



Puerto Rico Commercial Snapper Unit 2 Federal Permit Program

DRAFT
Scoping Document
July 27, 2016



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Chapter 1. Introduction and Background

1.1 What is scoping?

Scoping is a method the Caribbean Fishery Management Council (Council) uses to obtain feedback from the public regarding actions they may undertake that could result in changes to the management of federal fisheries in the U.S. Caribbean. During scoping, fishery issues are identified, management options suggested, and potential impacts explored. Scoping is the first and best opportunity for the public to make suggestions or raise issues to the Council before a fishery management plan (FMP) or an amendment to an existing plan is developed.

1.2 How does scoping affect fisheries management?

The Council uses comments provided through scoping in the development of management options. The public also has the opportunity to comment on the management alternatives under consideration through public hearings, Council meetings, and written submissions. The Council will consider your input as it deliberates and chooses the most appropriate management alternatives.

Caribbean Fishery Management Council

- Responsible for conservation and management of U.S. Caribbean fish stocks (except highly migratory species, which are managed directly by the National Marine Fisheries Service).
- Consists of seven voting members:
 - Four voting members appointed by the Secretary of Commerce
 - One voting member appointed by each of the Governors of Puerto Rico and the U.S. Virgin Islands
 - The Regional Administrator of NMFS for the Southeast Region
- Manages the area from 3 to 200 nautical miles (nm) off the coasts of the U.S. Virgin Islands, and 9 to 200 nm off the coast of Puerto Rico.
- Develops fishery management plans and recommends regulations to NMFS for implementation on behalf of the Secretary of Commerce.

1.3 How else can I get involved?

There are many ways you can become involved with the Council's management process. One way is to identify fishery management issues you feel need to be addressed, and bring your concerns to the Council. It is a good idea to first become familiar with the management process by visiting <http://www.caribbeanfmc.com/>. Then, contact the Council members and staff to discuss your questions or concerns. To further your involvement, you could attend meetings and serve on panels and committees that advise the Council on fishery issues. For more information on how to participate, please call the Council office at 787-766-5926.

1.4 What action is being proposed?

The Council is proposing to develop a permit for the Snapper Unit 2 (SU2) fishery occurring in exclusive economic zone (EEZ) waters surrounding Puerto Rico (Puerto Rico EEZ). The fishery targets queen (*Etelis oculatus*) and cardinal (*Pristipomoides macrophthalmus*) snappers that constitute the SU2 stock complex. The fishery occurs in both state and federal waters and is an important component of Puerto Rico's commercial fishing industry. Puerto Rico has a state permit in place for the queen and cardinal snapper fishing sector, but a complementary federal permit does not exist. The actions considered here are intended to enhance management in federal waters by identifying all fishery

participants and improving collection of landings data. A federal permit would also provide an opportunity to enhance communication between managers and constituents while facilitating enforcement of state and federal fishing regulations.

Purpose for Action

The purpose of this action is to establish a federal permit for the commercial harvest and sale of species included in the Snapper Unit 2 complex (queen snapper [*Etelis oculatus*] and cardinal snapper [*Pristipomoides macrophthalmus*]) in the Puerto Rico exclusive economic zone to facilitate more effective management of the Snapper Unit 2 fishery in federal waters.

Need for Action

The need for the action is to identify fishery participants and to provide timely and effective means to report and monitor harvest from the commercial SU2 sector.

1.5 Where is this Project Located?

The area under consideration for this project is the Puerto Rico EEZ, defined as the marine waters located between 9-200 nautical miles off Puerto Rico as modified by the boundaries of other states, territories, or countries.

1.6 Why is the Council Considering this Permit Program?

Recent events in Puerto Rico have raised awareness regarding the potential benefits of establishing a permit program for the commercial SU2 fishery operating in the Puerto Rico EEZ. In 2012, the Council established a 145,916 pound annual catch limit (ACL) for SU2, based on combined total harvest from Puerto Rico state and federal waters (CFMC 2011). In 2013, the National Marine Fisheries Service (NMFS) determined that, based on the average of 2010-2011 commercial landings, the ACL was exceeded by 132,063 pounds (90.5 percent). This ACL overage required application of an accountability measure (AM) to reduce the length of the 2013 fishing season for SU2 in the Puerto Rico EEZ by 102 days. Much of this overage was attributed to the entry into the fishery of a new cohort of fishers with a one-year 'beginners' commercial fishing license. The reported influx of temporary commercial fishers, and the repercussions of the resultant AM-based reduction in the harvest season, caused considerable hardship to those commercial fishers historically dependent on this resource for income.

Excessive commercial harvest of Puerto Rico's SU2 complex continues to be a problem during some years, resulting in more closures and additional hardships for Puerto Rico's fishing communities. For the queen and cardinal snapper that comprise SU2, average annual landings for 2012-2014 (the most recent three years for

which data are available) were 155,889 pounds. These landings exceeded the established ACL of 145,916 pounds by almost 10,000 pounds, and will require a reduction in the length of the fishing season for SU2 in 2016 (81 FR 34283, May 31, 2016). Exceeding the established ACL prevents achievement of optimum yield, potentially compromises the future health of the resource and the economic viability of fishermen and their communities.

Establishing a permit program will facilitate the acquisition of accurate landings data from the universe of participating fishers in a timely manner, thereby allowing in-season modifications to fishing activities, potentially reducing the likelihood of exceeding the ACL.

The commercial SU2 fishery, and particularly the component of the fishery executed along the west coast of Puerto Rico, historically involves a small number of dedicated fishers. The fishery characteristically targets patchy, deep-water habitats influenced by dynamic oceanographic conditions. As a result, only a dedicated cohort of commercial fishers maintains long-term participation and consistent success in the fishery. Participant fishers from Puerto Rico have been identified based on past licensing and landings data, and have been permitted by Puerto Rico's Department of Natural and Environmental Resources (PRDNER) to exclusively harvest queen and cardinal snapper from Puerto Rico's state waters. However, the Puerto Rico queen and cardinal snapper harvest permit is not

required to harvest SU2 species from the Puerto Rico EEZ. The present document considers various options for developing a complementary, though not necessarily identical, federal permit for commercial harvest of SU2 in federal waters surrounding Puerto Rico.

Establishing a federal permit system for the commercial SU2 sector in the Puerto Rico EEZ contributes to collection of improved harvest and fishing effort information with which to manage the fishery. Establishing a federal SU2 harvest permit would enhance federal management of this sector by identifying commercial fishermen participating in the SU2 sector and guiding their participation. Additionally, a federal permit with defined reporting requirements would facilitate reporting compliance, timeliness, and accuracy, enable better understanding of temporal and spatial harvest patterns, facilitate enforcement, and potentially enable establishment of in-season data acquisition and verification to support in-season management. These outcomes would reduce scientific and management uncertainty, thus establishing a pathway to potentially increase allowable catch and reduce the likelihood of overfishing the resource while mitigating negative impacts of management to fishing communities.

A permit system for the commercial SU2 fishery operating in the Puerto Rico EEZ also would establish a conduit for communications between managers and commercial SU2 fishers.

In summary, the goals to be achieved by establishing a permit for harvesting SU2 from federal waters surrounding Puerto Rico include:

- Achieve optimum yield from the resource;
- Establish and maintain, to the greatest degree practicable, consistency across state and federal waters surrounding Puerto Rico;
- Obtain accurate, timely landings data from the universe of participating fishers;
- Identify historical participants in the fishery and guide their future participation;
- Enable better understanding of temporal and spatial harvest patterns;
- Facilitate enforcement;
- Support in-season management, reducing the likelihood of ACL overages and mitigating negative impacts to fishing communities;
- Establish a conduit for communications between managers and fishers.

1.7 Background

A white paper discussing various aspects of fishing permits, as they might apply in the U.S. Caribbean EEZ, was presented to the Council at their August 2014 meeting. That paper summarized general considerations regarding the establishment of fishing permits in the U.S. Caribbean EEZ.

Following a broad overview of permits and their potential applicability in the U.S. Caribbean EEZ, the paper discussed two specific permit opportunities, including for the commercial trap fishery of St. Thomas, U.S. Virgin Islands (USVI), and for the commercial SU2 fishery of Puerto Rico.

