



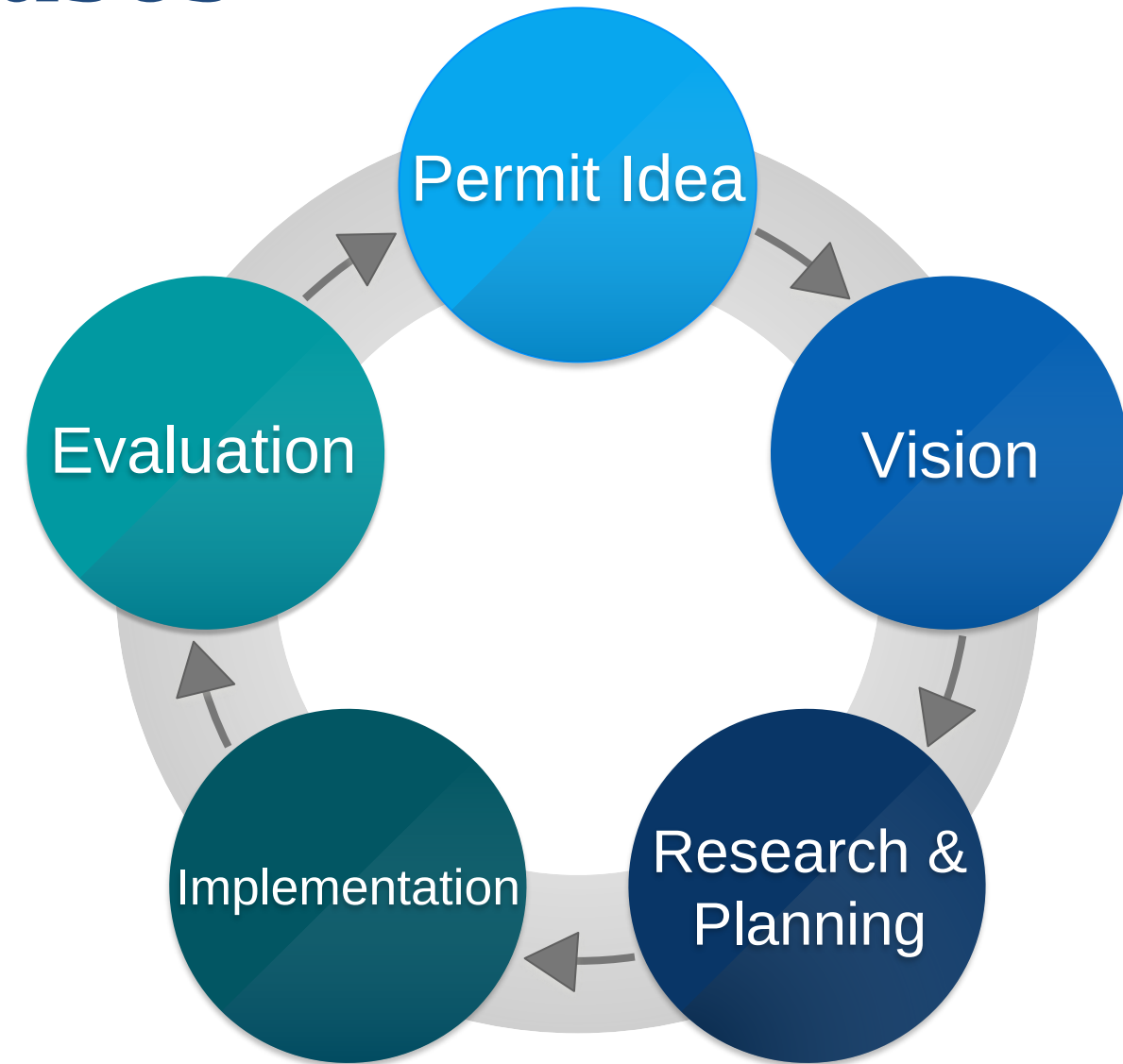
NOAA
FISHERIES

Permits in Management

An example scenario

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Permit Planning Phases





Federal Permits Refresher

- Federal fishing permits apply in federal waters
 - Any person can obtain a federal fishing permit
 - Businesses (e.g., LLC, Inc., Co.) applying for federal permits must be established in the US and be 75% owned by US residents
- Permit Phases
 - Open access permit: Anyone meeting requirements can obtain a permit to fish
 - Moratorium phase of an open access permit: No new entrants while fishery is assessed for limited access restrictions. Existing permit holders may need to meet participation or catch thresholds. You can move back to open access.
 - Limited Access permit: No new permits and often plan to decrease permits over time (termination). New entrants must obtain permit from existing permit holder. Typically does not move back to moratoriums or open access.

Federal Permits Refresher

Time between Open to Moratorium to Limited Access can vary by fishery.

