

UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL MARINE FISHERIES SERVICE NORTHEAST REGION One Blackburn Drive Gloucester, MA 01930-2298

July 29, 2008

Dear Atlantic herring vessel owner or dealer:

This letter is being sent to clarify the notification and reporting requirements for the Atlantic herring (herring) fishery. As you know, some vessel owners and operators failed to comply with reporting requirements during 2007. These violations undermined the monitoring program established to assure that catch in the fishery does not exceed specified levels. This letter clarifies notification and reporting requirements for the fishery to avoid the problems that occurred last year. Please share this information with all of your vessel operators.

The notification and reporting requirements are outlined below:

- 1. If a vessel has been issued a limited access herring permit (i.e., All Areas Limited Access Permit, Areas 2 and 3 Limited Access Permit, Incidental Catch Limited Access Permit) the vessel operator must activate the vessel monitoring system (VMS) unit and enter the appropriate activity code prior to leaving port. If the operator believes the vessel may encounter and land herring during the trip, the appropriate activity code would be "HER." Vessel operators that normally declare out of the fishery (DOF) prior to leaving port to target a non-VMS required species, such as mackerel, should declare a herring trip if they may encounter and land herring.
- 2. If a vessel has been issued an All Areas Limited Access Herring Permit or an Areas 2 and 3 Limited Access Herring Permit and is fishing in the Gulf of Maine/Georges Bank Exemption Area (GOM/GB EA) on a declared herring trip with either midwater trawl or purse seine gear, then the vessel operator must:
 - Obtain the appropriate letter of authorization (LOA) for the gear fished before commencing any fishing trip;
 - Provide notice and contact information (e.g., contact name and phone number; vessel name; date, time, and port of departure) to the Observer provider (508-990-9057) at least 72 hours prior to beginning any trip into the GOM/GB EA; and
 - Notify the National Marine Fisheries Service Office of Law Enforcement (via VMS) of the time and place of offloading at least 6 hours prior to crossing the VMS demarcation line on their return trip to port, or, for vessels that have not fished seaward of the VMS demarcation line, at least 6 hours prior to landing.
- 3. The owner or operator of any vessel issued a limited access herring permit must submit a herring catch report via the Interactive Voice Response (IVR) system each week (by midnight on Tuesday for the preceding week), even if there is no fishing activity. Vessel owners are asked to consider voluntarily making the IVR report at the end of every trip, to enable the Northeast Regional Office to improve monitoring. If you submit an IVR report at the end of every trip, the weekly herring IVR catch report is still due by midnight on Tuesday, even if there is no fishing activity.

- 4. The owner or operator of any vessel issued an open access permit for herring that catches 2,000 pounds or more of herring on any trip in a week must submit a herring catch report via the IVR system for that week (by midnight on Tuesday for the preceding week).
- 5. The owner or operator of any vessel issued a herring permit (i.e., limited access or open access) must maintain on board the vessel, and submit monthly, an accurate fishing vessel trip report (VTR) for each fishing trip (by the 15th of each month for the preceding month).
- 6. Herring catch may only be sold to federally permitted dealers or at-sea processors, unless it is being sold at-sea to a vessel that is purchasing the herring for its own use as bait.

We have received several requests asking for clarification of the reporting requirements for both vessels and dealers, especially those involved in pair trawling and the transfer of herring at sea. These activities have specific reporting requirements, and may also require an LOA to be issued by the Northeast Region Permit Office. Additional guidance on reporting requirements in specific situations is provided in an attachment.

If you have reporting or regulatory questions, please phone the numbers provided:

- Dealer reporting 978-281-9212;
- IVR reporting 978-281-9209;
- VTR reporting 978-281-9246; and
- Regulations 978-281-9315.

