

License#: _____

M.O/CASHIER CHECK#: _____

SPECIAL BAIT DEALER'S PERMIT APPLICATION

Title 76:329

Louisiana Department of Wildlife and Fisheries

Licensing Section

P. O. Box 14796

Baton Rouge, LA 70898

225-765-2898

NAME OF BUSINESS: _____

OWNER OF BUSINESS: _____ FEDERAL TAX ID #: _____

MAILING ADDRESS: _____

PHYSICAL ADDRESS: _____

DAYTIME PHONE: _____ VESSEL REGISTRATION #: _____

List Name(s) of Commercial Fisherman/Boat Captain(s) and Their Commercial Fisherman's License Number:

FEES: \$1000 bond and \$110 permit fee (money order or cashier's check only).**Certification/Disclaimer**

I am a bona fide Bait Dealer and I understand the rules and provisions of the Special Bait Dealers Permit. I am prepared to meet the terms of the permit, and if I violate any of the terms of the permit, the permit will be revoked and my \$1,000 bond will be forfeited.

I understand that by applying for and accepting a permit issued by the Louisiana Department of Wildlife and Fisheries (LDWF), I am being allowed to engage in an activity which would otherwise be prohibited by law. I understand that the permit is not a license and confers no property right upon me. I agree to abide by all State and Federal fish and wildlife laws and regulations, and by all other terms and conditions of this permit. I understand that the permit for which I am applying may be suspended, canceled or revoked at any time by the LDWF. I agree to immediately surrender the permit issued to me upon demand made upon me by any authorized employee of the LDWF. I understand and agree that any permit issued to me by the LDWF is in the nature of a privilege which is being voluntarily extended to me by the Department and the failure on my part to cooperate fully and completely with the Department or its employees can result in the loss of the privilege conferred and the denial of future requests for permits. By accepting this permit, I evidence my agreement to be bound by all conditions and stipulations set forth herein.

I, (we) declare under the penalties in the Louisiana statutes that to be the best of my knowledge and belief that all matters stated herein are true and correct. Any misrepresentation of facts supplied to this office for the purpose of obtaining a permit will subject the applicant to criminal charges as provided by law.

Signature: _____ Date: _____

§329. Special Bait Dealer's Permit

A. Policy. The special bait dealer's permit is intended solely for the benefit of the recreational fishing public which desires to use live shrimp and live croaker as bait during the closed shrimp seasons. Its purpose is to allow the uninterrupted operation of those commercial establishments which sell live bait shrimp and live croaker to the fishing public during the closed shrimp seasons. The permit is not intended for the direct use of recreational fishermen, charter boats, commercial fishermen who sell dead shrimp or croaker, or for any other entity which may wish to catch shrimp or croaker for their own use during the closed shrimp seasons.

B. Application

1. Applicants wishing to sell live shrimp or live croaker harvested from Louisiana waters during closed shrimp season must apply for a special bait dealer permit from the department for a fee of \$110.00.

2. The special bait dealer's permit shall be valid for one year beginning January 1 and ending December 31 of that same calendar year. The permit may be purchased at any time during the year for the current permit year and beginning November 15 for the immediately following permit year.

3. Applications will be accepted only from the owner of an onshore business which sells or plans to sell live shrimp or live croaker to recreational fisherman.

4. Applicant shall be responsible for acquiring and possessing all proper licenses including the wholesale/retail seafood dealers license.

5. Any person convicted of any class three or greater wildlife or fisheries violation within the previous three years prior to the date of application shall not qualify to obtain a special bait dealer's permit or be onboard any vessel engaged in permitted activities.

6. Applicant must post a \$1,000 cash bond before the permit is issued. This bond will be forfeited if the permittee, his employee, or his contractor violates any provision of the rules and regulations concerning the special bait dealer's permit or if the permittee, his employee, or his contractor violates any commercial fishing law or regulation while operating under the permit.