Based on the information contained in the white paper, the Council directed staff to develop a scoping document to evaluate general concepts regarding harvest permits in the U.S. Caribbean EEZ, and to conduct scoping hearings throughout the islands of the U.S. Caribbean. Scoping hearings were held at various locations throughout Puerto Rico, and on both St. Thomas and St. Croix, USVI, during March 2015. Public comments obtained during those scoping hearings were presented to the Council at their April 2015 meeting. Regarding the development of a permit program for Puerto Rico's commercial SU2 fishery, comments were generally positive. Suggestions included to make the federal permit

completely independent of the present state permit and to include a provision to allow federally permitted fishers to transit state waters with their catch. The consensus was to move forward with development of a permit program for this fishing sector.

This second-generation scoping paper uses the outcomes from the initial (March 2015) scoping hearings as a start point for developing a permit program for commercial SU2 harvest in the Puerto Rico EEZ. Those outcomes, in combination with general requirements common to all of NMFS' permit programs, inform alternative options for designing this permit program. Some possible options, distributed among various organizing Actions, are listed below. They serve as a start point for public discussion of the design and implementation of this permit program. However, all aspects of the program remain open to public input and discussion. That input will strongly influence the final form of the permit program.

Chapter 2. Actions and Alternatives

Action 1: Establish a commercial permit to harvest queen and cardinal snapper (Snapper Unit 2 [SU2]) from the Puerto Rico exclusive economic zone (EEZ).

Option 1 (No Action): Do not require a commercial permit for harvest of queen and cardinal snapper from the Puerto Rico EEZ.

Option 2: Require a commercial permit for harvest of queen and cardinal snapper from the Puerto Rico EEZ. If Option 2 is selected, the Council must also select Option 3, 4, or 5.

Sub-option A: Establish an open access commercial permit for harvest of queen and cardinal snapper from the Puerto Rico EEZ, with no limit on the number of permits that may be issued.

Sub-option B: Establish a limited entry commercial permit for harvest of queen and cardinal snapper from the Puerto Rico EEZ in which, following some period of eligibility, no new permits would be issued. If this sub-option is chosen, guidelines for transferring permits would need to be established.

Option 3: Recognize the Puerto Rico Department of Natural and Environmental Resources (PRDNER) commercial queen and cardinal snapper harvest permit as the required commercial permit for harvest of queen and cardinal snapper in the Puerto Rico EEZ.

Option 4: Require a federal permit as the required commercial permit for harvest of queen and cardinal snapper from the Puerto Rico EEZ.

Sub-option A: The required federal permit would be assigned to the individual fisher or to their business, and therefore valid regardless of the vessel from which the fisher is operating.

Sub-option B: The required federal permit would be assigned to a vessel and therefore valid for all licensed fishers operating from that vessel.

Option 5: Require either the Puerto Rico commercial queen and cardinal snapper harvest permit, or a separate federal commercial SU2 harvest permit, for commercial harvest of queen and cardinal snapper from the Puerto Rico EEZ.

Action 2: Permit eligibility

Option 1 (No Action): Do not establish eligibility requirements for obtaining a commercial permit to harvest queen and cardinal snapper from the Puerto Rico EEZ.

Option 2: Require the applicant for a commercial permit to harvest queen and cardinal snapper from the Puerto Rico EEZ to hold a valid commercial license to fish in the U.S. EEZ.

Option 3: Require the applicant for a commercial permit to harvest queen and cardinal snapper from the Puerto Rico EEZ to provide proof of previous queen or cardinal snapper harvest activity during a specific period of time.

Sub-option A: Use the most recent three years of reported commercial landings of queen and/or cardinal snapper to determine eligibility.

Sub-option B: Require the fisher to provide evidence of commercial queen and/or cardinal snapper landings for at least three of the most recent five years for which landings data are available.

Sub-option C: OTHER

Option 4: Require the applicant for a commercial permit to harvest queen and cardinal snapper from the Puerto Rico EEZ to provide proof of average annual landings of queen and cardinal snapper during the specific period of time identified in Option 3¹.

Sub-option A: Minimum reported average annual landings of x pounds whole weight.

Sub-option B: Minimum reported average annual landings of y pounds whole weight.

Sub-option C: Minimum reported average annual landings of z pounds whole weight.

Option 5: OTHER/ALTERNATE ELIGIBILITY REQUIREMENTS?

Action 3: Allowable gear.

Option 1 (No Action): Do not define allowable gear for commercial harvest of queen and cardinal snapper from Puerto Rico EEZ waters.

¹ Choosing Option 4 assumes that Option 3 was first chosen.

Option 2: Define the allowable gear for commercial harvest of queen and cardinal snapper from Puerto Rico EEZ waters.

Sub-option A: Manual hook-and-line (no power retrieval).

Sub-option B: Bandit gear.

Sub-option C: OTHER.

Action 4: Allowable number of fishing trips.

Option 1 (No Action): Do not specify a maximum number of allowable fishing trips per year for commercial harvest of queen and cardinal snapper from the Puerto Rico EEZ.

Option 2: Specify a maximum number of allowable fishing trips per year for commercial harvest of queen and cardinal snapper from the Puerto Rico EEZ.

Sub-option A: x trips.

Sub-option B: y trips.

Sub-option C: z trips.

Sub-option D: OTHER.

Action 5: Commercial trip limits.

Option 1 (No Action): Do not specify a commercial trip limit for queen and cardinal snapper harvested from the Puerto Rico EEZ.

Option 2: Specify a commercial trip limit (in pounds) for queen and cardinal snapper harvested from the Puerto Rico EEZ.

Sub-option A: x pounds whole weight.

Sub-option B: y pounds whole weight.

Sub-option C: z pounds whole weight.

Sub-option D: OTHER.

Action 6: *Reporting method for fishers commercially permitted to harvest queen and cardinal snapper from the Puerto Rico EEZ.

Option 1 (No Action): Do not establish a method to report landings of queen and cardinal snapper from the Puerto Rico EEZ. PRDNER requires commercial catch reporting forms be used to report commercial harvest of queen and cardinal snapper from Puerto Rico territorial and EEZ waters. Forms can be submitted in-person, by fax, or by email.

Option 2: Require permitted commercial fishers to report landings of queen and cardinal snapper from the Puerto Rico EEZ using a form specifically designed for this purpose. Forms can be submitted in-person, by fax, or by email.

Option 3: Require fishers to record and report landings of queen and cardinal snapper from the Puerto Rico EEZ using an electronic methodology. Forms will be submitted electronically via a pre-established communications conduit.

Option 4: Allow fishers reporting landings of queen and cardinal snapper from the Puerto Rico EEZ to choose between the PRDNER commercial catch reporting form or an electronic reporting method.

**Note*-Fishers permitted to harvest queen and cardinal snapper from the Puerto Rico EEZ, who also harvest queen and cardinal snapper from territorial waters, would be required to report landings from both areas.

Action 7: Frequency of reporting for fishers permitted to harvest queen and cardinal snapper from Puerto Rico EEZ waters.

Option 1 (No Action): Do not specify a frequency for submitting landings reports of queen and cardinal snapper. Puerto Rico requires that fishers submit landings reports of commercially harvested queen and cardinal snapper from territorial waters within 60 days of the fishing activity.

Option 2: Require fishers permitted to harvest queen and cardinal snapper from the Puerto Rico EEZ to submit landings reports daily, regardless of fishing activity or lack thereof.

Option 3: Require fishers permitted to harvest queen and cardinal snapper from the Puerto Rico EEZ to submit landings reports within 24 hours following completion of a fishing trip for which queen and cardinal snapper were harvested from the Puerto Rico EEZ.

Option 4: Require fishers permitted to harvest queen and cardinal snapper from the Puerto Rico EEZ to submit landings reports weekly, regardless of fishing activity or lack thereof.

Option 5: OTHER?