Sincerely,

Patricia A. Kurkul

Regional Administrator

Attachement

BASIC HERRING REPORTING REQUIREMENTS

Dealers and At-Sea Processors

Dealers and vessels issued at-sea processing permits, must:

- Submit, for each transaction, an electronic dealer report each week. Reports are due <u>by midnight (Eastern Time) each Tuesday</u> for the week that ended the previous Saturday at midnight;
- Report all fish purchased or received for commercial purposes, other than solely for transport on land;
- Report the vessel name and Federal permit number of each vessel that harvested any fish received;
- Report the serial number from the VTR form used by each vessel that harvested fish and all other information required by the Regional Administrator (RA);
- Submit a report even if there is no activity during a week;
- Vessels issued an At-Sea-Processing permit when receiving or purchasing fish from catcher vessels are to report the port of landing as "Domestic Joint Venture, JD".

Requirements for handling haddock for dealers and vessels issued at-sea processing permits

- Dealers, including at-sea processors, that cull or separate all other fish from the herring catch must separate and retain all haddock offloaded from vessels that have an All Areas Limited Access Herring Permit or an Areas 2 and 3 Limited Access Herring Permit.
- Such haddock may not be sold, purchased, received, traded, bartered, or transferred, and must be retained, after it has been separated from the herring, for at least 12 hours for dealers and processors on land, and for 12 hours after landing on shore by at-sea processors.
- The dealer or at-sea processor must report all such haddock on the weekly electronic dealer report and must use the appropriate disposition code for the haddock. The weekly dealer report must clearly indicate the vessel name and permit number, along with any other information required by the RA, of vessels that landed the retained haddock.
- Law enforcement officials must be given access to inspect the haddock.

Fishing Vessels

IVR reports must be:

- Submitted weekly if the vessel is issued a limited access herring permit, even if there is no fishing activity during a week;
- Submitted weekly if the vessel is issued an open access herring permit for any week the vessel catches 2,000 pounds or more of herring;
- Completed such that they include all herring caught (discards and landings); and
- Submitted by <u>midnight (Eastern Time) each Tuesday</u>, for the previous week that ended Saturday at midnight.

VTRs must be:

- Submitted for each trip that occurs by any vessel issued a Federal herring permit;
- Submitted by the 15th of each month to report fishing activity for the previous month;
- Submitted even if there is no fishing activity during a month; and
- Completed such that they include all species caught (discards and landings).

REPORTING INSTRUCTIONS FOR PAIR TRAWL VESSELS

Dealers: When a dealer purchases fish from pair trawl vessels, the dealer must report the poundage received from each individual vessel. The fact that the vessels pair trawled does not affect the information required in the electronic dealer report.

Vessels: Each vessel involved in pair trawling must submit IVR reports and VTRs. The vessel possessing the permit with the most restrictive possession limit determines the limit on the amount of herring that may be fished for or possessed by any pair. For example, if a vessel issued the All Areas Limited Access Permit pair trawls with a vessel issued a Limited Access Incidental Catch Permit, the pair may not fish for, possess or land more than 55,000 pounds of herring. Vessels should report the actual amount of catch landed by that vessel, regardless of the number of vessels involved in the pair trawling venture. The examples below explain how to complete these reports accurately.

Example 1: Vessel A and Vessel B catch 700,000 pounds of herring using midwater pair trawl gear. Vessel A accepted and landed the catch from 2 hauls totaling 200,000 pounds. Vessel B accepted and landed the catch from 3 hauls totaling 500,000 pounds. Vessels should report the catch as follows:

VTR Vessel A: gear code: PTM

hauls: 2 species: HERR

kept: 200,000 pounds

discard: pounds, by species, from 2 hauls

notation: Include a notation on the VTR form indicating

"Pair trawling with F/V (insert name of the vessel

and permit number)"

VTR Vessel B: gear code: PTM

hauls: 3 species: HERR

kept: 500,000 pounds

discard: pounds, by species, from 3 hauls

notation: Include a notation on the VTR form indicating

"Pair trawling with F/V (insert name of the vessel

and permit number)"

IVR Vessel A: kept: 200,000 pounds

discard: pounds of herring from 2 hauls

IVR Vessel B: kept: 500,000 pounds

discard: pounds of herring from 3 hauls

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Example 2: Vessel A and Vessel B catch 400,000 pounds of herring in 3 hauls using midwater pair trawl gear. The entire catch of 400,000 pounds is retained by Vessel A. Vessels should report the catch as follows:

VTR Vessel A: gear code: PTM

hauls: 3 species: HERR

kept: 400,000 pounds

discard: pounds, by species, from 3 hauls

notation: Include a notation on the VTR form indicating

"Pair trawling with F/V (insert name of the vessel

and permit number)"

VTR Vessel B: gear code: PTM

hauls: leave blankspecies: NO CATCHkept: leave blankdiscard: leave blank

notation: Include a notation on the VTR form indicating

"Pair trawling with F/V (insert name of the vessel

and permit number)"

IVR Vessel A: kept: 400,000 pounds

discard: pounds of herring from 3 hauls

IVR Vessel B: kept: no catch

discard: no catch

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REPORTING INSTRUCTIONS FOR CATCHER VESSELS THAT TRANSFER HERRING

Vessels issued a herring permit may transfer herring at sea provided they are issued an LOA to Transfer and Receive Atlantic Herring At-Sea (Transfer/Receive LOA) by the Northeast Region Permit Office and comply with all of the requirements specified in the LOA. Vessels that transfer herring at sea are required to report through VTR and IVR as specified below. Requirements for the vessels receiving such transfers are specified in a separate section titled, "Vessels that Receive Herring at Sea."

Transferring Herring to a Carrier Vessel

A vessel issued a herring permit and a Transfer/Receive LOA may transfer herring to a vessel that is issued an Atlantic Herring Carrier Vessel Letter of Authorization (Carrier LOA). The transferring vessel may not fish for, catch, transfer, or possess more herring than allowed by the vessel permit category, and no more than 2,000 pounds per day may be transferred if the vessel is in, or the fish were harvested from, a management area closed to directed fishing.

VTR:

The transferring vessel's VTR should indicate each dealer that purchased catch from the catcher vessel. The catcher vessel operator should provide one of the extra pages of its VTR to the carrier vessel, which will be required to report the catcher vessel's VTR serial number to the dealer(s).

IVR:

The vessel must report all catch, including catch transferred to a

carrier

vessel, through the IVR.

Example 1: F/V Catcher catches 200,000 pounds of herring in 2 hauls using midwater trawl gear and transfers 150,000 pounds to F/V Carrier 1 which offloads the catch to Seafood Dealer, Inc. F/V Catcher also transfers 50,000 pounds to F/V Carrier 2 which also offloads the catch to Seafood Dealer, Inc. F/V Catcher should report the catch as follows:

VTR F/V Catcher: gear code: OTM

hauls: 2 species: HERR

kept: 200,000 pounds

discard: pounds, by species, from 2 hauls **dealer:** #1234 Seafood Dealer, Inc.

notation: Include a notation on the VTR form indicating

"Offloaded to carriers, F/V (insert name of the carrier vessel and permit number)" and F/V (insert name of the carrier vessel and permit

number)"

IVR F/V Catcher: kept: 200,000 pounds

discard: pounds of herring from 2 hauls

NOAA Form No. 88-30

OMB No. 0648-0212 Expires 9/30/08

FISHING VESSEL TRIP REPORT

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Example 2: F/V Catcher catches 200,000 pounds of herring in 2 hauls using midwater trawl gear and transfers 150,000 pounds to F/V Carrier 1. F/V Carrier 1 offloads the catch to Seafood Dealer, Inc. F/V Catcher also transfers 50,000 pounds to F/V Carrier 2 which offloads the catch to Fish Company, LLC. F/V Catcher should report the catch as follows:

VTR F/V Catcher: gear code: OTM

hauls: 2

species: HERR

kept: 150,000 pounds

dealer: #1234 Seafood Dealer, Inc.

species: HERR

kept: 50,000 pounds

dealer: #4567 Fish Company, LLC

notation: Include a notation on the VTR form indicating

"Offloaded to carriers, F/V (insert name of the carrier vessel and permit number) and F/V (insert name of the carrier vessel and permit number)"

IVR F/V Catcher: kept: 200,000 pounds

discard: discard of herring from 2 hauls

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	Catcher				ABCD	EF	123456		
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Transferring Herring to a Vessel to be Used as Bait

A vessel issued a herring permit and a Transfer/Receive LOA may transfer or sell herring to another vessel that is not issued a herring permit, provided it is solely for the receiving vessel's own use as bait. The transferring vessel may not fish for, catch, transfer, or possess more herring than allowed by the vessel's permit category, and no more than 2,000 pounds per day may be transferred if the vessel is in, or the fish were harvested from, a management area closed to directed fishing.

