



US Department of Commerce
NOAA/National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930-2276

Application for Vessel Replacement, Upgrade, and Confirmation of Permit History

Instructions

You can use this application to request a vessel replacement, a vessel upgrade, or a confirmation of permit history (CPH). Each of these actions is defined below. Please read this carefully and check the action(s) for which you are applying. You may apply for more than one action on this application.

Which of the following actions are being requested?

- Vessel replacement. **(Section A)** This is a replacement of one vessel or CPH with another vessel and the transfer of fishing histories and limited access permit eligibility from the old vessel or CPH to the new vessel. **Please read the vessel replacement information on page two of the instructions prior to completing Section A. You must submit an Initial Vessel Application for the replacement vessel.**
- Vessel Upgrade. **(Section B)** This is an increase in the vessel's length, tonnage, or horsepower as the result of alterations made to the vessel. **Note:** There are no upgrade restrictions for vessels that hold **only** limited access lobster, Limited Access Northeast Multispecies Handgear, and/or limited access general category (LAGC) scallop permits.
- Confirmation of Permit History (CPH). **(Section C)** A CPH is required when a vessel that has been issued a limited access permit has sunk, been destroyed, or has been sold to another person without its permit history. **Possession of a CPH will allow the applicant to maintain permit eligibility without owning a vessel. An application for a confirmation of permit history must be received by the Regional Administrator no later than 30 days prior to the end of the first full fishing year in which a vessel's permit cannot be issued.**

Unless otherwise stated, the word "permit" means a limited access or moratorium permit.

You must complete and sign page 3, "General Information", or your application will be returned. After completing page 3, also complete the appropriate section applicable to your request. You must send all of the required verifying documents or your application will not be processed.

Supplemental Information for Vessel Replacements and Upgrades

Vessel Baseline Specifications and Allowed Upgrades

For all vessels with limited access permits (except lobster, Northeast Multispecies Handgear, and/or LAGC scallop), the vessel size and engine horsepower may only be increased once, either through upgrade or replacement. A **10%** increase in length overall, gross registered tonnage, and net tonnage, and a **20%** increase in engine horsepower are allowed. Vessel size and engine horsepower upgrades may be done separately. Any increase in vessel size, including length overall, gross registered tonnage, and net tonnage must be done at the same time. **Note:** If your vessel has **only** a lobster limited access, Northeast Multispecies Handgear limited access, and/or LAGC scallop permit, there are no size restrictions on the replacement vessel; however, if you have either of those permits and another limited access permit, the replacement vessel is subject to the above restrictions.

A limited access permit cannot be “split” from another limited access permit. Generally, this means if two or more limited access permits are on one boat they may not be divided and put on two boats. Please call 978-281-9315 for additional explanation if you have any questions about this restriction.

To determine whether your new vessel (or upgraded vessel) may be issued a limited access permit, the size of the new vessel is compared to the “vessel baseline.” A vessel baseline is the vessel’s length overall, gross registered tonnage, net tonnage, and engine horsepower as of:

- A. The date the vessel which was initially issued an Atlantic herring, a multispecies, or a scallop permit applied for that permit; or
- B. March 22, 1999, for the following limited access permits: Black sea bass; *Loligo* squid/butterfish; *Illex* squid; scup; summer flounder; and Maine mahogany quahog.
- C. The effective date of the first limited access permit issued for subsequent limited access fisheries (e.g., monkfish, tilefish, etc.).

If you have both a limited access multispecies or limited access scallop permit **and** any one of the following permits: Atlantic herring, black sea bass, *Loligo* squid, *Illex* squid, scup, summer flounder, monkfish, tilefish, or Maine mahogany quahog, you may have multiple baselines. The statement of accuracy, on pages 3 and 4 of this package, is needed to verify the vessels’ specifications.

Note that open access permit history and open access fishing history are presumed to follow along when limited access permit eligibilities move into and out of CPH or move to a new vessel through vessel replacement. If you inform us that you intend to separate your open access fishing history from your limited access fishing history and permits, we will keep your statement on file. However, we have no formal process to track such statements of intent and we cannot provide any assurance that the open access history separated from your limited access history may be used to qualify for a future limited access program. Such open access histories may or may not be acceptable to determine future eligibility because eligibility determinations for management programs can be made only after final regulations and details are implemented, which would establish the eligibility criteria and review process for those management actions. For these same reasons, NOAA Fisheries Service staff cannot provide advice about the likelihood that a vessel will or will not qualify for a future limited access program.