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Chapter 3. Discussion

3.1 General Considerations

In 2011 and 2012, the number of licensed commercial fishers in Puerto Rico more than tripled, from the 1,129 previously reported participants to 3,408 (Matos-Caraballo and Agar 2011, E. Piñeiro pers. comm.). Historically, fishers in Puerto Rico were required by PRDNER to provide their tax return when applying for or renewing a commercial fishing license. The PRDNER would use the tax return information to determine what amount of each fisher's income derived from commercial fishing and, from that, whether the fisher qualified to apply for a full-time or part-time commercial license. Beginning with the 2011 fishing year, the PRDNER established a moratorium on the tax return requirement when applying for a commercial fishing license. This moratorium appears to have drawn new fishers into the commercial sector via the Puerto Rico commercial fisher beginner's license, resulting in the observed increase in the number of licensed commercial fishers referenced above. That influx apparently included a large number of recreational fishers who perceived a benefit to obtaining a commercial fisher beginner's license so they could pursue deep-water queen and cardinal snapper comprising Snapper Unit 2 (SU2). Possessing the beginner's license, good for one year, allowed those newly minted commercial fishers to use specialty gear types (e.g., bandit gear) and to sell their catch, both of which are prohibited practices for fishers possessing only a recreational license (CFMC 2016). Moreover, a one-year extension of the beginner's license, for those unable to comply with the requirements to obtain a full-time or part-time license, also was granted. For the 2013 fishing year, PRDNER re-established the tax return requirement when applying for a commercial license, but the temporary moratorium and its impacts to the historic commercial fishing community raised awareness among those historic commercial fishers of the need for better monitoring and management of commercial fishing effort.

The events of 2011-2012 revealed problems with data reporting, overcapacity of the fishery, lack of control on participation, and a general need to better manage the SU2 commercial and recreational sectors in the waters surrounding Puerto Rico. Puerto Rico's commercial SU2 fishers characteristically target patchy, deep-water habitats. The resultant difficulty of achieving long-term success within the context of a complex habitat mosaic and unpredictable environmental conditions engenders dedicated participation by only a small number of commercial fishers. That cohort of fishers, generally identifiable from Puerto Rico licensing and landings data, constitutes an ideal and apparently willing target audience for management via a sector-specific permit program.

Puerto Rico's DNER has recognized and responded to this opportunity by instituting a permit requirement for participation in their commercial SU2 fishery. The permit, initiated in fall 2013

and continuing to the present, authorizes permitted commercial fishers to harvest queen (*E. oculatus*) and cardinal (*P. macrophthalmus*) snapper from Puerto Rico state waters and to land and sell those species on the island. Since its inception, fewer than 70 fishers annually have been assigned a permit to participate in the commercial SU2 fishery. The Administrative Order establishing this permit program is included as Appendix A.

At present, a federal permit for commercial harvest and sale of SU2 from Puerto Rico EEZ waters does not exist. Establishing such a permit would allow managers to track the number and identity of commercial SU2 fishers operating in Puerto Rico EEZ waters, and to distinguish between legal and illegal participants in the fishery. Combining a federal permit with the existing Puerto Rico permit for state waters would ensure that information is obtained from the entire population of commercial SU2 fishers operating in state and federal waters around the island. Such a comprehensive permit program could result in the acquisition of more complete and timely landings and effort data, strengthen law enforcement capabilities, and allow for directed outreach to and education of those permitted fishers. These outcomes would reduce uncertainty, enhance the precision for monitoring allowable catch levels, and increase the suitability and effectiveness of fishing regulations. The increased data collection facilitated by a comprehensive permitting system also would enhance capabilities for the socioeconomic analysis of existing and proposed management measures, because better data regarding the importance and contribution of commercial SU2 fishing to fishers and the fishing communities within which they reside would be available.

Pitfalls exist regarding the development of a federal permit for commercial harvest and sale of SU2 from Puerto Rico EEZ waters. Establishing a federal permit could create confusion among fishers and fishing communities, particularly if the state and federal permits are not fully compatible. Additionally, there may be resistance to additional permitting requirements. The additional expense required to purchase a permit, regardless of what that cost may be, would likely create concerns among fishers. Impacts of, and resistance to, a federal permit requirement would best be addressed by ensuring full participation from the affected fishing community in the development of the permit program and by ensuring compatibility between the state and federal permits to the greatest degree practicable. Compatibility would best be achieved if the state permit is in compliance, or at least does not interfere with compliance by the federal permit, with the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). For example, although the state permit is available only to residents of Puerto Rico, the Magnuson-Stevens Act would not allow a similar restriction to be placed on the federal permit. To be practical, this may require that permitted, non-resident fishers be allowed to land and sell their catch in Puerto Rico. The state would therefore have to recognize the federal permit as being equally valid to the state permit at least for the purpose of market access. Thus, the process of developing a federal permit for harvest of SU2 species from Puerto Rico

EEZ waters would require a partnership between state and federal authorities and their member institutions, including (but not limited to) PRDNER, the Council, the Council's Puerto Rico District Advisory Panel, and NOAA's National Marine Fisheries Service (NMFS).

3.2 Proposed Actions and Alternatives

Proposed **Action 1** allows for the decision whether to implement a federal permit and guides the decision as to what permit allows harvest and sale of SU2 species from the Puerto Rico EEZ. Two options for implementation are suggested, representing the choice between not proceeding (*Option 1*) or proceeding (*Option 2*) with development of a commercial permit for harvest of SU2 from the Puerto Rico EEZ. Only if *Option 2* is chosen would the following actions be pursued.

Table 3.1. Current Open Access Permits Available for Vessels Fishing in the EEZ of the Gulf of Mexico, South Atlantic, and the U.S. Caribbean.

Open Access Commercial Permit
Atlantic Dolphin/Wahoo (ADW)
Spiny Lobster (LC)
Spiny Lobster Tailing
Spanish Mackerel
Rock Shrimp
South Atlantic Penaeid Shrimp
Gulf Royal Red Shrimp Endorsement
HMS Commercial Caribbean Small Boat Permit
Open Access Charter/Headboat Permits
Atlantic Charter/headboat for Dolphin/Wahoo
Atlantic Charter/headboat for Coastal Migratory Pelagics
South Atlantic Charter/Headboat for Snapper-Grouper

Option 2 includes two sub-options, which govern the choice between the two permit structures available to the Council. First, the Council could choose an *open access* permit system that does not restrict the availability of permits to fishers. With open access permits, any fisher can apply for a permit at any time. Open access permits are in common use in southeastern U.S. EEZ waters, including the Gulf of Mexico, South Atlantic, and U.S. Caribbean (Table 3.1).

Alternatively, the Council could implement a *limited entry* permit where the number of permitted
Table 3.2. Current Limited Access Permits Available for Vessels Fishing in the EEZ of the Gulf of Mexico, South Atlantic, and the U.S. Caribbean.

Limited Access Commercial Permits
King Mackerel
Gillnet for King Mackerel
Gulf of Mexico Shrimp
Gulf of Mexico Commercial Reef Fish
Eastern Gulf of Mexico Reef Fish Bottom Long Line Endorsement
Rock Shrimp
South Atlantic Golden Crab
South Atlantic Unlimited Snapper-Grouper
South Atlantic 225 LB Trip Limit Snapper-Grouper
South Atlantic Sea Bass Pot Endorsement
South Atlantic Golden Tilefish Endorsement
Swordfish Directed
Swordfish Handgear
Swordfish Incidental
Shark Directed
Shark Incidental
Atlantic Tuna Longline
Limited Access Charter/Headboat Permits
Gulf Charter/Headboat Coastal Migratory Pelagics
Gulf Charter/Headboat for Reef Fish
Historical Captain Gulf Charter/Headboat for Coastal Migratory Pelagic Fish
Historical Captain Gulf Charter/Headboat for Reef Fish

fishers is restricted. In establishing eligibility criteria for a limited entry permit, the Magnuson-Stevens Act requires the Council to take into account: present participation in the fishery; historical fishing practices in and dependence on the fishery; the economics of the fishery; the capability of fishing vessels used in the fishery to engage in other fisheries; the cultural and social framework relevant to the fishery and any affected fishing communities; the fair and equitable distribution of access privileges in the fishery; and, other relevant considerations. Eligibility criteria could include, for example, current participation in the fishery, historical participation in the fishery, or documentation of landings. Of key importance, once a limited entry permit is established, new fishers can only obtain a permit for that sector by purchasing an existing permit from another fisher, assuming transfer of permits is allowed. A variety of limited entry permits are operational in EEZ waters of the Gulf of Mexico and South Atlantic. No such federal programs are presently operating in U.S. Caribbean EEZ (Table 3.2), although Puerto Rico's SU2 permit program is configured as a limited access permit.

