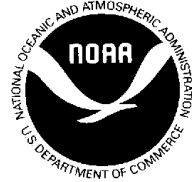




National Marine Fisheries Service
Greater Atlantic Regional Fisheries Office



Application for Vessel Replacement or Confirmation of Permit History

You can use this application to request a vessel replacement 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 2 of the instructions prior to completing Section A. **You must submit an Initial Vessel Application for the replacement vessel.**

Confirmation of Permit History (CPH). **(Section B)** 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 landings history of the permit without owning a vessel.

Your complete application should include the following:

For vessel replacement please

1. Complete pages 1, 3 (General Information), and 4 (Section A - Replacement) of this application
2. Submit an Initial Vessel Permit Application for the replacement vessel (new vessel).
3. Submit the following supporting documentation for **both*** the vessel being replaced (old vessel) and the replacement vessel (new vessel):
 - Vessel specification documentation (See Section D-Item 1)
 - Vessel/History ownership verification (See Section D-Items 2 or 3 as applicable) or proof of vessel destruction (See Section D-Item 4)

* Note: If the baseline for the old vessel has already been established and verified, you will not need to submit additional verification. You will need to submit information about the replacement vessel.

For a Confirmation of Permit History please

1. Complete pages 1, 3 (General Information), and 5 (Section B) of this application
2. Submit the following supporting documentation:
 - bill of sale or purchase and sales agreement signed by both the buyer and seller (See Section D-Item 3) or proof of vessel destruction (See Section D-Item 4)

Please contact the Limited Access Permit Program at **(978) 282-8483** if you have any questions.

Supplemental Information for Vessel Replacements

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

Vessel Baseline Specifications

For all vessels with limited access permits, you may increase the vessel length and engine horsepower through a modification to your vessel or a replacement up to 10% of your vessel’s baseline length overall and 20% of the vessel’s baseline horsepower. In addition, Atlantic mackerel Tier 1 and Tier 2 vessels may increase their fish hold capacity up to 10% of the vessel’s baseline fish hold. If your vessel has only a lobster permit, Northeast Multispecies Handgear permit, and/or LAGC scallop permit, there are no baseline restrictions on the replacement vessel; however, if you have one of those permits and another limited access permit, the replacement vessel is subject to the above restrictions.

A limited access permit cannot be “split” or separated from another limited access permit. This means that if two or more limited access permits are on one boat they may not be divided and put on two boats. Please call us at 978-282-8438 if you have any questions about this restriction.

To determine whether your new vessel may be issued a limited access permit, the length and horsepower of the new vessel is compared to the vessel baseline. A vessel baseline is the vessel’s length overall and engine horsepower as of:

1. The date the vessel which was initially issued an Atlantic herring, a multispecies, or a scallop permit applied for that permit; or
2. March 22, 1999, for the following limited access permits: Black sea bass; Longfin squid/butterfish; *Illex* squid; scup; summer flounder; and Maine mahogany quahog;
3. 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, Longfin squid, *Illex* squid, scup, summer flounder, Atlantic mackerel, 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.

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.

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General Information - This page must be completed by all applicants

Please include all required verifying documents with your application. We will not be able to complete the processing of your application without the necessary information (see Section D for acceptable documents).

Federal Permit Number: _____ **Vessel Name:** _____
(For Replacements: **old vessel**; for Confirmation of Permit History: sold or sunken vessel)

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

Current owner of vessel or permit history: _____

Owner's Address: _____

Owner's Phone Number: _____

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

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

All vessels, except lobster, Northeast multispecies Handgear, and LAGC scallop, must submit documentation verifying length overall and engine horsepower (See Section D, Item 1):

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).

Information 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).

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.

Printed Name: _____ Date: _____

Signature of vessel owner or authorized agent: _____

Section A - Replacement Vessel

Applicants requesting a vessel replacement **must** complete this section.

Vessel Name (for **new** or replacement vessel): _____

Federal Permit Number (if issued): _____

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

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 permit splitting, page 2).

