

## Spiny Dogfish Work Group March 8, 2013 Meeting Follow-up

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Spiny Dogfish Industry Meeting

**Qualifications**

- Owns a vessel – this requirement will exclude some people from obtaining this permit.
- Vessel landings of at least 1,000 lbs from May 2004 – March 8, 2013 (cumulative) for all gears - **Motion Approved 3/8/13**

Gear	# Vessels Qualify	# Vessels Not Qualify	Total
Other	29	5	34
Trawl	7	0	7
Total	36	5	41

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**Qualifications**

- Also, if an individual that qualified gets rid of their permit (doesn't declare, sells, fails to harvest) they cannot use historical landings to qualify for another permit. Permit would have to come through some form of permanent transfer (later slides).

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**Summary of Public Comments on Qualifications**

- Do not want to be shut out/shouldn't keep a man from fishing
- Desire an opportunity for new people to participate without a large investment.

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## Summary of Declarations, Permits, Transfers, and Use it or Loose it

Qualifying for the fishery is based on vessel landings but declarations, permits, and transfers will be to a person.

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## Declarations

- **Due Date:** March 31<sup>st</sup> - **Agreed 2/8/13**
  - Must declare even if you are not going to fish.
  - Current forms have a check box to indicate if you are not going to fish.
- **Required Information**
  - License Number/Type
  - Vessel, Vessel Registration/Documentation Number
  - Federal Permit Number (if applicable)
- **Proof of Ownership**
  - Bill of Sale -**1<sup>st</sup> year**
  - Company By-Laws indicating at least 1% share of ownership in company to include vessel(s) -**1<sup>st</sup> year**
  - Any change in vessel ownership shall be reported to the Department so that a revised permit card may be issued. (COMAR 08.02.05.21)

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## Declarations

- **Failure to declare**
  - Failing to declare for 2 years would result in loss of permit. **Motion Approved 3/8/13**
  - What happens to permit after failing to declare for 2 years? **Permit is gone. Motion Approved 3/8/13**
  - Is there a minimum number of permits? **Yes, 20 Motion Approved 3/8/13**
    - The State (Fisheries Service) will investigate implementing a lottery when permits hit the minimum threshold which will add 10 vessels back into the fishery for a total of 30 permits. **Motion Approved 3/8/13 – would entrants in lottery need bycatch harvest history? Discussion and Motion**

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### Declarations

- **Late Declarations**
  - Subject to review by the Director of Fisheries Service.
  - A written letter of explanation – physical or mental in capacity – that prevented declaration within 2 weeks of close of declaration period.

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### Permits

- **Declared Vessels**
  - Allow operator(s) - **Agreed 2/8/13**
    - Operators are not allowed to go out on an undeclared vessel.
    - Ex: text based on COMAR 08.02.05.21
      - An operator means an individual who is not a permittee and acts as an agent of a permittee.
      - The name of the vessel on which the operator is working shall be declared on the Maryland Spiny Dogfish landing permit.
      - (c) An operator may catch, possess, or land Maryland Spiny Dogfish for commercial purposes on a vessel owned by a permittee and in possession of that permittee's permit.

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### Permits

- **Declared Vessels**
  - Allow an individual to catch vessel trip limit on an undeclared vessel as long as the permittee is in possession of the permit
    - Covers emergencies such as mechanical or medical trouble - **Agreed 2/8/13**
    - Already have regulations like this for summer flounder & black sea bass
      - Ex: text from COMAR 08.02.05.21 - A permittee may catch, possess, or land Spiny Dogfish for commercial purposes on a vessel other than the vessel declared on the permittee's permit if in possession of the permit issued to the permittee, and the undeclared vessel is permitted by the National Marine Fisheries Service.

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### Permits

- **Limit the number of permits per vessel to 1**
  - No Stacking - **Agreed 2/8/13**
  - **Would an individual be allowed more than one permit if they had more than one vessel, i.e. 1 permit per vessel? What about more than 2 per person?**
- **Allowing non-permit holders by-catch**
  - Allow **vessel** trip limit bycatch of 1,000 lbs with State flexibility for in season adjustments. **Motion Approved 3/8/13**
    - This currently excludes people without a vessel from bycatch.
  - Ex: text based on COMAR 08.02.05.21.
    - A vessel that does not have an individual on board who possesses a valid Maryland Spiny Dogfish landing permit may not catch, possess, or land more than amount published by Public Notice.

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### Transfers

- **Do you want to allow temporary permit transfers?**
  - No. **Motion Approved 3/8/13**
  - Ex. Text based on text from COMAR 08.02.05.21 (sea bass)
    - Temporary transfers of spiny dogfish landing permits are not permitted.
  - License holders (ex. TFL, FIN) are allowed to temporarily transfer their licenses twice a year.
    - We may draft language that prevents the Maryland Spiny Dogfish landing permit from temporarily transferring with license.

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### Transfers

- § 4-701 – By law, if included as part of an estate, then the estate has 2 years to renew or transfer the license and permits.
  - It is void if not renewed or transferred within 2 years.
  - The person receiving the transfer will need to meet qualifications.
  - Cannot have held a Maryland Spiny Dogfish landing permit within the past two years of this transfer.
  - Does this person or transferee need a vessel with landings history? Can we assume that the transferee would receive/inherit the deceased's vessel that qualified?
    - If not, what happens years from now when lottery permittees enter, die, and there are no landings within the control dates?

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