If the Council chose to implement a limited access permit for the commercial SU2 fishery operating in the Puerto Rico EEZ, the Council could elect to use a control date to identify eligible participants for the permit program. The Council has previously established control dates for U.S. Caribbean fisheries. At their March 2009 meeting, the Council voted to establish a control date of March 24, 2009, for the commercial sector of the reef fish, queen conch, and spiny lobster fisheries operating in federal waters of the U.S. Caribbean. On July 8, 2009, NMFS published this control date in the *Federal Register* (74 FR 32528) as an Advanced Notice of Public Rulemaking (ANPR). The Council followed at their August 2012 meeting by voting to update the control date for the commercial trap sectors of the reef fish and spiny lobster fisheries operating in federal waters of the U.S. Caribbean. On April 5, 2013, NMFS published an ANPR in the *Federal Register* (78 FR 20496) announcing the control date of February 10, 2011, for those sectors. These ANPRs informed fishers that anyone entering these fisheries after the control date would not be assured of future access should a management regime, such as a permit program, limit entry to the fishery or impose other measures to restrict entry to these fisheries. Consideration of a control date does not commit the Council or NMFS to any particular management regime or criteria for eligibility in the fishery. Additionally, the Council may choose to revise that control date, or to give variably weighted consideration to fishers active in the fishery before and after the control date. The Council may also choose to take no further action to control entry or access to any of these fisheries, in which case the control date may be rescinded.

Options 3, 4, and 5 of **Action 1** then guide the decision as to what permit allows harvest of SU2 species from the Puerto Rico EEZ. As noted above, Puerto Rico has established a permit for harvest of SU2 species from their state waters, which requires state residency. *Option 3* assigns the existing Puerto Rico permit as the required permit for SU2 harvest from the Puerto Rico EEZ. If the fisher is permitted to harvest and sell SU2 species from state waters, they would be equally permitted to harvest and sell from the Puerto Rico EEZ. If they are not permitted to harvest from state waters, they are equally restricted from the Puerto Rico EEZ. However, this approach would only allow residents of Puerto Rico to fish for queen and cardinal snapper in the Puerto Rico EEZ. *Option 4* defines a federal permit that is equally available to all qualified applicants, regardless of their state of residence. Not all fishers may qualify for the permit, based on the Council's chosen eligibility requirements (see proposed **Action 2**), but those who do would be granted access regardless of their state of residence. Sub-options within *Option 4* guide the decision as to whether the federal permit is assigned to the individual fisher or to the vessel. In the former case, a permitted fisher may operate from any vessel, whereas in the latter case any fisher may operate from a permitted vessel. *Option 5* recognizes either the state or federal permit as legally acceptable for harvest of SU2 species from the Puerto Rico EEZ. Under *Option 5*, fishers holding a Puerto Rico commercial queen and cardinal snapper harvest permit would be allowed to commercially harvest SU2 species from the Puerto Rico EEZ. Those

fishers not eligible for Puerto Rico's commercial queen and cardinal snapper harvest permit would be able to apply for the federal permit. However, possession of a federal permit allowing harvest of SU2 species from the Puerto Rico EEZ would not provide access for commercial queen and cardinal snapper harvest from Puerto Rico state waters. Other caveats may be identified during the scoping process or at any time in the Council's development of a permit program.

Proposed **Action 2** defines the criteria upon which federal permit eligibility is established. *Option 1* establishes that no qualifying criteria need be met. Anyone may apply for a permit to harvest SU2 species from the Puerto Rico EEZ. *Option 2* establishes a minimum criterion, that being the requirement for the applicant to possess a license to commercially fish in U.S. EEZ waters. This license need not be specific to Puerto Rico; a commercial fishing license from any U.S. state, commonwealth, or territory would suffice. Thus, fishers holding a commercial fishing license from the USVI would qualify to harvest SU2 from the Puerto Rico EEZ. *Options 3 and 4* establish more stringent eligibility requirements. *Option 3* requires that the successful applicant have a history of SU2 harvest from Puerto Rico state or U.S. EEZ waters, the sub-options addressing the period of time during which those landings must have occurred. Other sub-options would be considered based on constituent input. *Option 4* expands upon *Option 3* by defining a required minimum average of landings the applicant must have realized during the time period established in *Option 3*. The various sub-options define what those minimum average landings must be. Again, other sub-options would be considered based on constituent input. Finally, *Option 5* provides a placeholder for inclusion of other eligibility requirements suggested by constituents.

Proposed **Actions 3, 4, and 5** consider possible restrictions on harvest activities for commercially permitted SU2 fishers operating in Puerto Rico's EEZ. Proposed **Action 3** addresses gear requirements. *Option 1* establishes no additional gear requirements, so any harvest gear permissible for use in the reef fish fishery in the U.S. Caribbean EEZ can be used for the commercial harvest of SU2 species from the Puerto Rico EEZ. In contrast, *Option 2* specifically defines permissible gear such that, if a gear is not included in this list, its use is not allowed for the harvest of SU2. Note that *Option 2* can be constructed in a manner that defines non-permitted gear, such that any otherwise legal gear not specifically prohibited in this option can be used to commercially harvest SU2 species from the Puerto Rico EEZ. As with all proposed Actions and Options included in this document, these options are open to discussion and may be revised based on input from constituents. Proposed **Action 4** guides the choice between not limiting the number of trips a fisher may take to harvest SU2 from the Puerto Rico EEZ (*Option 1*) or including various numbers of trips each permitted fisher may take during the calendar year (*Option 2* and associated sub-options). Proposed **Action 5** addresses establishing a commercial trip limit for the number of pounds of SU2 species that may be landed on each trip.

Action 5, *Option 1* proposes that no SU2 trip limit be established, whereas *Option 2* (and associated sup-options) proposes various allowable trip limits. Within proposed **Actions 4 and 5**, the actual values assigned to each sub-option would be developed based on constituent input during the scoping process.

Action 6 proposes options regarding the reporting format and method of submission, including continuing the use of state commercial catch reporting forms (*Option 1*), devising a new form specifically tailored to reporting queen and cardinal snapper landings (*Option 2*), or utilizing an electronic (i.e., digital) reporting format (*Option 3*). *Option 4* provides the fisher with a choice of reporting format. Fishers are currently required to report landings from Puerto Rico state and federal waters, even if they land in a different state, so there is no option included to not report landings. Note that an electronic reporting scheme, which includes a digital reporting format and an electronic submission capability, has been developed and tested in Puerto Rico with the involvement of Puerto Rico SU2 fishers. However, electronic reporting is not yet operational in Puerto Rico. *Option 3* remains an unviable option until such time as electronic reporting, at least for reporting commercial landings by permitted SU2 fishers, is operational. Many obstacles remain before operational electronic reporting is achieved. *Option 4* is similarly constrained, but also raises concerns regarding complexities and inconsistencies resulting from multiple reporting pathways. As with all proposed actions in this document, alternative approaches would be solicited from constituents during the scoping process.

Regardless of the method of reporting, proposed **Action 7** defines the frequency with which those landings reports must be submitted to the receiving agency. The receiving agency is the state, who then organizes the data and provides it to NMFS' Southeast Fisheries Science Center. *Option 1* provides for no action on this issue, instead continuing the presently established requirement to report landings according to applicable state law. For example, PRDNER requires landings to be reported within 60 days of fishing activity. *Options 2-4* establish various report submission timelines, including daily regardless of fishing activity (*Option 2*), within 24 hours of a fishing trip (*Option 3*), and weekly regardless of fishing activity (*Option 4*). *Option 5* anticipates other submission timelines that may be suggested by partners via public hearings and requests for comments. Note that *Options 1 and 3* begin the submission timeline only after a fishing trip has been completed, whereas *Options 2 and 4* require submission according to the timeline regardless of fishing activity. The latter options ensure the data distinguish between fishing trips that produce no catch and days on which no fishing activity occurs. This is an important distinction when determining catch and effort, and should be kept in mind when choosing options or when submitting suggestions for additional options. Another important consideration is management responsiveness. Federal management of U.S. Caribbean fisheries occurs almost exclusively one or more years following the fishing year(s) driving the management action. A desired goal of federal fishery managers is to conduct in-season rather

than post-season management, an approach that maximizes responsiveness and minimizes regulatory restrictions. For example, if landings data are made available within the fishing year, those data can be analyzed to determine if the landings trajectory will lead to an overage of the ACL. If a potential ACL overage is identified, fishery managers can work with the fishers to adjust or redirect effort to minimize the likelihood of an ACL overage and resultant regulatory response. The more quickly and completely landings data are submitted, the more efficiently those data can be analyzed, potential overages identified, and management adjustments implemented.