- NE Multispecies
- Scallop (Full/Part Time or Occasional)
- Lobster
- Summer Flounder
- Maine Mahogany Quahog
- Red Crab
- Atlantic Mackerel
- NE Multispecies Handgear A

- Scup
- Black Sea Bass
- Longfin squid/Butterfish
- Illex* squid
- Monkfish
- Atlantic Herring
- LAGC Scallop

- Scallop Categories 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.

Statement of Accuracy - Please mark the appropriate box for the replacement vessel:

- The information I am submitting in order to establish my vessel's length and horsepower specifications accurately represent the vessel's 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.

Additional paperwork required for your application - all vessels, except lobster, Northeast multispecies Handgear A, and LAGC scallop, must submit:

1. documentation verifying length overall and engine horsepower (See Section D, Item 1);
2. vessels qualified for a Tier 1 or Tier 2 mackerel permit must **also** submit a certified fish hold capacity measurement (See Section D, Item 1);
3. for Coast Guard documented vessels, please submit a copy of the CG documentation and for State registered vessels, please submit a copy of the state registration. (See Section D, Item 1).

Note: All active permits including open access on the old vessel will be cancelled upon issuance of permits to the new vessel. For further information please call us at **978-282-8438**.

Section B - Confirmation of Permit History

Applicants requesting a Confirmation of Permit History (CPH) must complete this 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:**

- NE Multispecies
- Scallop (Full/Part Time or Occasional)
- Lobster
- Summer Flounder
- Maine Mahogany Quahog
- Red Crab
- Atlantic Mackerel
- NE Multispecies Handgear A

- Scup
- Black Sea Bass
- Longfin squid/Butterfish
- Illex* squid
- Monkfish
- Atlantic Herring
- LAGC Scallop

Please check all that apply:

- Vessel sold, but I have retained the permit history in the Bill of Sale signed by buyer and seller (Supporting documentation required. See Section D, Item 3)
- Vessel destroyed (Supporting documentation required. See Section D, Item 4)

Section C - Vessel Ownership Requirements

Explanation of requirements - The qualifying vessel or CPH must be under the identical ownership as the replacement vessel. We 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 D - 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 be dated and 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.

Section D - continued

For Coast Guard documented vessels, you must provide a copy of the CG documentation. 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.

For State registered vessels, you must verify length overall by providing one of the following:

- Marine survey documentation showing the name and location of the marine surveyor indicating length overall; or
- US Bureau of Shipping document.

For mackerel Tier 1, mackerel Tier 2, and Illex squid vessels, you must verify the fish hold capacity by providing a fish hold capacity measurement from one of the following qualified individuals: a Certified Marine Surveyor with a fishing specialty by the National Association of Marine Surveyors (NAMS); an Accredited Marine Surveyor with a fishing specialty by the Society of Accredited Marine Surveyors (SAMS); employees or agents of a classification society approved by the Coast Guard pursuant to 46 U.S.C. 3316(c); the Maine State Sealer of Weights and Measures; a professionally-licensed and/or registered Marine Engineer; or a Naval Architect with a professional engineer license.

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.

3. Vessel permit history ownership

To verify 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 the vessel is 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.

Please submit completed applications to:

NMFS Permit Office
55 Great Republic Drive
Gloucester, MA 01930

or fax your application to us at (978) 281-9161

Don't Forget.

- Please include all of the required verifying documents with your application and sign and date page 3.
- We will not be able complete the processing of your application without the necessary information (see Section D for acceptable forms).

Request for a replacement or history retention: This application allows the respondent to request a replacement of one vessel by another 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 requested on this form is not confidential and will be available to the general public.

BURDEN STATEMENT: Public reporting burden for this collection of information is estimated to average three hours per response for vessel replacements, and 30 minutes for confirmation of permit history. 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.

Special information regarding Open Access History

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.

For further information please call us at **978-282-8438** or **978-282-8483**