VTR: All transactions to vessels receiving herring to be used as bait must be

recorded on the VTR. The receiving vessel's Federal permit number or state registration number and vessel name should be written in the dealer

number and name fields of the VTR.

IVR: The vessel must report all herring catch, including catch transferred to

other vessels to be used as bait, through the IVR.

Example: F/V Catcher makes 3 hauls and catches 215,000 pounds of herring. The vessel makes two transfers at sea to other vessels that will use the herring as bait. The catcher vessel should record the Federal permit number (or state registration number if the receiving vessel is not a federally permitted vessel) and name of the vessel that received the herring in the dealer number and name fields on the VTR. F/V Catcher should report catch (separate entry on the same VTR should be made to show any landings sold to a dealer) as follows:

VTR F/V Catcher: gear code: OTM

hauls: 3 species: HERR

kept: 200,000 pounds

dealer: #1234 Seafood Dealer, Inc.

species: HERR

kept: 10,000 pounds

dealer: vessel name and permit number

species: HERR

kept: 5,000 pounds

dealer: vessel name and permit number

IVR F/V Catcher: kept: 215,000 pounds

discard: discard of herring from 3 hauls

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1. VESSEL NAME				2. US	SCG. DOC. or STA	ATE REG. NO.	3. VESSEL PERMIT	NUMBER
t/v	Catcher				ABCD	EF	123456	S
4. DATE/TIME SA	VILED VAVA	DD	~	5. TR	IP TYPE (CHECK	ONE)	6. NO. of CREW	7. NO. of ANGLERS
DATE (mm/dd/yy)		HMN	1				4	
TIME (24 hrs.) _						PARTY CHARTER		
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12. CHART AREA		<u>Г</u>	1		1 1		400	
514	`	14. LATITUDE/LONGIT				NGITUDE	15. NO. of HAULS	16. AVERAGE
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40) fu							hrs mins
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HERR	†				1234		EALER, INC.	MM/DD/YY
HERR	10,000		-		987654			MM / DD/ YY
HERR	5,000				456789	f/v xyz	MM/DD/YY	
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23. PORT and STA					- W. L	24. DATE LANDED (n	nm/dd/yy)	TIME LANDED
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certify that the in Making a false sta	formation prov tement on this	ided on th	is form is true nishable by la	, complete w (18 U.S.(and correct to C. 1001).	the best of my know	ledge, and made in g	ood faith.
25. OPERATOR'S					26. OPERATOR	'S SIGNATURE		DATE
John 1	Doe, 123	34567	789		Fast	hn Doe		MM DD YY

Transferring Herring to Another Permitted Herring Vessel

A vessel issued a herring permit and the Transfer/Receive LOA may transfer herring to another federally permitted herring vessel that will land and sell it, provided the receiving vessel is also issued a Transfer/Receive LOA. The transferring vessel may not fish for, catch, transfer, or possess more herring than allowed by the vessel permit category, and no more than 2,000 pounds per day may be transferred if the vessel is in, or the fish were harvested from, a management area closed to directed fishing.