Permit	Open Access Year	Moratorium Year	Limited Access Year
Gulf King Mackerel	1985	2000	2005
Gulf Shrimp	2002	2006	2016
Gulf Reef fish	1990	1992	2005

The Magnuson-Stevens Act establishes requirements for limited access systems & permits

- The term 'limited access system' means a system that limits participation in a fishery to those satisfying certain eligibility criteria or requirements contained in a fishery management plan or associated regulation.

Limited access system may be established to achieve ***optimum yield***



Limited Access System Requirements (MSA)

- When developing a system, the Council and NOAA Fisheries must take into account:
 - Present participation in the fishery
 - Historical fishing practices in and dependence on, the fishery
 - Economics of the fishery
 - Capability of fishing vessels used in the fishery to engage in other fisheries
 - Cultural and social framework relevant to the fishery and affected fishing communities
 - Fair and equitable distribution of access privileges
 - Any other relevant considerations
- Changes are made through an amendment to a Fishery Management Plan and approved by NMFS.



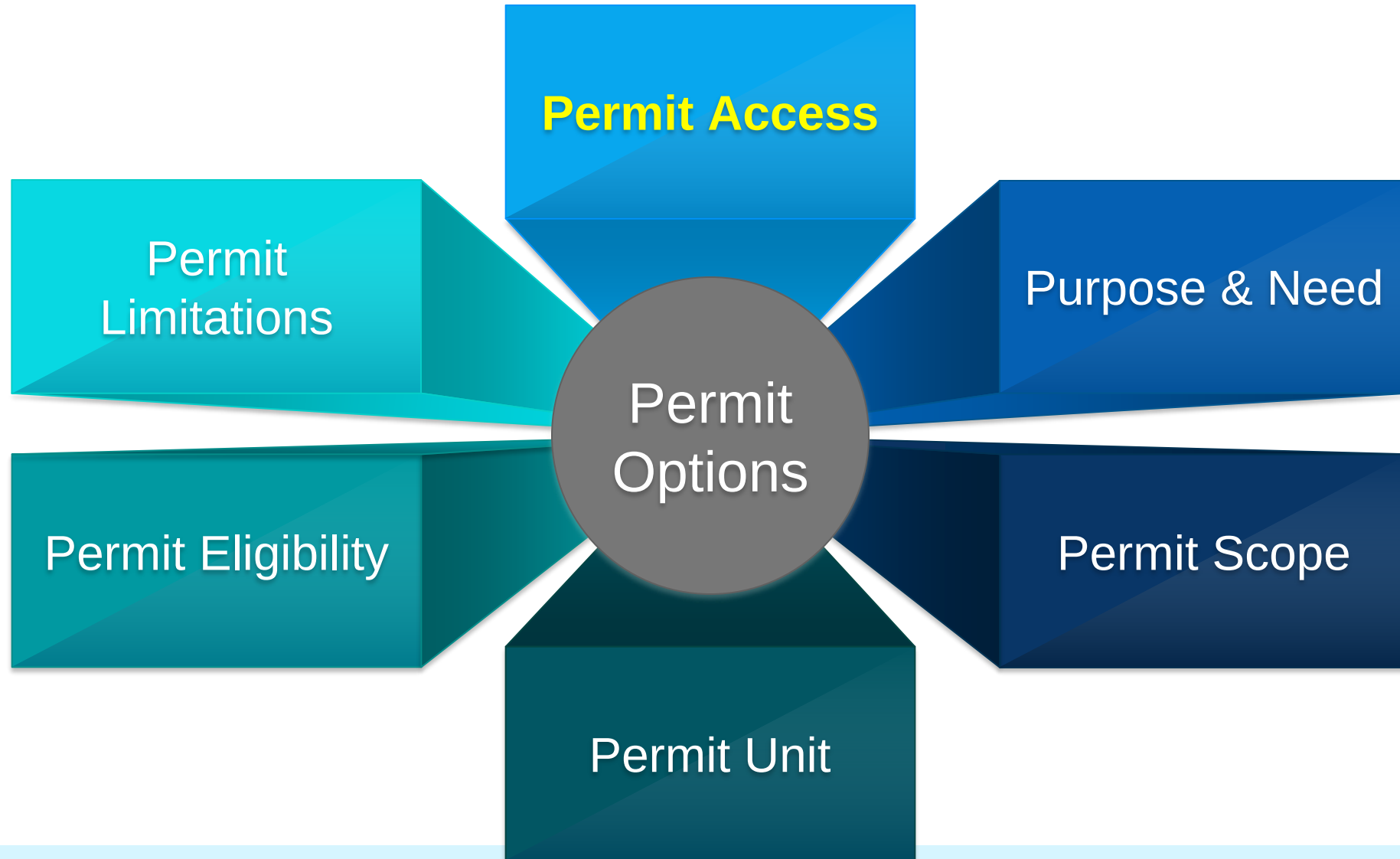
MSA requirements

- MSA defines
 - *“Commercial fishing” as fishing when the fish harvested, either in whole or in part, are intended to enter commerce through sale, barter, or trade*
 - *“Recreational fishing” as fishing for sport or pleasure*
- For purposes of data collection for management, under MSA:
 - Standardized requirements for information on vessel registration
 - Require US fish processors, fish dealers, and other first ex-vessel purchasers of fish to submit information to meet the goals of the FMP
 - When possible, integrate information and avoid duplicative information collection
 - Include procedures to ensure the confidentiality of information collected and timely release to public of non-confidential information

Example Federal Permit Scenario

- The next slides will walk through an example of creating a commercial federal permit program highlighting different decision points.
- Note that this is only an example of one pathway and that decisions for creating a federal permit will need to be made through the amendment process.