7. All new applications shall require an inspection by the department of their onshore facility and vessel prior to permit being issued. Subsequent inspections may be required at renewal. Inspection

requirements shall verify applicant is operating a commercial establishment which sells live shrimp or live croakers to the fishing public for use as bait and shall include:

a. onshore facility able to maintain live shrimp or live croakers;

b. onshore facilities and vessel tanks must have provisions for aeration and/or circulation of the water in which live shrimp or live croakers are held;

c. onshore facility holding tanks must have a minimal combined capacity of 300 gallons. Tanks having less than 30 gallon capacity will not be included in combined on shore facility capacity;

d. vessel tanks must be carried on or built into the vessel and have a minimum of one compartment or tank with a minimum capacity of 30 gallons;

e. notice to the public must be posted that live bait is available.

8. Only the vessel and those commercial fishermen specified at the time of application shall operate under the permit. Amendments to vessel or commercial fishermen listed under the permit must be submitted to the department and approved before the new vessel or commercial fisherman can operate under the permit. The permit is not transferable to any other person or vessel. The entire original permit must be carried on the vessel while in operation.

C. Operations

1. The entire original permit must be in the possession of the commercial fisherman while operating under the conditions of the permit. Only the vessel and those commercial fisherman specified at the time of application shall operate under the permit. No other vessel or commercial fisherman shall be used under this permit.

2. Live wells, aeration tanks, and other vessel facilities to maintain live shrimp or croaker must be carried on or built into this vessel while operating under the conditions of the permit.

3. No person shall transfer any shrimp or croaker taken under a permit from one vessel to another unless both vessels are permitted under the same wholesale/retail seafood dealer, and the captain of the harvesting vessel has signed a trip ticket for the harvested bait, and the bait is then transported directly to the wholesale/retail seafood dealer under which both vessels are operating; upon receiving the harvested bait the dealer shall complete the trip ticket.

4. While operating under the conditions of the permit, no shrimp or croaker may be sold from the vessel to anyone other than the licensed wholesale/retail seafood dealer listed on the permit during the closed shrimp seasons.

5. Signs which identify the vessel as working under the special bait dealer's permit shall be posted on the vessel. These signs shall be visible from either side of the vessel and from the air; the word "BAIT" and the permit number shall be placed on these signs in letters at least 12 inches high.

6. No more than two gallons of dead shrimp or croaker or combination thereof may be aboard the vessel while it is operating under the permit. All dead shrimp or croaker or combination thereof in excess of two gallons must be immediately returned to the water. Shrimp or croaker dying in onshore holding facilities may be sold for bait use only.

7. Permitted gear is limited to one trawl not to exceed 25 feet along the cork line 33 feet along the lead line or two skimmer nets having an individual net frame size not more than 16 feet measured horizontally or 12 feet measured vertically or 20 feet measured diagonally. These are the only commercial fishing gears which can be used or carried aboard the permitted vessel while the vessel is operating under the permit; no other commercial fishing gear other than unserviceable crab traps as described in R.S. 56:322(G) may be on the vessel when it is being used under the permit.

8. Bait shrimp or croaker may be taken only from official sunrise to official sunset; however, the department at its discretion, may designate the areas and hours of night time operations under the permit provided permitted vessels are equipped with a working vessel monitoring system as described in LAC 76:VII.371.

9. Each time the permit is used the permittee must notify the department by contacting the Communications Section on the designated toll free telephone number provided on the permit and recording the confirmation number received. Before the vessel departs the dock under the permit, the department must be advised of the time of departure and the sub-basin code corresponding to the department's trip ticket sub-basin map in which trawling or skimming will take place; immediately after the permitted vessel returns to the dock the department must be notified of the time of return by contacting the Communications Section on the designated toll free telephone number provided on the permit.

