

NON-RESIDENT SHELLFISH DIGGER PERMIT APPLICATION



Department of
Environmental
Conservation

This is an electronic copy of a Non-Resident Shellfish Digger Permit application package.

Your signature and the date are needed in TWO places:

1. Affirmation – **Page 4**
2. 2022 Supplemental Application for Shellfish Diggers – **Page 6**

The following are needed for the successful processing of your application:

- Completely fill out all the requested information on the application.
 - If you are using a post office box to receive mail, please include a legal address (street address) with your application or it will be returned.
- The application **Affirmation** must be **signed and dated**.
- **Permit Fee:** ALL applications submitted by mail must be paid by check or money order payable to NYSDEC. Starter checks and credit cards are not accepted. Cash is accepted for in-person applicants.
 - There will be a \$20.00 fee for all returned checks.
 - Applicants from outside the United States must contact the Marine Permit Office to determine acceptable forms of payment for application fees.
- **Photograph:** Submit with your application a recent, clear passport size photograph of yourself, approximately 1 ½ x 2 inches. A photograph is not required if you are renewing from the preceding year.
- Applicants **under 16 years of age** must the application signed and notarized by a parent or legal guardian.

All required documents and fees must be submitted by mail or in-person to DEC at the address below:

NYSDEC Marine Permit Office

123 Kings Park Blvd.
Kings Park, NY, 11754

Phone: (631) 444-0470 | **Email:** MPO@dec.ny.gov

SHELLFISH HARVESTER CERTIFICATION TRAINING

Requirement for Shellfish Digger Permits

Shellfish harvesters have a major role to play in keeping shellfish safe for consumers, helping to reduce the need for harvest area closures, and ensuring New York State maintains a reputation for safe and high-quality shellfish.

DEC has developed a new **online shellfish harvester training** to ensure all New York State shellfish harvesters are informed of current sanitary control measures in place for shellfish harvested and sold as food. DEC's Shellfish Harvester Certification Training is a requirement of the National Shellfish Sanitation Program (NSSP).

All new Shellfish Digger Permit applicants need to complete the new training prior to issuance of their 2022 shellfish digger permit. A 2022 permit will not be issued if you fail to complete the training prior to submitting your 2022 application.

Complete the Training Online

- Visit DEC's Shellfishing website: on.ny.gov/shellfish
- Follow the links for **Shellfish Harvester Certification Training** found under **Commercial Shellfishing**
 - Click on 'Get Started'
 - Review training information by clicking through items and scrolling to the bottom of the page
 - Click on the button at the bottom of the page to advance to next training module
- After the last training module, click on **Harvester Training Education Exam** at the bottom of the page
- Begin the short exam by entering the permit holder's information:
 - Name, email address, and permit number, if applicable → Click 'Next'
 - Select the best answer to the five multiple-choice questions → Click 'Submit'
- Certificate of Completion will be sent to the email you provided and forwarded to DEC for approval

** The online training can be completed from a smartphone, tablet, or computer using the latest versions of Google Chrome, Mozilla Firefox, Apple Safari, and Microsoft Edge (Internet Explorer is not supported).*

For questions about the training contact Shellfish Management at the information provided below.

CONTACT INFORMATION

Shellfish Management Unit

Division of Marine Resources

New York State Department of Environmental Conservation

205 N. Belle Mead Road, Suite 1, East Setauket, NY 11733

P: (631) 449-9037 | F: (631) 444-0472 | DiggerTraining@dec.ny.gov

www.dec.ny.gov



Department of Environmental Conservation

Marine Resources Permit Office
Nissequogue River State Park
123 Kings Park Boulevard
Kings Park, New York 11754
Phone: (631) 444-0470
Email: MPO@dec.ny.gov

Year 2023

Application for Marine Permits

January 5, 2023

Applicant Name: _____

Mailing Address
Street: _____
City: _____ State: ___ Zip Code: _____ - _____
Country: _____

Home Address (If different)
Street: _____
City: _____ State: ___ Zip Code: _____ - _____
Country: _____

Other Address for Business or Facility Location
Street: _____
City: _____ State: ___ Zip Code: _____ - _____
Country: _____

Corporation? [] Yes [] No
For Corporate Applicants, Are you a Corporation in Good Standing?
[] Yes [] No
Country Issuing Taxpayer Id: _____

NYS Domicile? [] Yes [] No

Township: _____

County: _____

Taxpayer ID/SSN: _____

Home Phone: _____

Business Phone: _____

Fax Phone: _____

Email: _____

Physical Description (N/A if Corporation)
Date of Birth: _____
Gender: [] Male [] Female
Hair Color: _____
Eye Color: _____
Height: _____ Weight: _____

Permit Year 2023

Permit Fee \$150.

Permit Type: Digger - NR

FREEDOM OF INFORMATION

The Department of Environmental Conservation (Department) periodically receives requests for commercial licensee records pursuant to New York's Freedom of Information Law (FOIL). The Department responds to such requests in accordance with Public Officers Law Article 6 (FOIL) and Article 6-a (Personal Privacy Protection Law).

DECLARATION OF DOMICILE for New York State Resident Permits and Licenses:

Pursuant to New York State law, I declare that I am domiciled within the State of New York and have maintained a fixed, permanent, and principal place of abode within the State of New York immediately prior to the time of filing this application and will continue to maintain such a place of abode for the duration of this permit and/or license. I understand that while I may have multiple residences, I can only have one true domicile.

If my domicile should change, I will notify the Department within seven business days. I understand that I must surrender my permit and/or license if I am no longer domiciled within the State of New York. I affirm and understand that should I fail to notify the Department within seven business days, the Department may immediately institute revocation proceedings pursuant to DEC regulations.