3.3 Pre-Established Components

Some essential features of a federal permit system are standardized across all permits, including but not limited to administration of the permit, the application process, fees to cover the cost of administering the program, permit duration and anniversary date, and penalties for violating permit provisions. Brief overviews are provided below.

Administration

A federal permit program for any Council-managed fishery in the U.S. Caribbean region would be administered by the NMFS Southeast Regional Office (SERO) permitting office in St. Petersburg, Florida. Applications, fees, and permit monitoring would be handled by this office.

Application Process

The standard federal permit application (Appendix B) is relatively detailed and currently requires the submission of vessel characteristic data (e.g., horsepower, gross tonnage, net tonnage, hull identification number, hold capacity, corporation shareholder information, lease information). Completion of this permit application form generally takes between 20 and 60 minutes, depending on the complexity of the supporting documents.

Fees

It would be necessary to charge an application fee, payable by the applicant, to recover costs associated with processing the permit and maintaining the permit system. NMFS is authorized to charge administrative fees for permit issuance, renewal, or transfer. The direct cost of obtaining a federal permit under the current SERO permitting process is \$25 per permit.

Duration and Renewal Date

Permits would be valid for one year, with the permit holder's birthday serving as the anniversary date. If the permit is assigned to a vessel rather than to an individual, one option is to assign the registration renewal date as the permit anniversary date. In any case, to manage workload in the permits office it is necessary to spread the anniversary dates throughout the year rather than establishing a single anniversary date applicable to all. The choice of anniversary date would be made by NMFS.

Penalties

Penalties for violating the provisions of the Magnuson-Stevens Act, including permit program violations, are described in 50 C.F.R. § 600.735 of the Code of Federal Regulations and references therein.

References

CFMC. 2011. Amendment 2 to the Fishery Management Plan for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands and Amendment 5 to the Reef Fish Fishery Management Plan of Puerto Rico and the U.S. Virgin Islands. Caribbean Fishery Management Council, San Juan, Puerto Rico. September 22, 2011. 523 pp + Appendices. Available at:
http://sero.nmfs.noaa.gov/sustainable_fisheries/caribbean/2010_acl/index.html

CFMC. 2016. Comprehensive Amendment to the U.S. Caribbean Fishery Management Plans: Application of Accountability Measures, Including Final Environmental Assessment, Regulatory Impact Review, and Regulatory Flexibility Act Analysis. Caribbean Fishery Management Council, San Juan, Puerto Rico. November 2015. 122 pp. Available at:
http://sero.nmfs.noaa.gov/sustainable_fisheries/caribbean/generic/accountability_measures/index.html.

Matos-Caraballo, D., and J. J. Agar. 2011. Census of active commercial fishermen in Puerto Rico: 2008. Mar. Fish. Rev. 73:13-27.

APPENDICES

Appendix A: Puerto Rico Department of Natural and Environmental Resources Administrative Order 2013-11 establishing the Commercial Queen and Cardinal Snapper Special Permit for state waters



ESTADO LIBRE ASOCIADO DE PUERTO RICO
Departamento de Recursos Naturales y Ambientales

ORDEN ADMINISTRATIVA NÚM. 2013 - 11

PARA REGULAR LA PESCA DEL CARTUCHO Y LA MUNIAMA DE AFUERA; Y OTORGAR PERMISO ESPECIAL A AQUELLOS PESCADORES COMERCIALES DEDICADOS A LA CAPTURA DE ESTA ESPECIE

POR CUANTO: La Ley Núm. 278 de 29 de noviembre de 1998, Ley de Pesquerías de Puerto Rico, según enmendada, dispone en su Artículo 5, inciso (k) que la Secretaría del Departamento de Recursos Naturales y Ambientales ("DRNA", "Departamento") tendrá, entre las atribuciones y deberes convenientes para llevar a cabo la política pública según señalada en esta Ley, el reglamentar la captura y establecer cuotas para la actividad de peces vivos.

POR CUANTO: En virtud de sus deberes ministeriales, el DRNA adoptó el Reglamento de Pesca de Puerto Rico (Reglamento Núm. 7949 de 24 de noviembre de 2010), el cual en su Artículo 5 "Declaración de Política Pública", establece que: "[S]erá política pública del Departamento promover el mejor uso, la conservación y el manejo de los recursos pesqueros, de acuerdo con las necesidades del pueblo de Puerto Rico".

POR CUANTO: El Consejo de Administración Pesquera del Caribe (CFMC, por sus siglas en inglés) aprobó varias enmiendas a los planes de manejo para cumplir con el mandato de la Ley Magnuson-Stevens para la Conservación y Manejo de las Pesquerías, según la revisión del 2007. La reglamentación final fue publicada en el Registro Federal ("Federal Register") el 30 de diciembre de 2011, (76 FR 82414) con fecha de efectividad del 30 de enero de 2012.

POR CUANTO: La reglamentación federal adoptada contempla las siguientes disposiciones:

1. Establece límites anuales de captura para las especies y las unidades de manejo cuyo tasa de captura no es muy alta y establece las medidas de responsabilidad para proteger los abastos de peces de los sectores comercial y el recreacional (especies no sobrepecadas).
2. Establece fronteras en aguas federales con el propósito de aplicar las medidas de responsabilidad.
3. Establece los límites al número de peces ("bag limits") para la pesca recreacional.
4. Provee guías para cuando se activen y sea necesario implementar medidas de responsabilidad ("Accountability Measures").

POR CUANTO: El cartucho (*Etelis oculatus*) y la muniama (*Pristipomoides macrophthalmus*), (Unidad de Pargos 2), son especies de pargos de aguas profundas de gran importancia comercial reglamentados en aguas federales mediante una cuota anual de captura de 145,916 libras, (establecida por el Comité de

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Ciencia y Estadísticas, (SSC por sus siglas en inglés) del Consejo de Administración Pesquera del Caribe (CFMC), por sus siglas en inglés).

POR CUANTO: Sobrepasar las cuotas establecidas por el CFMC para las distintas unidades de manejo, incluyendo la Unidad de Pargos 2, conlleva el cierre de las pesquerías por parte del Secretario de Comercio de los EEUU.

POR CUANTO: El Artículo 12 de la Ley de Pesquerías, *supra*, 12 LPRA secc. 25(j) faculta a la Secretaria para decretar, mediante Orden Administrativa, medidas de emergencia cuando un recurso pesquero se encuentre seriamente amenazado o la actividad pesquera fuera amenazante o exista un peligro a la salud. Asimismo, el Artículo 28, "Vedas y Medidas no Previstas o de Emergencia" del Reglamento Núm. 7949, *supra*, dispone que: "[L]as vedas que decrete el Secretario distintas a las incluidas en este Reglamento serán notificadas mediante un Aviso Público en un periódico de circulación general con veinte (20) días de anticipación a la fecha en que entre en vigor la misma"; y "[C]uando la información científica disponible demuestre que un recurso pesquero se encuentra seriamente amenazado o la actividad pesquera fuera amenazante a éste o exista un peligro a la salud o el ambiente, el Secretario podrá decretar una emergencia mediante Orden Administrativa y tomar las medidas que sean necesarias".

POR CUANTO: La Ley Núm. 229 de 30 de diciembre de 2010, añadió un inciso al Artículo 3 de la Ley de Pesquerías de Puerto Rico, según enmendada, inciso (r) para que la Secretaria del Departamento de Recursos Naturales y Ambientales tendrá: "[E]n aquellos casos que estime necesario, podrá establecer, aprobar, enmendar y derogar reglamentos, órdenes administrativas e implementar planes conforme a las leyes, reglamentos, cartas circulares y boletines de la Oficina de Servicio Nacional de Pesquerías Marinas, de la agencia "National Oceanic and Atmospheric Administration", del Departamento de Comercio Federal".

POR CUANTO: A base de las estadísticas pesqueras que rinden los pescadores comerciales, el DRNA tiene la capacidad para identificar, distinguir y limitar la captura de esas especies sólo a los pescadores que se dedican a esta pesca mediante un permiso especial; y cerrar la pesca a los demás pescadores comerciales y recreativos.

