



## **SPOT PRAWN TRAP VESSEL PERMIT TRANSFER PROVISIONS**

### **Authority – Spot Prawn Trap Vessel Permits**

Pursuant to California Code of Regulations (CCR), Title 14, Section 180.3, effective April 1, 2002, Spot Prawn Trap Vessel Permits (SPTVP), may be transferred. Listed below are the conditions which must be met prior to transfer approval.

The SPTVP for the permitted vessel must be valid and has not been suspended or revoked. A SPTVP may transfer only once in a permit year, unless the vessel was lost, stolen or destroyed, pursuant to CCR, Title 14, Section 180.3(j)(3).

### **Instructions to Transfer a SPTVP to a Replacement Vessel**

The permittee must submit evidence with the transfer request sufficient to establish that they are the owner of the permitted vessel and the owner of the replacement vessel as designated on United States Coast Guard (USCG) Certificate of Documentation or vessel registration issued by the vessel registration agency of the state where the owner is a resident, is required at the time of the application for transfer. Tier 2 and Tier 3 SPTVPs can only be transferred to the individual owner that qualified for the permit and to another vessel they own.

### **The permit holder must submit the following documentation:**

- A notarized letter requesting the transfer of the permit.
- Copy of the valid Commercial Boat Registration for the permitted vessel.
- The original current SPTVP.
- All applicants applying as a business must provide documentation identifying the business entity. Acceptable forms include:
  - Articles of Incorporation
  - Articles of Organization
  - Certificate of Limited Partnership
  - Statement of Partnership Authority
  - Limited Liability Partnership
- Copy of the new vessel owner's California Commercial Fishing License.
- Copy of the new vessel owner's California Commercial Trap Permit.
- Copy of the current proof of ownership for the permitted vessel.
- Copy of the current proof of ownership for the replacement vessel.
- Copy of the current Commercial Boat Registration for the permitted vessel.
- Copy of the current Commercial Boat Registration for the replacement vessel.
- Written authorization from the legal owner and/or partners, or mortgager, of the replacement vessel, to which the permit shall be transferred, to transfer the Spot Prawn Trap Vessel Permit from the permitted vessel to the replacement vessel.
- Nonrefundable transfer fee of \$200.

**NOTE:** If the transferee is applying for the first time for a commercial fishing license they must provide valid identification as defined in CCR, Title 14, Section 700.4 (See page 5, Section 700.4 Automated License Data System).

### **Instructions When a Change of Vessel Ownership Occurs**

Pursuant to CCR, Title 14, Section 180.3(k)(1), all Tier 1 SPTVP permits shall be transferable to another person, but not more than once within any 3-year period.

Pursuant to CCR, Title 14, Section 180.3(k)(2) (2), a change of ownership of a Tier 1 SPTVP to another person may be approved only if the vessel owner submits a notarized statement for change of ownership to the department. Thereafter, upon notice to the department, the person purchasing the spot prawn trap vessel permit may use that permit for the taking and landing of spot prawns for any and all of the unexpired portion of the permit year, provided the following requirements are met:

#### **The permit holder must submit the following documentation:**

- A notarized letter, notifying the Department that the individual, bona fide, partnership, or corporation is transferring the title of ownership of the permitted vessel to another entity and identify the new entity.
- The original current SPTVP.
- Copy of the valid proof of ownership for the permitted vessel.
- All applicants applying as a business must provide documentation identifying the business entity. Acceptable forms include:
  - Articles of Incorporation
  - Articles of Organization
  - Certificate of Limited Partnership
  - Statement of Partnership Authority
  - Limited Liability Partnership
- Copy of the new vessel owner's valid California Commercial Fishing License.
- Copy of the new vessel owner's California Commercial Trap Permit.
- The original current Commercial Boat Registration for the permitted vessel.
- Nonrefundable change of vessel ownership fee of \$50.

**NOTE:** If the transferee is applying for the first time for a commercial fishing license they must provide valid identification as defined in CCR, Title 14, Section 700.4. (See page 5, Section 700.4 Automated License Data System)

### **Instructions for Transfer of Permit Upon Death of Permit Holder**

In the event of the death of the permit holder of a Tier 1 SPTVP, the estate must apply for transfer of the permit to another entity within one year of the permit holder's death (CCR, Title 14, Section 180.3(k)(1)).