10. The permittee shall maintain an up-to-date record of the activities conducted under the permit on forms provided by the department for that purpose. These records shall be kept onboard the vessel and made available for inspection by agents of the department upon request by said agents at any time and shall include the permittee's name and permit number, date, departure time, fishing location, gear used, confirmation number, return time, and number of live shrimp or live croaker harvested. All applicable record information shall be completed before fishing operations begin. In addition, any agent of the department shall be allowed to make an onsite inspection of any facilities operating under the permit, at any time. Nothing herein this Section shall exempt the permittee from trip ticket reporting requirements as provided for in R.S. 56:306.4.

D. Penalties

1. No person shall violate any provision of this Section. Violations of any provision of this Section shall constitute a class 4 violation as defined in R.S. 56:34.

AUTHORITY NOTE: Promulgated in accordance with LA R.S. 56:326.3 and 56:497(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, and Wildlife and Fisheries Commission, LR 3:210 (April, 1977), amended LR 15:867 (October, 1989), LR 19:215 (February, 1993), LR 23:86 (January, 1997), LR 33:864 (May 2007), LR 36:77 (January 2010), LR 38:3250 (December 2012).

§371. Vessel Monitoring System (VMS) Requirements

A. The following provision regarding VMS shall be applicable to all provisions of law requiring the use of VMS except where required by R.S. 56:433.1 and LAC 76:VII.525.

1. The vessel must have onboard a fully operational and approved VMS Device. Approved devices are those devices approved by NOAA Fisheries Service or the secretary of the Louisiana Department of Wildlife and Fisheries (LDWF) for fisheries in the Gulf of Mexico Reef Fish fishery and which meet the minimum performance criteria specified in Paragraph 2 of this Subsection. In the event that a VMS device is removed from the list of approved devices, vessel owners who installed an approved VMS prior to approval of any revised list will be considered in compliance with requirements of this Paragraph, unless otherwise notified by the LDWF.

2. Minimum VMS Performance Criteria. Basic required features of the VMS are as follows.

a. The VMS shall be satellite-based and tamper proof, i.e., shall not permit the input of false positions; furthermore, satellite selection must be automatic to provide an optimal fix and shall not be capable of being manually overridden.

b. The VMS shall be fully automatic and operational at all times, regardless of weather and environmental conditions.

c. The VMS shall be fully operable and capable of tracking the vessel in all of Louisiana coastal waters and throughout the Gulf of Mexico.

d. The VMS shall be capable of transmitting and storing information including vessel identification, date, time and latitude/longitude.

e. The VMS unit shall make all required transmissions to a designated and approved VMS vendor who shall be responsible for monitoring the vessel and reporting information to the LDWF.

f. The VMS shall provide accurate position transmissions every half-hour, except for those vessels operating solely under the out-of-state landing permit mentioned in Paragraph 3 that require accurate position transmissions every hour, every day of the year, during required monitoring period. In addition, the VMS shall allow polling of individual vessels or any set of vessels at any time and permit those monitoring the vessel to receive position reports in real time. For the purposes of this specification, real time shall constitute data that

reflect a delay of 15 minutes or less between the displayed information and the vessel's actual position.

g. The VMS vendor shall be capable of transmitting position data to a LDWF designated computer system via a modem at a minimum speed of 9600 baud. Transmission shall be in a file format acceptable to the LDWF. Such transmission must be made at any time upon demand of the LDWF.

h. The VMS vendor shall be capable of archiving vessel position histories for a minimum of three months, as transmitted by the VMS unit, and provide transmissions to the LDWF of specified portions of archived data in response to LDWF requests in a variety of media (tape, compact disc, etc.) as specified by the LDWF.

3. Operating Requirements. Except as provided in Paragraph 4 (power down exemption) of this Subsection, or unless otherwise required by law, all required VMS units must transmit a signal indicating the vessel's accurate position at least every half hour, 24 hours a day, throughout the year. However, those vessels operating solely under the out-of-state landing permit shall transmit a signal indicating the vessel's accurate position at least every hour, 24 hours a day throughout the year.