POR TANTO: Yo, Carmen R. Guerrero Pérez, Secretaria del Departamento de Recursos Naturales y Ambientales en virtud de la facultad conferida por la Ley Núm. 23 de 20 de junio de 1972, según enmendada, y la Ley Núm. 278 de 29 de noviembre de 1998, según enmendada, ordeno lo siguiente:

1. Se decreta el cierre a la pesca de la Unidad de Pargos 2, durante el periodo establecido por el CFMC como medida de responsabilidad por sobrepasar la cuota anual establecida.

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DEDICADOS A LA CAPTURA DE ESTA ESPECIE
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2. Todo aquel pescador comercial que se dedique a la pesca de la Unidad de Pargos 2, deberá obtener el permiso especial que a estos fines emitirá el DRNA.
3. Para obtener el permiso especial de captura de las especies reglamentadas en esta orden administrativa, deberán presentar los siguientes requisitos:
 - a. Tener Licencia de pescador comercial a tiempo completo o tiempo parcial
 - b. Presentar estadísticas pesqueras que evidencien la pesca de las especies correspondientes a la Unidad de Pargos 2. En caso de que el pescador no cumpla con el anterior requisito, será evaluado por un comité nombrado por la Secretaria.
4. Los permisos a otorgarse limitarán los viajes por pescador hasta un máximo de ciento veinte (120) viajes por año para la captura de estas especies.
5. Se ordena al Laboratorio de Investigaciones Pesqueras adscrito al Negociado de Pesca y Vida Silvestre, que informe a la Oficina de Permisos y Licencias Forestales, Vida Silvestre y Pesquería, aquellos pescadores comerciales reconocidos como pescadores de la Unidad de Pargos 2.
6. La Oficina de Permisos y Licencias Forestales, Vida Silvestre y Pesquería, enviará una notificación con los requisitos para que obtengan el permiso especial a aquellos pescadores que el DRNA reconoce como pescadores comerciales de las especies aquí reglamentadas. Se ordena a la Oficina de Educación y Publicación, la publicación de esta Orden Administrativa en un periódico de circulación general.

EN TESTIMONIO DE LO CUAL firmo la presente y hago estampar en ella el Sello del Departamento de Recursos Naturales y Ambientales en la ciudad de San Juan, Puerto Rico, hoy 14 de agosto de 2013.




Carmen R. Guerrero Pérez
Secretaria

Appendix B: Federal Permit Application Form

U.S. Department of Commerce, NOAA NMFS
PERMITS OFFICE, F/SER14
263 13th Avenue South
St. Petersburg, FL 33701-5505
Toll free 877-376-4877 (8:00a.m. - 4:30 p.m. ET)
727-824-5326 (8:00a.m. - 4:30 p.m. ET)
zero.nmfs.noaa.gov/permits



OMB Control Number 0648-0205; Expiration Date 04/30/2017

FEDERAL PERMIT APPLICATION FOR VESSELS FISHING IN THE EXCLUSIVE ECONOMIC ZONE (EEZ)

FOR OFFICE USE ONLY Application ID

FOR OFFICE USE ONLY	
Reviewer's Initials and Date	
Permit Check or Money Order	
Floy Tag Check or Money Order	
Sanctioned Case Number if	
Non Compliance Hold Date	
Non Compliance Cleared Date	
Expiration Date(s)	

REMEMBER TO SEND A COPY of the current (not expired) United States Coast Guard (USCG) Certificate of Documentation or a copy of the State Vessel Registration. Do not send the original. If the vessel's state registration does not list all owners, also provide a copy of the vessel's title, or other documentation from the appropriate state agency, that identifies all vessel owners.

SECTION 1 - VESSEL INFORMATION

Official Number From USCG Certificate Of Documentation (If the vessel is documented) <input type="text"/>	Year Built <input type="text"/>	Length (ft) <input type="text"/>	Total Horsepower <input type="text"/>
State Registration Number (as applicable) <input type="text"/>	Crew Size—including the Captain, but not including passengers. <input type="text"/>		
Vessel Name <input type="text"/>	HOLD or FISH BOX CAPACITY: How many pounds of product can you bring to the dock when full? <input type="text"/>		
Hull Identification Number (HIN) <input type="text"/>	Hull Material <input type="checkbox"/> FIBERGLASS <input type="checkbox"/> STEEL <input type="checkbox"/> WOOD <input type="checkbox"/> CEMENT <input type="checkbox"/> OTHER	Fuel Data <input type="checkbox"/> DIESEL <input type="checkbox"/> GASOLINE <input type="checkbox"/> OTHER Fuel Capacity - Total Gallons <input type="text"/>	Product Storage (check all that apply) <input type="checkbox"/> ON ICE IN HOLD, FISH BOX, ICE CHEST, COOLER, <input type="checkbox"/> FREEZER <input type="checkbox"/> LIVE WELL
Hailing Port City <input type="text"/>	Hailing Port County Or Parish <input type="text"/>		
USCG DOCUMENTED VESSELS ONLY Gross Tons <input type="text"/> Net Tons <input type="text"/>			
International Maritime Organization (IMO) Number As applicable (see instructions) <input type="text"/>			
Passenger Capacity Data For Charter Vessels/Headboats Only <input type="checkbox"/> UNINSPECTED VESSEL - "6-PACK" <input type="checkbox"/> USCG INSPECTED VESSEL: Specify Passenger Capacity as listed on the USCG Certificate of Inspection, not including Capt. and Crew. <input type="text"/>			
This vessel is used MOSTLY for <input type="checkbox"/> Commercial <input type="checkbox"/> Charter <input type="checkbox"/> Headboat		For Shark and Swordfish Directed and Incidental Permit Applicants Only: Does your vessel fish with, or carry onboard, either longline or gillnet gear? <input type="checkbox"/> Yes <input type="checkbox"/> No Reminder: If yes, include a copy of your "Protected Species Release, Disentanglement, and Identification Workshop Certificate".	

Form V2016.1 Revision 01/07/2016

SECTION 2 - OPEN ACCESS PERMITS AND ENDORSEMENTS

Payment Reminder: All applications must include payment of a non-refundable application fee in the form of a check or money order made payable to the U.S. Treasury. The fee is \$25.00 for the first permit and \$10.00 for each additional permit or endorsement requested on this application.

FEE SCHEDULE FOR PERMITS AND ENDORSEMENTS:

1 Permit: \$25 2: \$35 3: \$45 4: \$55 5: \$65 6: \$75 7: \$85 8: \$95 9: \$105 10: \$115 11: \$125 12: \$135

INSTRUCTIONS: Find the permits in the left column and mark the check box beside that fishery to indicate what transaction(s) you want.

OPEN ACCESS COMMERCIAL PERMITS	NEW		RENEW	
ATLANTIC DOLPHIN/WAHOO (ADW)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SPINY LOBSTER (LC) (Not required for the EEZ off Florida)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SPINY LOBSTER TAILING (LT) You must have an LC permit OR provide your FL SPL information below.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SPANISH MACKEREL (SM)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROCK SHRIMP - CAROLINAS ZONE (RSCZ)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SOUTH ATLANTIC PENAEID SHRIMP (SPA)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GULF ROYAL RED SHRIMP ENDORSEMENT (GRRS) You must have a valid Gulf of Mexico Shrimp permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HMS COMMERCIAL CARIBBEAN SMALL BOAT PERMIT (CCSB) Valid only in the U.S. Caribbean (Puerto Rico and USVI)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SMOOTH HOUND SHARK (SHS)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FOR LOBSTER TAILING PERMIT APPLICANTS ONLY

LOBSTER TAILING APPLICANTS: To obtain a lobster tailing permit you must possess a Florida Saltwater Products License (SPL) with Restricted Species and Crawfish endorsements. If you do not have a Florida SPL with Restricted Species and Crawfish Endorsements, you must possess or simultaneously obtain a valid Federal Spiny Lobster (LC) permit.