Permit Configuration and Options



Commercial Two Permit System

Open Access Fishing Permit

Permit holder: operator, captain, etc

Open Access Buyer Permit

Buyer: acaparador, restaurant, fishing association, etc.

Information to assess future
limited access or future permit needs

Based on MSA
commercial fishery
definition - ensuring
harvest is for
commerce

Reporting Requirements

- Logbook: trip, effort, and catch information
- Buyer report: vessel, species, and price information
- 2 report system provides validation and ensures fishing is for commerce
- Data used for estimation of removals for management and stock assessments
- Provide valuable economic and social data for use in disaster declarations

Common Caribbean Business Models

Legend



Fisher



Restaurant



Fishing
Association



Fish House
(acaparador)



Fisherman
& buyer



Fisherman to acaparador

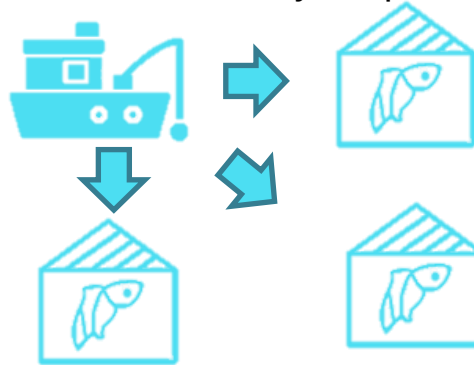


Fisherman direct to restaurant

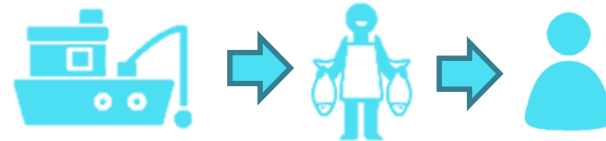
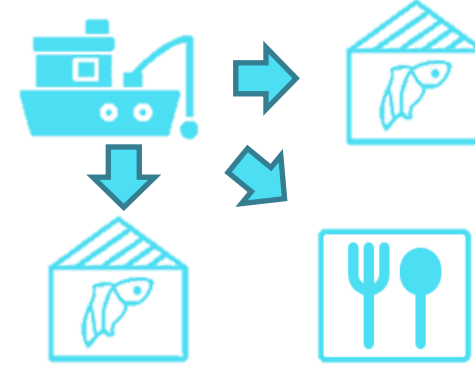