#### **The estate must submit all of the following with the request:**

- A notarized letter that identifies the deceased permit holder and the transferee. The request must be submitted within one year of the date of the death of the permit holder as listed on the permit holder's death certificate.
- Copy of the permit holder's death certificate.
- Copy of a court document naming the executor of the estate.
- The deceased's original valid SPTVP.

- All applicants applying as a business must provide documentation identifying the business entity. Acceptable forms include:
  - Articles of Incorporation
  - Articles of Organization
  - Certificate of Limited Partnership
  - Statement of Partnership Authority
- Copy of the transferee's California Commercial Fishing License.
- Copy of the transferee's California Commercial Trap Permit.
- Copy of the current Commercial Boat Registration for permitted vessel.
- Copy of the current proof of ownership for the permitted vessel.
- Nonrefundable transfer fee of \$50.

Tier 2 SPTVPs shall not be transferred to another person. Tier 2 permits shall become null and void upon death of the permit holder pursuant to Section 180.3(k)(5)).

Tier 3 SPTVPs shall not be transferred to another person. Tier 3 permits shall become null and void upon death of the permit holder pursuant to Section 180.3(k)(6)).

### **Appeal Provisions and Deadline**

If denied, the Department will notify the permittee in writing, explaining the reason for denial. An applicant who is denied transfer of a SPTVP may appeal the denial to the Department in writing describing the basis for the appeal. The appeal shall be reviewed and decided by the Department. The decision of the Department may be appealed in writing to the Fish and Game Commission. Pursuant to CCR, Title 14 Section 180.3(l)(3), appeals must be received by the Commission within 60 days of the Department's denial.

### **Department's Evaluation time for a transfer of a SPTVP**

Evaluation of the transfer request should be completed within 20 business days after receipt by the License and Revenue Branch provided additional documentation is not required. If approved, a letter authorizing the transfer will be sent to the permittee.

### **Mail documents and transfer fee to:**

California Department of Fish and Wildlife  
Attn: License and Revenue Branch  
PO Box 944209  
Sacramento, California 94244-2090

Please contact (916) 928-5822 or email [LRBCOMM@wildlife.ca.gov](mailto:LRBCOMM@wildlife.ca.gov), if you have any questions or need additional assistance.

### **Title 14, California Code of Regulations Excerpts**

#### **§180.3. Restricted Access Spot Prawn Trap Fishery.**

(j) Transfer of a Spot Prawn Trap Vessel Permit to another Vessel. A transfer of a spot prawn trap vessel permit to another vessel may be approved for use on a replacement vessel only if all of the following criteria are met:

(1) In the form of a notarized letter, the owner of the vessel which has a valid Spot Prawn Trap Vessel Permit shall submit a request for transfer of a Spot Prawn Trap Vessel Permit to the department.

(2) The vessel owner pays the non-refundable transfer fee specified in subsection (m) to the department.

(3) Unless the vessel was lost, stolen, or destroyed, a permit may not be transferred more than once during any permit year.

(4) The spot prawn trap vessel permit for the permitted vessel is valid, and has not been suspended or revoked.

(5) The owner of a vessel with a valid Spot Prawn Trap Vessel Permit has written authority from the legal owner and/or partners, or mortgager, of the replacement vessel, to which the permit shall be transferred, to transfer the Spot Prawn Trap Vessel Permit from the permitted vessel to the replacement vessel.

(k) Change of Ownership of a Spot Prawn Trap Vessel Permit.

(1) All Tier 1 spot prawn trap vessel permits shall be transferable to another person, but not more than once within any 3-year period. Upon the death of the permittee, transfer of a Tier 1 spot prawn vessel permit may be considered if the estate submits a notarized letter for the change of ownership to the department, within one year of the death of the permittee as listed on the death certificate.