You must provide a copy of your Florida SPL if you do not have a Federal Spiny Lobster (LC) permit

Saltwater Products License Number Crawfish Endorsement Number

Saltwater Products License
Expiration Date

OPEN ACCESS CHARTER/HEADBOAT PERMITS	NEW		RENEW	
ATLANTIC CHARTER/HEADBOAT FOR DOLPHIN/WAHOO (CDW)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ATLANTIC CHARTER/HEADBOAT FOR COASTAL MIGRATORY PELAGICS (CHS)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SOUTH ATLANTIC CHARTER/HEADBOAT FOR SNAPPER-GROUPER (SC)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 3 - LIMITED ACCESS/MORATORIUM PERMITS AND ENDORSEMENTS

Payment Reminder: All applications must include payment of a non-refundable application fee in the form of a check or money order made payable to the *U.S. Treasury*. Please refer to the fee schedule in section 2 of the application.

INSTRUCTIONS: Find the permits in the left column and mark the check box beside that fishery to indicate what transaction(s) you want.

LIMITED ACCESS COMMERCIAL PERMITS	PERMIT NUMBER	TRANSFER	RENEW
KING MACKEREL (KM)		<input type="checkbox"/>	<input type="checkbox"/>
GILLNET FOR KING MACKEREL (GN)		<input type="checkbox"/>	<input type="checkbox"/>
GULF OF MEXICO SHRIMP (SPGM)		<input type="checkbox"/>	<input type="checkbox"/>
GULF OF MEXICO COMMERCIAL REEF FISH (RR)		<input type="checkbox"/>	<input type="checkbox"/>
EASTERN GULF OF MEXICO REEF FISH BOTTOM LONG LINE ENDORSEMENT (RRLE)		<input type="checkbox"/>	<input type="checkbox"/>
ROCK SHRIMP (SOUTH ATLANTIC EEZ) (RSLA)		<input type="checkbox"/>	<input type="checkbox"/>
SOUTH ATLANTIC GOLDEN CRAB (GC)		<input type="checkbox"/>	<input type="checkbox"/>
SOUTH ATLANTIC UNLIMITED SNAPPER-GROUPER (EXCLUDING WRECKFISH) (SG1)		<input type="checkbox"/>	<input type="checkbox"/>
SOUTH ATLANTIC 225 LB TRIP LIMIT SNAPPER-GROUPER (EXCLUDING WRECKFISH) (SG2)		<input type="checkbox"/>	<input type="checkbox"/>
SOUTH ATLANTIC SEA BASS POT ENDORSEMENT (SBPE)		<input type="checkbox"/>	<input type="checkbox"/>
SOUTH ATLANTIC GOLDEN TILEFISH ENDORSEMENT (GTFE)		<input type="checkbox"/>	<input type="checkbox"/>
SWORDFISH DIRECTED (SFD)		<input type="checkbox"/>	<input type="checkbox"/>
SWORDFISH HANDGEAR (SFH)		<input type="checkbox"/>	<input type="checkbox"/>
SWORDFISH INCIDENTAL (SFI)		<input type="checkbox"/>	<input type="checkbox"/>
SHARK DIRECTED (SKD)		<input type="checkbox"/>	<input type="checkbox"/>
SHARK INCIDENTAL (SKI)		<input type="checkbox"/>	<input type="checkbox"/>
ATLANTIC TUNA LONGLINE (ATL) Must have either SFI or SKI and either SFD or SKD		<input type="checkbox"/>	<input type="checkbox"/>

LIMITED ACCESS CHARTER/HEADBOAT PERMITS	PERMIT NUMBER	TRANSFER	RENEW
GULF CHARTER/HEADBOAT FOR COASTAL MIGRATORY PELAGIC FISH (CHG)		<input type="checkbox"/>	<input type="checkbox"/>
GULF CHARTER/HEADBOAT FOR REEF FISH (RCG)		<input type="checkbox"/>	<input type="checkbox"/>
HISTORICAL CAPTAIN GULF CHARTER/HEADBOAT FOR COASTAL MIGRATORY PELAGIC FISH (HCHG)		<input type="checkbox"/>	<input type="checkbox"/>
HISTORICAL CAPTAIN GULF CHARTER/HEADBOAT FOR REEF FISH (HRCG)		<input type="checkbox"/>	<input type="checkbox"/>

SECTION 4 - INDIVIDUAL VESSEL OWNER(S) AND LESSEE INFORMATION

Answer all of the following questions to see how to fill out this section. Copy this page as needed to provide the required information on all persons that own or lease the vessel.

Does your USCG Documentation or State Registration show the vessel owner as a person or persons?	YES - Use this page for the vessel owners	NO - Fill out vessel owner info in Section 5
Does your USCG Documentation or State Registration show more than one person as the vessel owner?	YES - Use Section 4a and 4b for the vessel owners	NO - Fill out Section 4b if vessel is leased
Is a person or persons leasing this vessel from the vessel owner?	YES - Use Section 4b for the lessee	NO - The lessee is a business Put lessee info in Section 5b
		NO - Skip Section 4b

SECTION 4a - Vessel Owner on the USCG Certificate of Documentation or State Registration for Undocumented Vessels

- 1) If the USCG Documentation or State Registration shows one person as sole vessel owner - list their information here.
- 2) If the USCG Documentation or State Registration shows more than one person as vessel owner - list their information in Sections 4a and 4b.
- 3) If there are more than two persons, photocopy this blank page as necessary to provide information for all the owners.

☐ MAILING RECIPIENT - All mail about this permit will go to the person listed in Section 4a

Is this person a United States Citizen or permanent resident alien? ☐ YES ☐ NO

Mr/Mrs/Ms Last Name First Name Middle Name Suffix - Jr, Sr, etc.

If you are operating under a different name, what is your Doing Business As (DBA) name?

Tax Identification Number (SSN) Date of Birth (MM/DD/YYYY) Area Code Phone Number

Mailing Address Apt # City State County/Parish Zip Code Country

☐ Check box if the street address is the same as the mailing address.

Street Address (PO Box not acceptable) Apt # City State County/Parish Zip Code Country

SECTION 4b - Vessel Lessee OR Joint Vessel Owner on the USCG Certificate of Documentation or State Registration

- 1) If the USCG Documentation or State Registration shows more than one person as sole vessel owner - list their information here.
- 2) If this vessel is leased by a person(s), list the lessee's information here.
- 3) If there are more than two people, photocopy this blank page as necessary to provide information for all the owners and lessee's.

Lease start date: Lease end date:

☐ MAILING RECIPIENT - All mail about this permit will go to the person listed in Section 4b

Is this person a United States Citizen or permanent resident alien? ☐ YES ☐ NO

Mr/Mrs/Ms Last Name First Name Middle Name Suffix - Jr, Sr, etc.

If you are operating under a different name, what is your Doing Business As (DBA) name?

Tax Identification Number (SSN) Date of Birth (MM/DD/YYYY) Area Code Phone Number

Mailing Address Apt # City State County/Parish Zip Code Country

☐ Check box if the street address is the same as the mailing address.

Street Address (PO Box not acceptable) Apt # City State County/Parish Zip Code Country

SECTION 5 - BUSINESS VESSEL OWNER(S) AND LESSEE INFORMATION

Answer all of the following questions to see how to fill out this section. Copy this page as needed to provide the required information on all persons that own or lease the vessel.

Does your USCG Documentation or State Registration show the vessel owner as a business?	YES - Use this page for the vessel owners	NO - Fill out previous page for vessel owners
Does your USCG Documentation or State Registration show more than one business as the vessel owner?	YES - Use Sections 5a and 5b for the vessel owners	NO - Fill out Section 5b if vessel is leased
Is a business or businesses leasing this vessel from the vessel owner?	YES - Use Section 5b for the lessee	NO - The lessee is a person Put lessee info in Section 4b
		NO - Skip Section 5b

SECTION 5a - Vessel Owner on the USCG Certificate of Documentation or State Registration for Undocumented Vessels

- 1) If the USCG Documentation or State Registration shows one business as sole vessel owner - list their information in Section 5a.
- 2) If the USCG Documentation or State Registration shows multiple businesses as vessel owner - list their information in Sections 5a and 5b.
- 3) If there are more than two businesses, photocopy this blank page as necessary to provide information for all the owners.

☐ MAILING RECIPIENT - All mail about this permit will go to the person listed in Section 5a

Is this business entity established under the laws of the United States or any State of the United States? ☐ YES ☐ NO

Registered Name of Business

If you are operating under a different name, what is your Doing Business As (DBA) name?