Example: Vessel A makes 3 hauls and catches 200,000 pounds of herring. Vessel A then transfers 50,000 pounds to Vessel B. Vessel A should record the Federal permit number and vessel name of the vessel that received herring in the dealer number and name fields of the VTR. Vessel A should report catch as follows (a separate entry should be made showing the dealer name and number for the dealer that receives the portion of catch landed by Vessel A):

VTR Vessel A: gear code:OTM

hauls: 3

species: HERR

kept: 150,000 pounds

dealer: #1234 Seafood Dealer, Inc.

species: HERR

kept: 50,000 pounds

dealer: vessel name and permit number

IVR Vessel A: kept: 150,000 pounds

discard: discard of herring from 3 hauls

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1. VESSEL NAME				2. US	SCG. DOC. or STA	TE REG. NO.	3. VESSEL PERMIT	NUMBER	
1 1/	Catcher				ABCD	EF	123456		
4. DATE/TIME SA	AILED MM	חת	VV	5. TR	IP TYPE (CHECK (ONE)	6. NO. of CREW	7. NO. of ANGLERS	
DATE (mm/dd/yy)	MM H	HMN					4		
TIME (24 hrs.) _						PARTY CHARTER			
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8. GEAR FISHED		9. MESH/	RING SIZE		10. QUANTITY	OF GEAR	11. SIZE OF GEAR		
12. CHART AREA		<u>Г</u>	1		1 1		400		
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)		42 30			70:			TOW/SOAK TIME	
13. AVG. DEPTH	IN FATHOMS	STATION-BEARING #1				BEARING #2	3	2 30	
40) fu							hrs mins	
17. SPECIES	18. KEPT		19. DISCAR			21. DEALER NAME		22. DATE SOLD	
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HERR	150,000						EALER, INC.	MM/DD/YY	
HERR	50,000	***			23456 <i>f</i>	f/v Vessel B		MM/DD/YY	
		 ,							
23. PORT and STA	ATE LANDED								
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OFFLOA	DING F	ORI,	SIAI	t		$\underline{MM}_{,}\underline{DD}$	· / <u>YY</u>	HH:MM	
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certify that the in Making a false star	termation prov tement on this	rided on th form is pur	is form is true nishable by la	, complete w (18 U.S.(and correct to C. 1001).	the best of my know	edge, and made in go	ood faith.	
25. OPERATOR'S				required)	26. OPERATOR	'S SIGNATURE		DATE	
John	Doe, 123	3465)	798		. Foh	n Doe	1	MM DD YY	

REPORTING INSTRUCTIONS FOR VESSELS THAT RECEIVE HERRING AT SEA

Receiving as a Carrier Vessel

Dealers: Catch received from a carrier vessel must be reported as if it was landed by the catcher vessel(s). The dealer report must provide each catcher vessel name and Federal permit number, along with each catcher vessel's VTR serial number.

Vessels: Any vessel issued a herring permit may be issued a Carrier LOA. While issued the Carrier LOA, the vessel must operate exclusively as a herring carrier and is <u>prohibited from having any fishing gear on board.</u> Vessels issued a Carrier LOA may not have any species on board other than herring, with the exception of multispecies received from vessels issued an All Areas or Areas 2 and 3 Limited Access Permit. <u>Carrier vessels must provide each catcher vessel's VTR serial number to each dealer purchasing the catch. The Carrier vessel VTR should not be provided to the dealer(s).</u>

VTR Carrier vessel: gear code: CAR

chart area: leave blank

lats/lons or lorans: leave blank

hauls: leave blank tow time: leave blank species: HERR

kept: 0 pounds

dealer: dealer that receives fish

notation: Include a notation on the VTR form

indicating "Carrying for F/V (insert name, permit number, and VTR serial number for

each catcher vessel)

IVR Carrier vessel: There is no IVR requirement for carriers.

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arrier	•		2. US			3. VESSEL PERMIT	NUMBER
MM H	DD + MM	YY		·	•	6. NO. of CREW	7. NO. of ANGLERS
OUT A N	EW PAG	E FOR EAC				H/RING SIZE F	ISHED
R.	9. MESH/	RING SIZE		10. QUANTIT	Y OF GEAR	11. SIZE OF GEAR	
	14. LATITUDE/LO			T	INGITUDE	15. NO. of HAULS	16. AVERAGE TOW/SOAK TIME
FATHOMS	STA	TION-BEARING	#1	STATION	I-BEARING #2		hrs mins
8. KEPT POUNDS (Comm)	COUNT (Rec)	19. DISCARD POUNDS (Comm)	COUNT (Rec)	20. DEALER PERMIT NO.	21. DEALER NAME		22. DATE SOLD (mm/dd/yy)
0				1234	Seafood De	aler, Inc.	MM/DD/YY
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LANDED							
	ORT,	STATI	E				TIME LANDED HH: MM
rmation prov	ided on thi	s form is true	complete	and correct to	the best of my ke wil	_ /	
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Receiving for Personal Use as Bait