Fisherman to Fishing association

Fisherman to many acaparador



Fisherman to many buyers



Fisherman selling to public;
Fisherman is both fisher and buyer



Fisher hired by acaparador to fish only for him;
all catch to that acaparador

Caribbean Permit Matrix for Common Models

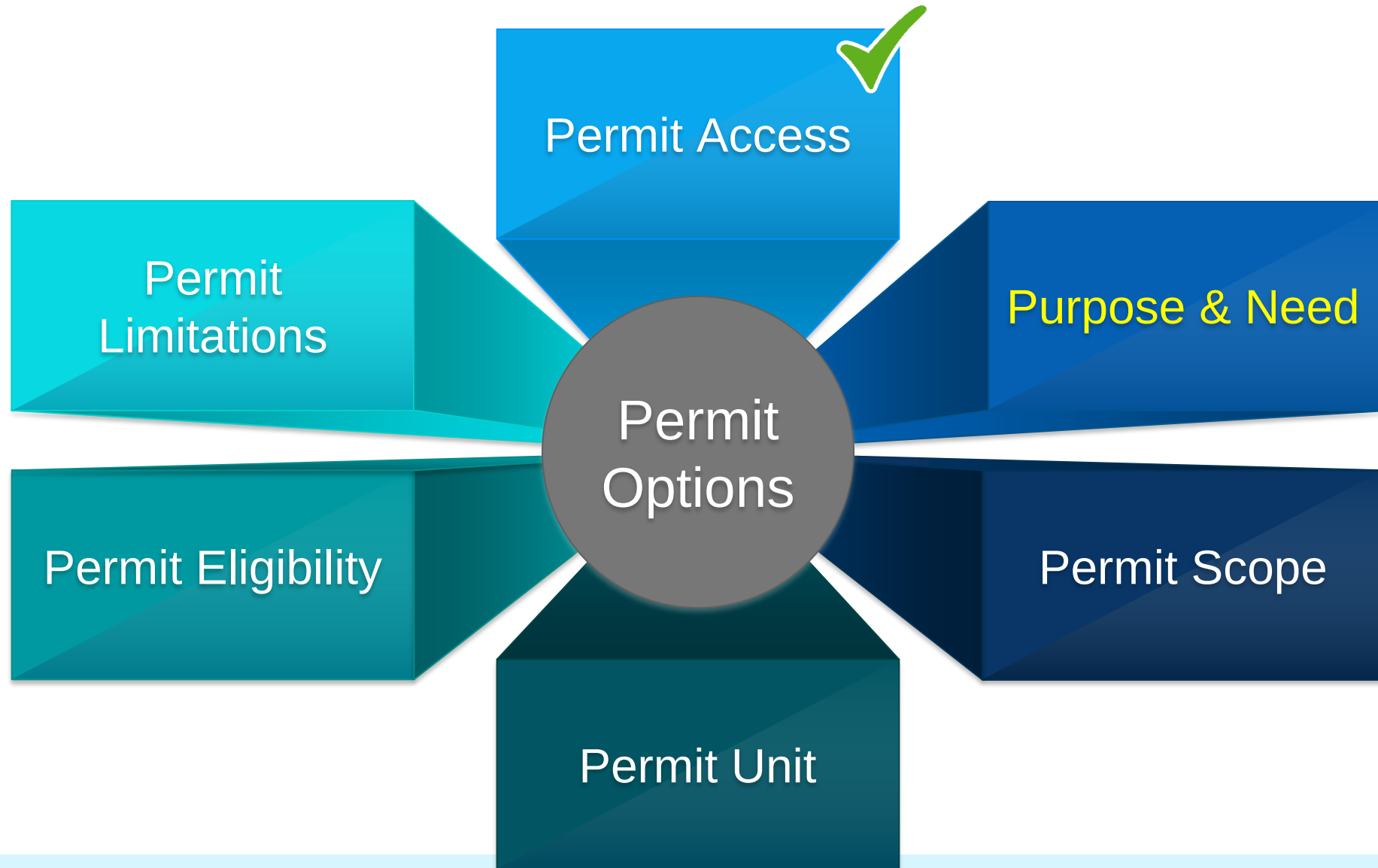
Permits

	To Fish	To Buy
Fishing Permit		N/A
Fishing Report		N/A
Buyer Permit	N/A	
Buyer Report	N/A	

Scenarios

Fishermen selling to acaparador	Fishermen selling to fishing association	Fisherman selling to restaurant	Restaurant buying from fisherman	Restaurant buying from dealer or F.A	Fishermen selling directly to public
			N/A	N/A	
			N/A	N/A	
Can only go to a buyer with a permit	Can only go to a buyer with a permit	N/A		The dealer or F.A. must have a buyer permit	
N/A	N/A	N/A		N/A	

