an injury or prevention of sinking and clearly agencies providing such emergency assistance do not require boarding ladders for possible emergency situations.

We respectfully request that you include a provision in your proposal that exempts charter boats, headboats, and guide boats from your requirement. This request is based on the typical operation of these type vessels and the fact that potential at sea boarding conditions are significantly safer for these vessels. As stated above, the urgency sometimes required in boarding commercial fishing vessels on the high seas are also significantly different than for charter vessels.

As you are well aware, the current regulatory processes are requiring more expense, more burdens, and making the ability of charter vessel owners to even exist today extremely difficult. Every new requirement and every new additional expense to satisfy governing agencies causes the charter boat industry harm. Your document has no social and economic impact information on the negative impacts that will be placed on our industry. We feel that a total exemption from this requirement is not an extreme request.

Thank you for the opportunity to provide these comments. Should you have any questions, please contact us.

Sincerely,

Robert F. Zales, II

Capt. Robert F. Zales, II
President

Cc:file