4. Power Down Exemption. Any vessel required to have on board a fully operational VMS unit at all times, as specified in Paragraph 3 of this Subsection, is exempt from this requirement provided:

a. the vessel will be continuously out of the water for more than 72 consecutive hours; and

b. a valid letter of exemption obtained pursuant to Subparagraph 5.a of the Subsection has been issued to the vessel and is on board the vessel is in compliance with all conditions and requirements of said letter.

5. Letter of Exemption

a. Application. A vessel owner may apply for a letter of exemption from the operating requirements specified in Paragraph 3 of this Subsection for his/her vessel by sending a written request to the LDWF and providing the following: Sufficient information to determine that the vessel will be out of the water for more than 72 continuous hours; the location of the vessel during the time an exemption is sought; and the exact time period for which an exemption is needed (i.e., the time the VMS will be turned off and turned on again).

b. Issuance. Upon receipt of an application, the LDWF may issue a letter of exemption to the vessel if it is determined that the vessel owner provided sufficient information as required under Subparagraph 5.a of this Subsection and that the issuance of the letter of exemption will not jeopardize accurate monitoring of the vessel's position. Upon written request, the LDWF may change the time period for which the exemption was granted.

6. Presumption. If a VMS unit fails to transmit the required signal of a vessel's position, the vessel shall be deemed to have incurred a VMS violation, for as long as the unit fails to transmit a signal, unless a preponderance of evidence shows that the failure to transmit was due to an unavoidable malfunction, or disruption of the transmission that occurred while the vessel was declared out of the fishery, as applicable, or was not at sea.

7. Replacement. Should a VMS unit require replacement, a vessel owner must submit documentation to the LDWF Law Enforcement Division Headquarters VMS coordinator, within 3 days of installation and prior to the vessel's next trip, verifying that the new VMS unit is an operational, approved system as described in this Section.

8. Access. All vessel owners shall allow the LDWF, and their authorized wildlife enforcement agents or designees access to the vessel's VMS unit and data, if applicable, and location data obtained from its VMS unit, if required, at the time of or after its transmission to the vendor or receiver, as the case may be.

9. Tampering. Tampering with a VMS, a VMS unit, or a VMS signal, is prohibited. Tampering includes any activity that is likely to affect the unit's ability to operate properly, signal, or accuracy compute the vessel's position fix.

10. Violation. Failure to abide by any regulation set forth regarding the use or operation of VMS, or failure to have VMS when required shall be a violation of the Louisiana Revised Statutes which mandates VMS and requirements of probation where applicable. All fish taken or possessed by a person in violation of these rules, and who is identified on his commercial license or permit as required to be VMS monitored, shall be deemed illegally taken and possessed. The provisions of this Section do not exempt any person from any other laws, rules, regulation, and license requirements for this or other jurisdictions. Violations of this Section shall constitute a violation of the Section of law requiring the use of VMS.

11. All costs and monthly fees associated with the installation, operation and monitoring of any VMS system in accordance with these rules shall be the responsibility of the person required to be monitored and shall be paid by him directly to the approved VMS supplier and monitoring facilitator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:424, R.S. 56:424.1, R.S. 56:495.1, R.S. 56:497.1, and R.S. 56:433.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 34:888 (May 2008), amended LR 38:1997 (August 2012).



NOTE: You do not need to submit this report to the Department at the end of the year. Please retain this report for your records.

PERMIT NUMBER:

NUMBER OF LIVE SHRIMP HARVESTED SHOULD BE REPORTED AS INDIVIDUAL SHRIMP (BY THE HEAD) NOT IN POUNDS, QUARTS OR GALLONS

[illegible]

TO REPORT DEPARTURE & RETURNING TIME AND GENERAL LOCATION OF SHRIMPING, CALL 1-800-442-2511. NOTE: You do not need to submit this report to the Department at the end of the year. Please retain the report for your records.