Permit Configuration and Options

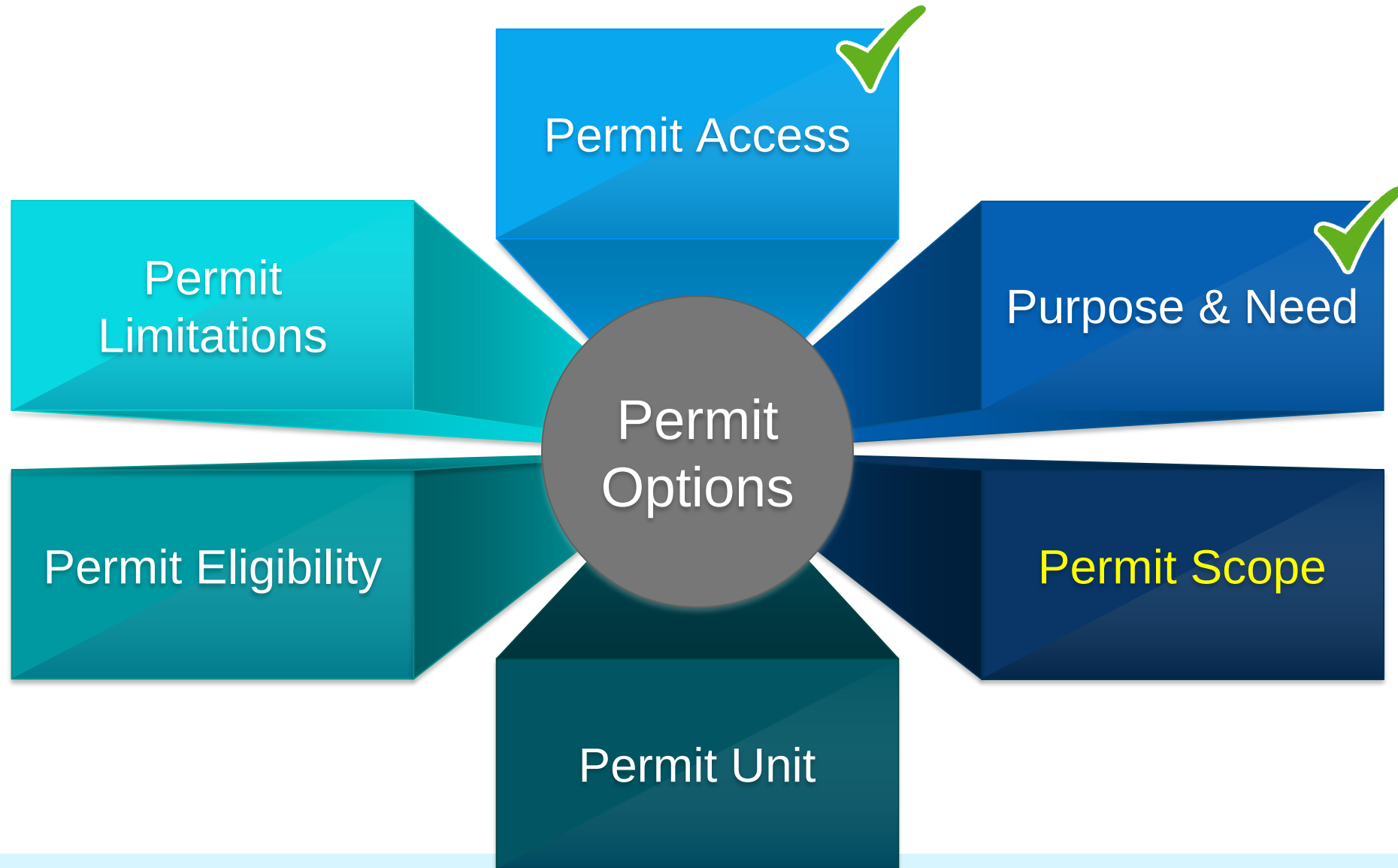




Permit Purpose and Need Example

- The need is to improve US Caribbean catch and fishing effort data, tailor management strategies to the region, further understanding of the fishery, and improve capability to monitor the commercial fishery.
- The purpose is to enact management measures that correspond with the traditional operation of the small boat fishing fleet in the U.S. Caribbean region to provide NMFS with improved capability to monitor and sustainably manage those fisheries.
- Scoping questions:
 - How many fishers harvest the complex?
 - Where do these fishers land/sell their catch?
 - How often do they fish for the complex and what quantity is landed?
 - What is the value of the fishery?
 - Is participation changing in the fishery?
 - What other species/fisheries do these fishermen target?

Permit Configuration and Options





Fishing Permit Scope Example

The Permit Scope can include sector, gear, species/complex, fishing area, etc. The purpose and need drives the permit scope.