Scallop Trawl Net Authorization (Replacements Only)

Scallop vessels holding a permit authorization to fish for scallops with trawl nets can be replaced, and the scallop trawl net authorization passed to the replacement vessel. However, the replacement vessel must meet the same limitations on fishing for scallops with scallop dredges that the vessel it is replacing met. If the limitations are not met then the replacement vessel may have to relinquish the scallop trawl net authorization. These limitations include NOT having fished for scallops with a scallop dredge after December 31, 1987; NOT having fished for scallops with a scallop dredge on no more than 10 trips from January 1, 1988, through December 31, 1994; and having an engine with no greater than 450 horsepower.

General Information
This page must be completed by all applicants

Provide all verifying documentation, as requested (see Section E for acceptable forms).

Vessel Name: _____
(for Replacements: **old vessel**; for Confirmation of Permit History: **sold or sunken vessel**;
for Upgrades: vessel information **before the upgrade**)

Federal Northeast Fisheries Permit Number: _____

Coast Guard (CG) Documentation or State Registration Number: _____

Current owner of vessel or permit history: _____

► *Vessel Ownership Requirements:* The qualifying vessel or CPH must be under the identical ownership as the replacement vessel. (See Section D for explanation of requirements)

► *Supporting document required:* You must supply proof that you own the vessel (See Section E, Item 2) **or** that you own the fishing history and limited access permit eligibility of that vessel (See Section E, Item 3).

Owner's Address: _____

Owner's Phone Number: _____

All vessels (Except Limited Access Lobster, Northeast Multispecies Handgear, LAGC Scallop):

You must submit documentation verifying the following (See Section D, Item 1):

- | | |
|-------------------|-----------------------------|
| -- Length Overall | -- Gross Registered Tonnage |
| -- Net tonnage | -- Engine Horsepower |

Statement of Accuracy

Please mark the appropriate box for the baseline (old) vessel:

- The information I am submitting in order to establish my vessel's baseline accurately represents the vessel specifications as of March 22, 1999 (and/or as of the date of my first application for a limited access permit).
- The information I *previously* submitted in order to establish the 1994 (or 1996 hook gear) baseline for my vessel's multispecies or scallop moratorium permit also represents the vessel specifications as of March 22, 1999 (and/or as the date of my first application for a limited access permit).

Signature of vessel owner or authorized agent: _____

Printed Name: _____

Date: _____

I am the owner or legally authorized agent of the owner of the vessel named above. I affirm, subject to the penalties provided in 18 USC 1001, that all the information that I have given in obtaining this permit is true and correct.

NOTE: Submission of fraudulent or inaccurate information could result in enforcement action, up to and including fines, permit sanctions, or the revocation of limited access permits.

Section A--Replacement
Applicants requesting a vessel replacement must complete this section.

Replacement Vessel (new vessel to be permitted)

Vessel Name: _____

Federal Northeast Permit Number (if issued): _____

Coast Guard (CG) Documentation or State Registration Number: _____
(Submit copy of CG documentation or State registration).

CG documented vessels: **You must submit a copy of the CG documentation papers.**
(See Section E, Item 1).

State registered vessel: **You must submit a copy of the state registration papers.**
(See Section E, Item 1).

All vessels (Except Limited Access Lobster, Northeast Multispecies Handgear, LAGC Scallop):

You must submit documentation verifying the following (See Section E, Item 2):

- Length Overall
- Gross Registered Tonnage
- Net tonnage
- Engine Horsepower

Statement of Accuracy

Please mark the appropriate box for the **replacement** vessel:

- The information I am submitting in order to establish my vessel's size and horsepower specifications accurately represents the vessel specifications as of today's date.
- Information *previously* submitted to NOAA Fisheries for the replacement vessel accurately represents the vessel's specifications as of today's date.

Please mark the **limited access permit histories** that you are transferring. You may only select the limited access permits for which the vessel being replaced is currently qualified. Please keep in mind that all limited access permits must be transferred together and cannot be separated (See the definition of splitting above).