A vessel that receives herring at-sea for its own use as bait is not required to be issued a Federal herring permit. The receiving vessel may not have purse seine, midwater trawl, pelagic gillnet, sink gillnet, or bottom trawl gear on board. Vessels issued Federal permits for any species must comply with VTR requirements and any other reporting requirements associated with those permits. Bait received for personal use is not to be recorded on the receiving vessel's VTR.

Receiving a Transfer from Another Vessel

Dealers: Dealers must report the poundage received from the vessel that offloads the catch. The fact that a vessel received transferred fish does not affect nor change the information requirements in the electronic dealer report.

Vessels: A vessel issued a herring permit and the Transfer/Receive LOA may receive a transfer of herring from another federally permitted herring vessel that is also issued the Transfer/Receive LOA. The receiving vessel may not fish for, catch, transfer, or possess more herring than allowed by the vessel permit category, and no more than 2,000 pounds per day may be transferred if the vessel is in, or the fish were harvested from, a management area closed to directed fishing.

VTR: A new VTR must be completed each time the vessel receives herring. If

the receiving vessel (Vessel B) has received transfers from other vessels and/or engaged in its own fishing activity, separate VTRs need to be

completed for each of these activities.

IVR: IVR reporting is required.

Example: Vessel A makes 3 hauls and catches 200,000 pounds of herring. Vessel A then transfers 50,000 pounds to Vessel B. Vessel B should report catch as follows:

VTR Vessel B: species:HERR

kept: 50,000 pounds

dealer: #1234 Seafood Dealer, Inc.

notation: Include a notation on the VTR form indicating "

Received transfer from F/V (insert name of the

vessel and permit number)"

IVR Vessel B: kept: 50,000 pounds

discard: no catch

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1. VESSEL NAM				2. US	CG. DOC. or ST.	ATE REG. NO.	3. VESSEL PERMIT	NUMBER	
Ves.	sel B				UVW)	×ΥZ	2345	67	
4. DATE/TIME SA	AILED MM	DD	YY	5. TR	IP TYPE (CHECK	ONE)	6. NO. of CREW	7. NO. of ANGLERS	
4. DATE/TIME SA DATE (mm/dd/yy) TIME (24 hrs.)	1+	H.MM	1	₽ CON	MERCIAL	PARTY CHARTER	3		
Fil	L OUT A N	EW PAG	E FOR EA	СН СНА	RT AREA O	R GEAR OR ME	SH/RING SIZE F	ISHED	
B. GEAR FISHED	4	9. MESH/	RING SIZE	<u> </u>	10. QUANTIT	Y OF GEAR	11. SIZE OF GEAR		
12. CHART ARE	Α	14.	LATITUD	E/LONGITUD	E or LORAN		15. NO. of HAULS	16. AVERAGE	
	LATITUDE				LC	NGITUDE		TOW/SOAK TIME	
13. AVG. DEPTH	3. AVG. DEPTH IN FATHOMS STATION-BEARING #1				STATION	I-BEARING #2			
17. SPECIES	f3 18. KEPT						<u> </u>	hrs mins	
CODE NAME	POUNDS	COUNT	19. DISCAR	COUNT	20. DEALER PERMIT NO.	21. DEALER NAME		22. DATE SOLD (mm/dd/yy)	
	(Comm)	(Rec)	(Comm)	(Rec)	, convinting.			(mm/dd/yy)	
HERR	50,000				1234	Seafood D	ealer, Inc.	MM/DD/Y	

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	permit 1								
4 W. A.V. 414									
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ertify that the ir aking a false sta	formation pro-	vided on th	is form is true	e, complete	and correct to	the best of my know	ledge, and made in g	ood faith.	
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