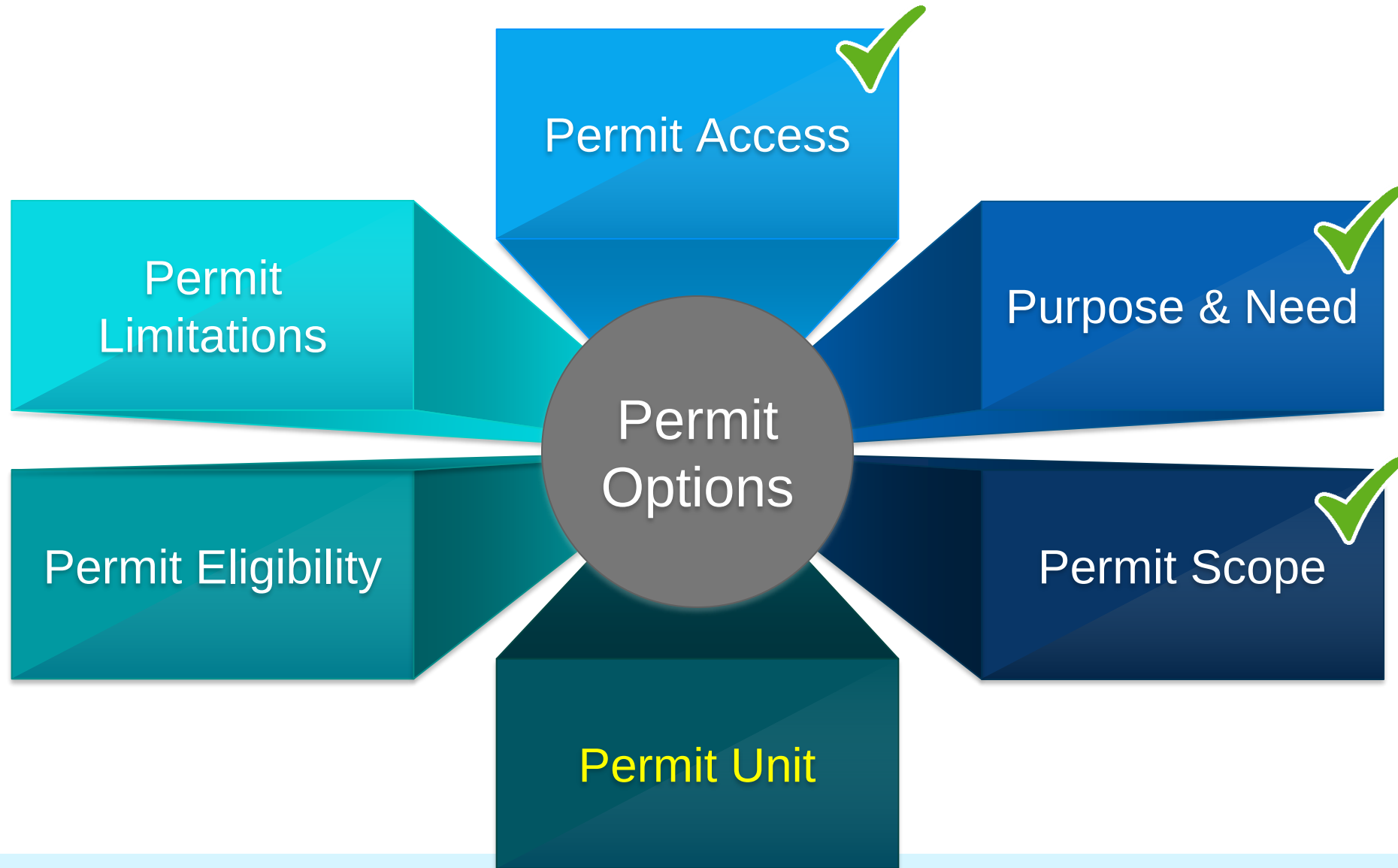
Federal Fishing Permit

- Commercial sector – must be sold, traded, or bartered
- Only valid for fishing and sales in the Caribbean region
- May not be held in combination with other federal commercial snapper permits.
- Species: Deep Water Snapper Complex 2 (cardinal and queen snapper)
- Fishing within the EEZ with buoy gear
- Vessel length restriction
- No retention or size limits

Federal Buyer Permit

- Who ‘buys’ commercial fish
- First receiver of Deep Water Snapper Complex 2 species
- Limited to the Puerto Rico FMP