- | | |
|--|---|
| <input type="checkbox"/> Multispecies | <input type="checkbox"/> Scup |
| <input type="checkbox"/> Scallop (Full time, Part Time, or Occasional) | <input type="checkbox"/> Black Sea Bass |
| <input type="checkbox"/> Lobster | <input type="checkbox"/> <i>Loligo</i> squid/Butterfish |
| <input type="checkbox"/> Summer Flounder | <input type="checkbox"/> <i>Illex</i> Squid |
| <input type="checkbox"/> Maine Mahogany Quahog | <input type="checkbox"/> Monkfish |
| <input type="checkbox"/> Red Crab | <input type="checkbox"/> Atlantic Herring |
| <input type="checkbox"/> Multispecies Handgear A | <input type="checkbox"/> LAGC Scallop |
- Scallop Type 7, 8, or 9 (authorized to use trawl nets). By checking this box you are also indicating that you have read the supplemental vessel replacement information regarding scallop trawl net authorizations on page 2 of the application.

NOTE: All active permits including open access on old vessel will be canceled upon issuance of permits to new vessel. For further information please call the Permits Division 978-282-8438.

Section B--Upgrade

All applicants requesting a vessel upgrade must complete the following section.

The engine horsepower or size of a vessel with a limited access permit may be increased only once. A **10%** upgrade for length overall, gross registered tonnage, and net tonnage, and a **20%** upgrade for engine horsepower are allowed. Vessel size and engine horsepower upgrades may be done separately. Any increase in vessel size, including length overall, gross registered tonnage, and net tonnage must be done at the same time. Increases are compared to the information required under the General Information section of this package (page 3).

All changes in vessel specifications indicated below require verifying documentation. (See Section E, Item 1).

New Length Overall (LOA) _____ New Gross Registered Tonnage (GRT) _____

New Net Tonnage (NT) _____ New Horsepower (HP) _____

Note: Instead of gross registered tonnage and net tonnage information, you may submit verification of vessel breadth and depth, and length overall. This information will then be used to calculate GRT and NT using the simplified calculation method.

Section C--Confirmation of Permit History

All applicants requesting a Confirmation of Permit History (CPH) must complete the following section.

Indicate the permits requiring issuance of a Confirmation of Permit History. The following are the only fisheries for which CPH certificates are required or available. You may only apply for those permits for which the vessel is currently qualified:

- | | |
|--|---|
| <input type="checkbox"/> Multispecies | <input type="checkbox"/> Multispecies Handgear A |
| <input type="checkbox"/> Scallop (Full time, Part time, or Occasional) | <input type="checkbox"/> Scup |
| <input type="checkbox"/> LAGC Scallop | <input type="checkbox"/> Black Sea Bass |
| <input type="checkbox"/> Lobster | <input type="checkbox"/> <i>Loligo</i> squid/Butterfish |
| <input type="checkbox"/> Summer Flounder | <input type="checkbox"/> <i>Illex</i> Squid |
| <input type="checkbox"/> Maine Mahogany Quahog | <input type="checkbox"/> Monkfish |
| <input type="checkbox"/> Red Crab | <input type="checkbox"/> Atlantic Herring |

Please check all that apply:

- Vessel sold, but I have retained the permit history in the Bill of Sale (*Supporting documentation required. See Section E, Item 3*)
- Vessel destroyed (*Supporting documentation required. See Section E, Item 4*)

Section D --Vessel Ownership Requirements

Explanation of requirements

The qualifying vessel or CPH must be under the identical ownership as the replacement vessel. NMFS will not accept applications if one vessel or CPH is under the ownership of one individual, while the other vessel is owned by a corporation (even if the corporation is under the sole ownership and control of the same individual). Both are separate legal entities.

Example: John Smith to John Smith is acceptable

John Smith to Smith LLC is not acceptable

Section E--Supporting Documentation Required

The following are acceptable forms of verification. You are only required to submit one of the acceptable forms of documentation for any category.

