



National Association of Charterboat Operators

P.O. Box 1070, Hurley, MS 39555

TF: 866-981-5136 | F: 877-263-8548

www.nacocharters.org | info@nacocharters.org

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February 6, 2017

Ms Margo Schulze-Haugen
Chief
NOAA Fisheries
Highly Migratory Species Management Division
1315 East-West Highway
NMFS/FS1
Silver Spring, MD 20910

By Email: Margo.Schulze-Haugen@noaa.gov

Re: HMS Charter/Headboat Permit Recreational vs. Commercial

Dear Margo:

I am writing on behalf of the members of NACO. NACO is a National Association of Charter Boat Owners and Operators created in 1991. We represent members across the United States. Our membership includes marine charters comprised of U.S. Coast Guard (USCG) uninspected and inspected small passenger vessels that provide fishing, sailing, diving, eco-tours, and other excursion vessels that carry passengers for hire. We are the premier Association representing professional charter interests in our country. We have a substantial membership along the East Coast and Gulf of Mexico.

Over the past week several members have contacted me with serious concerns about a recent HMS notice regarding the USCG inspection reminder. As you know I once served on the HMS AP around the time the HMS Permits were created. The Charter/Headboat Permit has always allowed for the sale of certain HMS species from Charter or Headboats but apparently only recently has the issue of USCG Commercial Vessel Inspections that are required on all vessels that choose to sell fish become an issue on these vessels.

As you know charter and headboat vessels are of a variety of size and composition. Also, some of these owners have multiple fishing permits, both state and federal, that allow for commercial and recreational use. NACO fully supports compliance of all vessels to the respective State and Federal requirements meaning if a vessel owner chooses to operate the vessel as a commercial fishing vessel at any time then during commercial fishing activity the vessel must comply with all commercial fishing requirements, especially those required by the USCG. The USCG has different requirements for the type vessel operation and those requirements should be met for the type service provided.

Many charter/headboats owners along the East Coast and Gulf of Mexico obtain the HMS Charter/Headboat Permit in order to legally fish for the various HMS species. While some charter and headboats do sell legal HMS species under this permit and should comply with USCG Commercial Fishing Vessel requirements, many do not, strictly fishing recreationally to provide a service to their customers. These vessels must have the HMS charter/headboat permit to comply with NOAA/NMFS requirements.

Many of the USCG requirements commercial fishing vessels must have are very costly such as life rafts (and their required reinspections), EPIRBs, survival suits, special safety flares, etc and in addition the required safety inspections as well as the maintenance on the required equipment is burdensome and also has associated costs. As you may know, some charter boats are small (20' to 28') with limited available space for some of the required USCG commercial fishing vessel equipment. The majority of these small vessels fish close to shore for HMS species that cannot be sold under the HMS Charter/Headboat permit.

It is apparent that there is an issue with determining when or not a HMS Charter/Headboat permitted vessel is considered an active commercial vessel. It is also apparent that since the creation of the HMS Charter/Headboat permit the issue of sale or not has only recently become a problem. Since it appears there is no easy fix for this problem such as having a HMS Charter/Headboat permitted vessel checked at the point of sale for compliance with the USCG Commercial Fishing Vessel requirements which would continue to allow those HMS Charter/Headboats fishing recreationally to continue as they have, I am suggesting that your HMS Division create a new HMS Charter/Headboat permit category.

On behalf of our members who must have an HMS permit I am requesting and recommending that you replace the current HMS Charter/Headboat permit with two new permits, a HMS Charter/Headboat Recreational and a HMS Charter/Headboat Commercial permit. The recreational permit would allow those purely recreational charter and headboats to comply with HMS regulations and the commercial permit would allow the charter and headboats who wish to sell HMS species to also comply and should increase the ability of the USCG to ensure all commercial fishing requirements are met.

While my experience with the regulatory processes by both NOAA/NMFS and the USCG is that the creation of new or amending of current regulations is never as simple as we would like, my hope is that this issue can be expedited to resolve this urgent issue. Should you consider my request I strongly recommend that you and the USCG find a way to work with the charter/headboat industry and allow fishing under the current permit until the issue is resolved. One possible quick fix is to have any HMS Charter/Headboat permitted vessel declare, by phone call, email, text, or other device, prior to departing their intent to seek species to sell. By making such a declaration with the associated time and port of return the USCG could easily check the vessel to ensure compliance.

I am also requesting that this issue be placed on your May Agenda as an urgent issue requiring immediate attention. I can be available for your meeting to further discuss this issue and provide more explanation. Please let me know if you are able to accommodate this request and if it would be beneficial for me to attend the meeting.

Sincerely,

Capt. Bob Zales, II
President

Cc: LCDR Patricia Bennett