Permit Configuration and Options

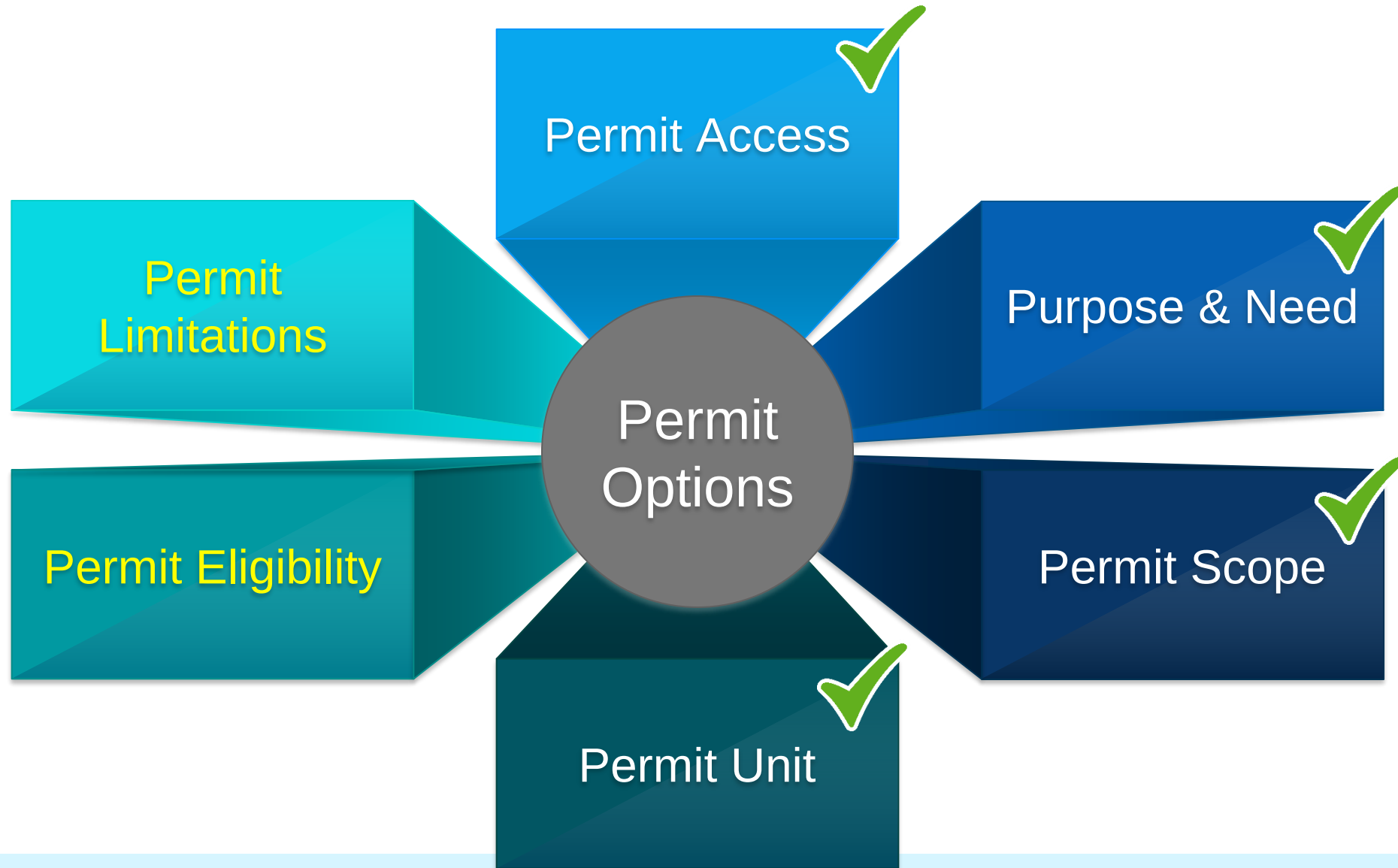




Permit Unit Selection Example

- The permit unit can be an entity, vessel, or entity & vessel
- An FMP should consider the purpose and need to formulate a reasonable range of alternatives. These topics should be considered when scoping.
- Buyer permit – any person or business
 - Allows for fishing associations, restaurants, or person to obtain the permit to receive the commercially harvested fish
- Fishing permit – Operator
 - History of harvest goes with operator
 - Operator is the responsible party regardless of vessel used
 - Could require application to include known vessels

Permit Configuration and Options





Who can get a fishing permit?

Permit Application

- Anyone is eligible (National Standard 4)
- Online application with fee (\$25)
- One application can be used for all future federal permits
 - For example permits by FMP, sector, fishery, gear, etc.

Permit Application Information Collected

- Identifying Information (e.g., name, birthdate, SSN, demographics)
- Contact Information (e.g., address, phone, email, etc.)
- Vessel Information (e.g., state registration, owner, vessel length)

Permit Renewal

- Reporting compliance - submitting accurate logbooks on time
- Regulation compliance – only selling only to federal buyer

Permit Limitation

- Permit holder must be on board the vessel
- Permit valid only on vessels $\leq 45'$
- Completion of permit application and fee
- Non-transferable permit



Who can get a buyer permit?

Permit Applicant

- Person, business, or association
- Online application with fee (\$50)
- Buyer permit specific to FMP

Permit Application Information

- Identifying Information (e.g., name, birthdate, SSN, demographics)
- Contact Information (e.g., address, phone)
- Receiving locations

Permit Renewal

- Reporting compliance - submitting accurate reports on time
- Regulation compliance - restricts sales to only commercial fishing permit

Permit Limitation

- Completion of permit application and fee
- To be determined through scoping process and information gathering

Reporting Requirements Example

Fishing Permit

- Permit information
- Vessel information
- Operator information
- Trip information – when and where fished
- Effort Information – number of fishers, gear, hooks, etc.
- Catch Information – All species caught records number landed and discarded with discard condition

Buyer Permit

- Buyer permit information
- Location where fish were bought
- Fisher information – fisher permit, operator, vessel and logbook number
- Species landed in pounds and number
- Commercial ex-vessel price per species



MSA Confidentiality – Plain language

- The data submitted by fishermen to the Secretary, a State fishery management agency, or a marine fisheries commission under MSA can not be disclosed without the requestor falling under the exception clauses
 - Exceptions: Federal employees; state or commission employees subject to an agreement (confidentiality or fishery enforcement); court order; written authorization; or in support of homeland and national security activities
- “Rule of Three” - at least three submissions or entities is necessary to achieve a form of information that can be disclosed
 - Under MSA 402(b)(3), NMFS may release confidential information in a non-confidential aggregate form that does not directly or indirectly disclose the identity or business of any person.
 - NMFS aggregates information to address a person’s identity or a person’s business information. NMFS does not simply strip identifiers off information that it releases as that could result in competitive disadvantages.



Next Steps: Directed Scoping

- Scoping is required before we can begin work on an amendment
- Based on the discussion today, what scoping questions do you have?
- Consider small in-person focus meetings to gather information
- Gather qualitative information about the fishery
 - How many fish this complex? How dependent are they on this complex?
 - Where are these fishermen located?
- Consider unintended consequences of a permit requirement?
 - Shifting effort to other fisheries
 - New participants joining the fishery
 - Economic impact of permit requirement?