1. Vessel specification documentation (Please Note: All documentation must include the name and documentation number of the vessel)
 - ▶ For all vessels, you must verify total engine horsepower by providing one of the following:
 - Marine survey documentation showing the name and location of the marine surveyor;
 - Mechanic certification on the mechanic's letterhead; or
 - Engine manufacturer specification and proof that the engine is installed on your vessel.
 - ▶ For Coast Guard documented vessels, you must provide a copy of the documentation papers.*
 - ▶ For State registered vessels, you must verify length overall, gross registered tonnage, and net tonnage by providing one of the following:
 - Marine survey documentation showing the name and location of the marine surveyor (survey may indicate either gross and net tons or provide information on the vessel's breadth and depth (not draft), and length overall); or
 - US Bureau of Shipping document.
2. Vessel ownership documentation
 - ▶ To verify the ownership of a vessel, please provide a copy of one of the following:
 - Current Coast Guard documentation; or
 - Current State registration.
 - Scallop vessel owners must include a list of all vessel names and permit numbers in which you have an ownership interest.
3. *Vessel permit history ownership*
 - ▶ To verify that you have retained the permit history of a vessel you no longer own, please provide one of the following:
 - A bill of sale or document stating that the permit history has been retained by you (the seller) and signed by you and the buyer; or
 - A copy of the confirmation of permit history.
4. *Vessel destruction*
 - ▶ To verify that the vessel has been destroyed or is no longer seaworthy, please provide one of the following:
 - Coast Guard accident report;
 - Insurance adjustor's report; or
 - Verification from certified marine surveyor that vessel is no longer seaworthy.

* By submitting this documentation, you confirm that the vessel length overall is correct as indicated on the CG documentation. If it is not, please submit additional documentation to confirm the length overall of the vessel.

YOUR COMPLETED APPLICATION SHOULD INCLUDE THE FOLLOWING:

APPLICATION FOR VESSEL REPLACEMENT

1. You will need to submit an Initial Vessel Application for the replacement vessel.
2. You should complete and submit:
 - ▶ Page 3 - General Information
 - ▶ Page 4 - Section A--Replacement
3. You should submit the following supporting documentation for BOTH* the vessel being replaced (old vessel) and the replacement vessel:
 - ▶ Vessel specification documentation (See Section E-Item 1)(not necessary for vessels holding only limited access lobster and/or handgear permits)
 - ▶ Vessel/History ownership verification (See Section E-Items 2 or 3 as applicable) or proof of vessel destruction (See Section E-Item 4)

* Note: If you have already established a baseline for the old vessel by submitting information verifying your vessel's baseline specifications, you will not need to submit additional verification. You should submit information about the replacement vessel.

APPLICATION FOR A VESSEL UPGRADE

1. You should complete and submit:
 - ▶ Page 3 - General Information
 - ▶ Page 5 - Section B--Upgrade
2. You should submit the following supporting documentation:
 - ▶ Vessel specification documentation (See Section E-Item 1)

APPLICATION FOR A CONFIRMATION OF PERMIT HISTORY

1. You should complete and submit
 - ▶ Page 3 - General Information
 - ▶ Page 5 - Section C--Confirmation of Permit History
2. You should submit the following supporting documentation:
 - ▶ History ownership verification (See Section E-Item 3) or proof of vessel destruction (See Section E-Item 4)

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Request for a replacement, upgrade notification, or history retention:

The application to allow the respondent to request a replacement of one vessel by another, change vessel specifications due to an upgrade, or retain a vessel's history, and is meant to aid in the administration and enforcement of the regulations that relate to these programs. This form will save the respondent time and effort in that all the requirements relating to the interrelated actions are included on one form. These requirements have been adopted as part of the effort reduction programs under the Fishery Management Plans (FMPs) that govern the fisheries involved, and are consistent with the conservation goals of the FMPs. The information provided on this application will allow industry members to replace older vessels with new vessels or retain histories, in a manner consistent with the effort reduction requirements of the FMPs. The information provided through any requests to upgrade a vessel specification will be used for the purposes of monitoring compliance with effort reduction programs.

Any information collected on this form may be released to the public unless it is considered confidential as provided in Section 402(b) of the Magnuson-Stevens Act and in NOAA Administrative Order 216-100, Protection of Confidential Fishery Statistics.

BURDEN STATEMENT: Public reporting burden for this collection of information is estimated to average three hours per response for vessel replacements and upgrades, and 30 minutes for vessel history retention. These estimated response times include 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 suggestions for reducing this burden to National Marine Fisheries Service, Sustainable Fisheries Division, 55 Great Republic Drive, Gloucester, MA 01930-2276.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to 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 current valid OMB Control Number.