Tax Identification Number (FEIN)	Date Business Formed (MM/DD/YYYY)	Area Code	Phone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Mailing Address	Apt #	City	State	County/Parish	Zip Code	Country
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

☐ Check box if the street address is the same as the mailing address.

Street Address (PO Box not acceptable)	Apt #	City	State	County/Parish	Zip Code	Country
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

SECTION 5b - Vessel Lessee OR Joint Vessel Owner on the USCG Certificate of Documentation or State Registration

- 1) If the USCG Documentation or State Registration shows more than one business as sole vessel owner - list their information here.
- 2) If this vessel is leased by a business(es), list the lessee's information here.
- 3) If there are more than two businesses, photocopy this blank page as necessary to provide information for all owners and lessee's.

Lease start date: Lease end date:

☐ MAILING RECIPIENT - All mail about this permit will go to the person listed in Section 5b

Is this business entity established under the laws of the United States or any State of the United States? ☐ YES ☐ NO

Registered Name of Business

If you are operating under a different name, what is your Doing Business As (DBA) name?

Tax Identification Number (FEIN)	Date Business Formed (MM/DD/YYYY)	Area Code	Phone Number
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Mailing Address	Apt #	City	State	County/Parish	Zip Code	Country
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

☐ Check box if the street address is the same as the mailing address.

Street Address (PO Box not acceptable)	Apt #	City	State	County/Parish	Zip Code	Country
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

SECTION 6 - OFFICER/SHAREHOLDER INFORMATION FOR BUSINESS(ES) THAT OWN OR LEASE THE VESSEL

This page must be filled out if the owner or the lessee of the vessel is a business. Copy this page as necessary to provide information on all persons that are officers/shareholders of the business(es) shown in Section 5.

Owner or lessee of the vessel: ☐ Owner ☐ Lessee

Business name Federal Tax ID Number

Position Held - Check ALL That Apply

☐ President/CEO ☐ Vice President ☐ Secretary ☐ Treasurer ☐ Director/ Manager ☐ Shareholder ☐ Other

Percent of Corporation Held Is this person a United States citizen or permanent resident alien? ☐ YES ☐ NO

Mr/Mrs/Ms Last Name First Name Middle Name Suffix - Jr, Sr, etc.

Tax Identification Number (SSN) Date of Birth (MM/DD/YYYY) Area Code Phone Number

Mailing Address Apt # City State County/Parish Zip Code Country

☐ Check box if the street address is the same as the mailing address.

Street Address (PO Box not acceptable) Apt # City State County/Parish Zip Code Country

Position Held - Check ALL That Apply

☐ President/CEO ☐ Vice President ☐ Secretary ☐ Treasurer ☐ Director/ Manager ☐ Shareholder ☐ Other

Percent of Corporation Held Is this person a United States citizen or permanent resident alien? ☐ YES ☐ NO

Mr/Mrs/Ms Last Name First Name Middle Name Suffix - Jr, Sr, etc.

Tax Identification Number (SSN) Date of Birth (MM/DD/YYYY) Area Code Phone Number

Mailing Address Apt # City State County/Parish Zip Code Country

☐ Check box if the street address is the same as the mailing address.

Street Address (PO Box not acceptable) Apt # City State County/Parish Zip Code Country

Minor Shareholder Information

☐ MINOR SHAREHOLDERS - Check here if one or more shareholders individually holds shares that is less than 1% of the total business shares.

TOTAL PERCENTAGE of the business shares held by minor shareholder(s)

SECTION 7 - HISTORICAL CAPTAIN OR DESIGNATED OPERATOR (INCOME QUALIFIER)

This person is a (check all that apply):

- ☐ Historical Captain for Gulf of Mexico Charter/Headboat for Reef fish
☐ Historical Captain for Gulf of Mexico Charter/Headboat for Coastal Migratory Pelagic Fish
☐ Designated Operator (Income Qualifier other than the Permit Holder) for Commercial Spiny Lobster

A Historical Captain MUST sign Section 9 as the applicant.

A Designated Operator MUST sign Section 9 as the operator along with the applicant.

Mr/Mrs/Ms	Last Name	First Name	Middle Name	Suffix - Jr, Sr, etc.
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Tax Identification Number (SSN)		Date of Birth (MM/DD/YYYY)	Area Code	Phone Number
<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>
Mailing Address		Apt #	City	State
<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>
Country		Zip Code		
<input type="text"/>		<input type="text"/>	<input type="text"/>	
<input type="checkbox"/> Check box if the street address is the same as the mailing address.				
Street Address (PO Box not acceptable)		Apt #	City	State
<input type="text"/>		<input type="text"/>	<input type="text"/>	<input type="text"/>
Country		Zip Code		
<input type="text"/>		<input type="text"/>	<input type="text"/>	

SECTION 8 - SEA BASS POTS OR GOLDEN CRAB TRAPS

COMPLETE THIS SECTION ONLY IF YOU HAVE SEA BASS POTS OR IF YOU HAVE GOLDEN CRAB TRAPS. TAGS ARE REQUIRED FOR ALL POTS/TRAPS

Tag cost is \$1.80 per tag made payable by check or money order to Floy Tag, Inc.

I need tags for: ☐ Sea Bass Pots ☐ Golden Crab Traps

What color are your Buoys for Sea Bass Pots or Golden Crab Traps?

List an existing buoy color code for ANY other trap or pot fishery?

South Atlantic Sea Bass Pot/Golden Crab Trap Information - You are allowed a MAXIMUM of 35 Sea Bass Pots

Number of Pots/Traps	Pot or Trap Height (inches)	Pot or Trap Length (inches)	Pot or Trap Width (inches)	Mesh Size Height (inches)	Mesh Size Width (inches)
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

SECTION 9 - SIGNATURE FOR APPLICATION - REQUIRED

The undersigned certifies under penalty of perjury that the foregoing information is true and correct (28 USC 1746; 18 USC 1621; 18 USC 1001, 16 USC 1857). Further, the undersigned certifies that if a spiny lobster tailing permit is requested, the applicant routinely fishes commercially in Federal waters on trips of up to 48 hours or more and that such fishing activity requires the separation of the tail and carapace to maintain quality product.

Please note: If the vessel listed in Section 1 is leased, the applicant who signs below must be an individual named as a lessee in Section 4, or an officer or shareholder of the lessee as listed in Section 5 with information listed in section 6. If the vessel listed in Section 1 is not leased, the applicant must be an individual named as an owner in Section 4, or an officer or shareholder of the owner as listed in Section 6.

Applicant Signature		Position in Business		Date	
Print Name		Designated Operator Signature		Date	

SECTION 10 - INCOME QUALIFICATION AFFIDAVIT FOR SPINY LOBSTER PERMITS

An Income Qualification Affidavit is accepted as proof of meeting permit income qualification requirements. This signed Income Qualification Affidavit is required with every application to renew or transfer an income qualified permit (as listed below).

Knowingly supplying false information or willfully overvaluing any fishing income for the purpose of obtaining a permit is a violation of Federal law punishable by a fine and/or imprisonment.

Spiny Lobster

50CFR622.400 An applicant must provide the following information: (vi) A sworn statement by the applicant for a vessel permit certifying that at least 10 percent of his or her earned income was derived from commercial fishing, that is, sale of the catch, during the calendar year preceding the application.

The following information applies to my income qualification for the Spiny Lobster fishery:

I, _____, hereby declare under penalty of perjury that the foregoing information is true and correct (28 USC 1746; 18 USC 1621; 18 USC 1001; 16 USC 1857). I agree to provide the necessary documentation to prove that I met the earned income requirement when so requested by the National Marine Fisheries Service.

Executed on _____ (date signed).

Printed Name _____ Signature _____

Business Name (if Applicable) _____

Type of business (if Applicable) _____

Position In Business (if Applicable) _____

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other suggestions for reducing this burden to: PRA Officer, National Marine Fisheries Service, F/SER26, 263 13th Avenue South, St. Petersburg, FL 33701.

The National Marine Fisheries Service requires this information for the conservation and management of marine fishery resources. The data reported will be used to develop, implement, and monitor fishery management activities for a variety of other uses. Responses to this collection are required to obtain or retain a fisheries permit under the Magnuson-Stevens Act. Name and address information will be released via a NOAA website. All other data submitted will be handled as confidential material in accordance with NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

DRAFT