Questions and Discussion





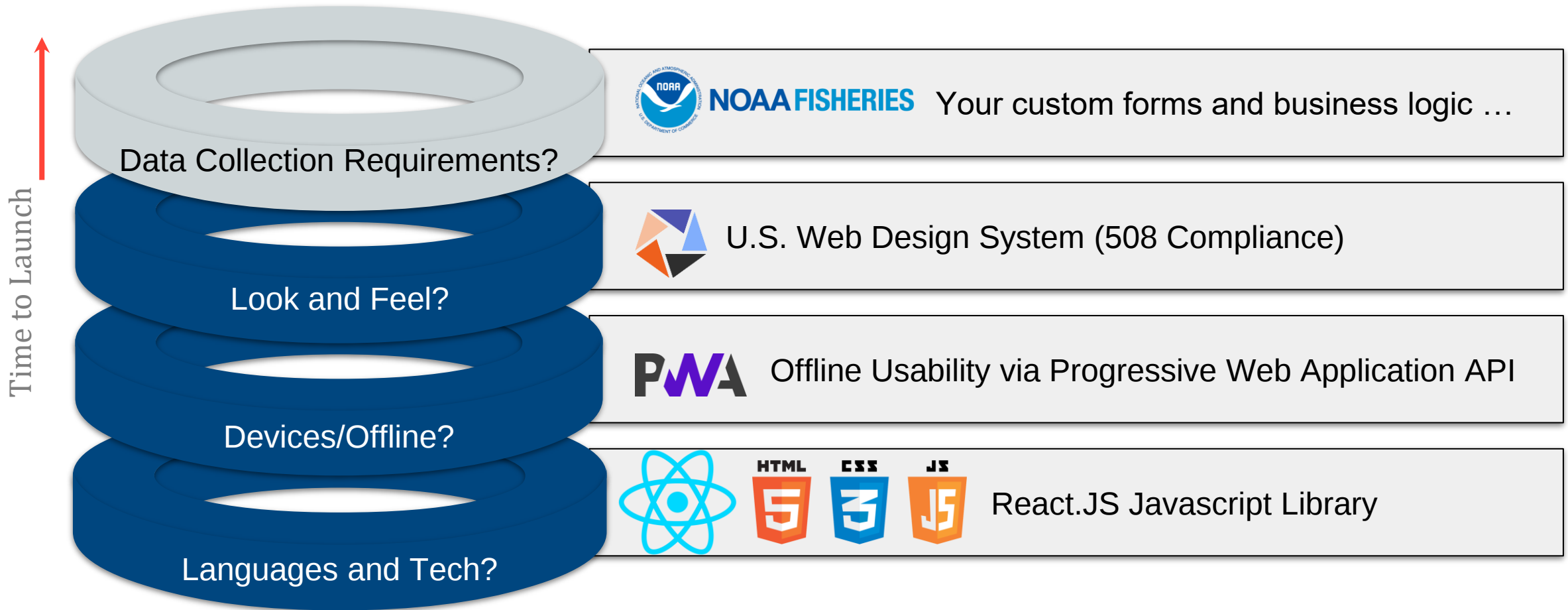
Extra Slides



Current NMFS Data Collection Projects

- RADFISH – React Application Development framework for Fisheries
 - Provides rapid, ready-made components to create a reporting application that meets NMFS standards.
 - Application can work on a smart phone, tablet, or computer
 - <https://nmfs-radfish.github.io/radfish/>
- Atlantic Coast Logbook Project
 - Provides standard data collection data system that allows for flexibility in reporting requirements
 - Reduces needed for new database (back-end) development and ensures data is ready for management and science outputs
 - Allows for ease of sharing data with state partners
 - Hosted in the Cloud under NMFS security requirements

React App Development Framework For Fisheries (RADFish)





Refresher on MSA Confidentiality

Any information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act shall be **confidential and shall not be disclosed except—**

- (A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;
- (B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of the identity of business of any person;
- (C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;
- (D) when required by court order;
- (E) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);
- (F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;
- (G) when such information is required to be submitted to the Secretary for any determination under a limited access program; or
- (H) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).



Limited Access System Requirements (MSA)

- To establish a federal limited access permit in the Caribbean, the Council and NOAA Fisheries would need to show that it is required in order to achieve optimum yield
- Optimum yield is the amount of fish which
 - Will provide the greatest overall benefit to the Nation, taking into account protection of marine ecosystems
 - Is the maximum sustainable yield from the fishery reduced by any relevant economic, social or ecological factor
 - In the case of an overfished species, provides for stock rebuilding to a level consistent with producing the maximum sustainable yield
- Federal fishing permits apply in federal waters
- Federal permits are available to all US citizens



Next Steps

Inform

Provide information to improve understanding of issues, options, and decisions

Consult

Obtain feedback on issues, options, analyses, and decisions

Involve

Include partners and interested parties' input to ensure concerns are understood and considered in decision making

Collaborate

Engage partners and interested parties to jointly identify issues, develop options, and implement solutions