(2) A change of ownership of a Tier 1 spot prawn trap vessel permit to another person may be approved only if the vessel owner submits a notarized statement for change of ownership to the department. Thereafter, upon notice to the department, the person purchasing the spot prawn trap vessel permit may use that permit for the taking and landing of spot prawns for any and all of the unexpired portion of the permit year, provided the following requirements are met:

(A) the person purchasing the permit shall have a valid commercial fishing license issued pursuant to Section 7852 of the Fish and Game Code that has not been suspended or revoked, and a general trap permit issued pursuant to Section 9001 of the Fish and Game Code that has not been suspended or revoked.

(B) the person is the owner of a commercial fishing vessel that has been registered with the department pursuant to Section 7881 of the Fish and Game Code that has not been suspended or revoked. The person receiving the permit shall be eligible for a permit, pursuant to the provisions of this section, for the use of that vessel in subsequent years.

(3) Notwithstanding the transfer of ownership provisions in subsection (k) for Tier 1, upon the death of a spot prawn trap vessel Tier 1 permittee the estate may apply to the department to transfer that permit to the estate. The request for transfer shall be received by the department within one year of the death of the permittee.

(4) The vessel owner pays the non-refundable transfer fee specified in subsection (m) to the department.

(5) Tier 2 spot prawn trap vessel permits shall not be transferred to another person. Tier 2 permits shall become null and void upon death of the permit holder.

(6) Tier 3 spot prawn trap vessel permits shall not be transferred to another person. Tier 3 permits shall become null and void upon death of the permit holder.

(l) Appeals.

(2) Renewal Appeals. Late renewal appeal provisions are specified in Fish and Game Code Section 7852.2.

(3) Any applicant who is denied transfer of a spot prawn trap vessel permit may appeal the denial to the department in writing describing the basis for the appeal. The appeal shall be reviewed and decided by the department. The decision of the department may be appealed in writing to the commission within 60 days of the date of the department's decision.

(m) Fees.

(3) Vessel Transfer Fee. The department shall charge a non-refundable fee as specified in Section 705 for each vessel transfer.

(4) Change of Ownership Fee. The department shall charge a non-refundable fee as specified in Section 705 for each change of ownership of the spot prawn trap vessel permit.

#### **§ 700.4. Automated License Data System.**

(b) Any applicant applying for any license, tag, permit, reservation or other Entitlement issued via the ALDS shall provide valid identification. Acceptable forms of identification include:

(1) any license document or identification number previously issued via ALDS

(2) a valid driver's license or identification card issued to him or her by the Department of Motor Vehicles or by the entity issuing driver's licenses from the licensee's state of domicile

(3) US Birth Certificate

(4) US Certificate or Report of Birth Abroad

(5) INS American Indian Card

(6) Birth Certificate or passport issued from a US Territory

(7) US Passport

(8) US Military Identification Cards (Active or reserve duty, dependent, retired member, discharged from service, medical/religious personnel)

(9) Certificate of Naturalization or Citizenship.

(c) Any applicant less than 18 years of age applying for any license, tag, permit, reservation or other entitlement issued via the ALDS shall provide valid identification.

Acceptable forms of identification include:

(1) Any form of identification described above; or

(2) A parent or legal guardian's identification as described above.

#### **§ 704. Miscellaneous Forms, Permits and Fees.**

All licenses, tags, permits, reservations or other entitlements purchased via the Automated Data License System (ALDS) will be subject to a three percent nonrefundable surcharge, not to exceed seven dollars and fifty cents (\$7.50) per item, to pay the department's costs for issuing that license, tag, permit, reservation or other entitlement.

#### **§ 705. Commercial Fishing Applications, Permits, Tags and Fees.**

(8) Spot Prawn Trap Vessel Permit Transfer \$50.00.

(9) Spot Prawn Trap Vessel Permit Change of Vessel Ownership \$200.00.

#### **Fish and Game Code Excerpts**

**§7601.** "Owner" or "vessel owner" means the person or persons designated as the registered owner of a vessel on a certificate of documentation issued by the United States Coast Guard or on a copy of the vessel registration issued by the vessel registration agency of the state where the owner is a resident. For purposes of this section, the vessel registration agency in California is the Department of Motor Vehicles.