Applicant Signature _____ Date _____

AFFIRMATION:

I hereby affirm under penalty of perjury that all of the information provided in this application and any applicable attachments provided to obtain this permit are true and accurate. I furthermore affirm that I am aware of and understand the applicable sections of the Environmental Conservation Law and the Official Compilations of Codes, Rules and Regulations of the State of New York. I understand that any violation of these laws and regulations may subject me to criminal and civil penalties including fine, imprisonment, revocation of license, or a combination of any of these penalties.

I affirm and understand that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law and the offering of a false instrument for filing is punishable as a felony pursuant to Section 175.35 of the Penal Law.

Applicant Signature _____ Date _____

Authorized Representative _____

2023 SUPPLEMENTAL APPLICATION FOR SHELLFISH DIGGER'S PERMIT

This Supplemental Application for a Shellfish Digger's Permit to be issued pursuant to the provisions of Sections 13-0309, 13-0311 and 13-0319 of the Environmental Conservation Law and Part 42 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, includes the following special conditions or provisions which shall apply to all shellfish digger's permits issued for 2023:

SHELLFISH HARVESTING, IDENTIFICATION AND HANDLING REQUIREMENTS:

Condition Nos. 1-12 Apply To All Diggers:

1. The permittee shall be in compliance with the applicable shellfish handling, storage, transportation, tagging or labeling, record keeping and other requirements for the shellfish activity or activities for which this permit is issued pursuant to 6 NYCRR Part 42 "Sanitary Control over Shellfish."
2. All shellfish harvester tags must include the *time of harvest* for all shellfish taken (*time of harvest* begins on each day when the first shellstock is taken from the water and no longer submerged). **Time of harvest must be written in indelible ink on each tag and the tag must be affixed to the container prior to the placement of any shellfish into the container.**

Once a container has been completely filled as intended, a new *time of harvest* begins when the next lot of shellfish is removed from the water. **All shellfish tags must be fully completed prior to leaving the area of harvest.**

NOTE: All shellfish harvested from LS1 east of Eatons Neck Point must be tagged or labeled LS1 East.

3. Shellfish shall not be placed or held in containers that are not self-draining. **Under no circumstances shall shellfish be allowed to sit in standing or stagnant water.** This provision does not apply to placement of shellfish in an ice slurry for rapid cooling of shellfish when the water temperature of the ice slurry is less than or equal to 45°F (7.2°C). Water used for the production of an ice slurry must be obtained from the same certified shellfish harvest area where the shellfish were taken (harvested). Any ice used must be drinking water quality (potable water) or from an approved source.
4. From **May 1 through October 31**, both dates inclusive, shellfish harvested from New York waters must be shaded at all times, from the *time of harvest* while onboard the vessel and during transport in any boat, vehicle or other means of conveyance, from the harvest area to the original dealer.
5. **All oysters** harvested from any certified shellfish lands for food consumption between the dates of **May 1 through September 30, both dates inclusive**, must be **immediately** culled and placed under temperature control through icing, mechanical refrigeration maintained at 33°F (0.6°C) to 45°F (7.2°C) or other cooling method approved by the Department **upon commencement of time of harvest.**
 - a. For this condition, *time of harvest* begins when each lot of oysters is taken from the water and no longer submerged. **Time of harvest must be written in indelible ink on each tag and the tag must be affixed to the container prior to the placement of any oysters into the container.**
 - b. All oysters shall be immediately culled and maintained under temperature control (cooling) throughout the harvest day once the *time of harvest* (start of harvest) begins. Once a container has been completely filled as intended, a new *time of harvest* begins when the next lot of shellfish is removed from the water.
 - c. **Time of harvest must be identified on your shellfish harvester tag(s) and harvest log. All shellfish tags must be fully completed prior to leaving the area of harvest.**
6. All harvesters shall maintain a log book that indicates the common name of shellfish harvested, quantities (net weights, numerical counts or standard measures) of shellfish harvested, the harvest date, an identification of the areas from which shellfish were harvested, *time of harvest*, and the names and permit numbers of all receivers of shellstock (identify disposition of shellfish). **The log book must be completed prior to landing shellfish on a daily basis** and must be made immediately available to the Department or an enforcement officer upon request.
7. All shellfish must be delivered to a certified dealer in Suffolk or Nassau County on the same day of harvest.
8. The Department shall have the right to inspect any facility, building, structure, property or conveyance used for any activity undertaken by the permittee pursuant to this permit and as described in 6 NYCRR Part 42.
9. The Department shall have the right to take samples, without payment, of any shellfish, water, chemicals, food ingredients and other substances for examinations as required pursuant to 6 NYCRR Part 42.
10. The Department shall have the right to inspect and/or copy any tags, labels, harvester logs, shipping invoices or other records required to be kept as a requirement of this permit and pursuant to 6 NYCRR Part 42.
11. The violation of any conditions of this permit or related provision of 6 NYCRR Part 42 may result in permit modification, suspension, or revocation and/or seizure of any lot, quantity or shipment of shellfish and/or related materials associated with such violation.
12. The shellfish digger's permit shall be made available for inspection by the Department at all times from the date of issue through the date of expiration and while conducting any related activity described in 6 NYCRR Part 42 or any applicable sections of the Environmental Conservation Law.

(CONTINUED ON NEXT PAGE)

****YOU MUST COMPLETE, SIGN, AND DATE THE DIGGER SUPPLEMENTAL FORM OR YOUR 2023 SHELLFISH DIGGER PERMIT APPLICATION WILL BE RETURNED****

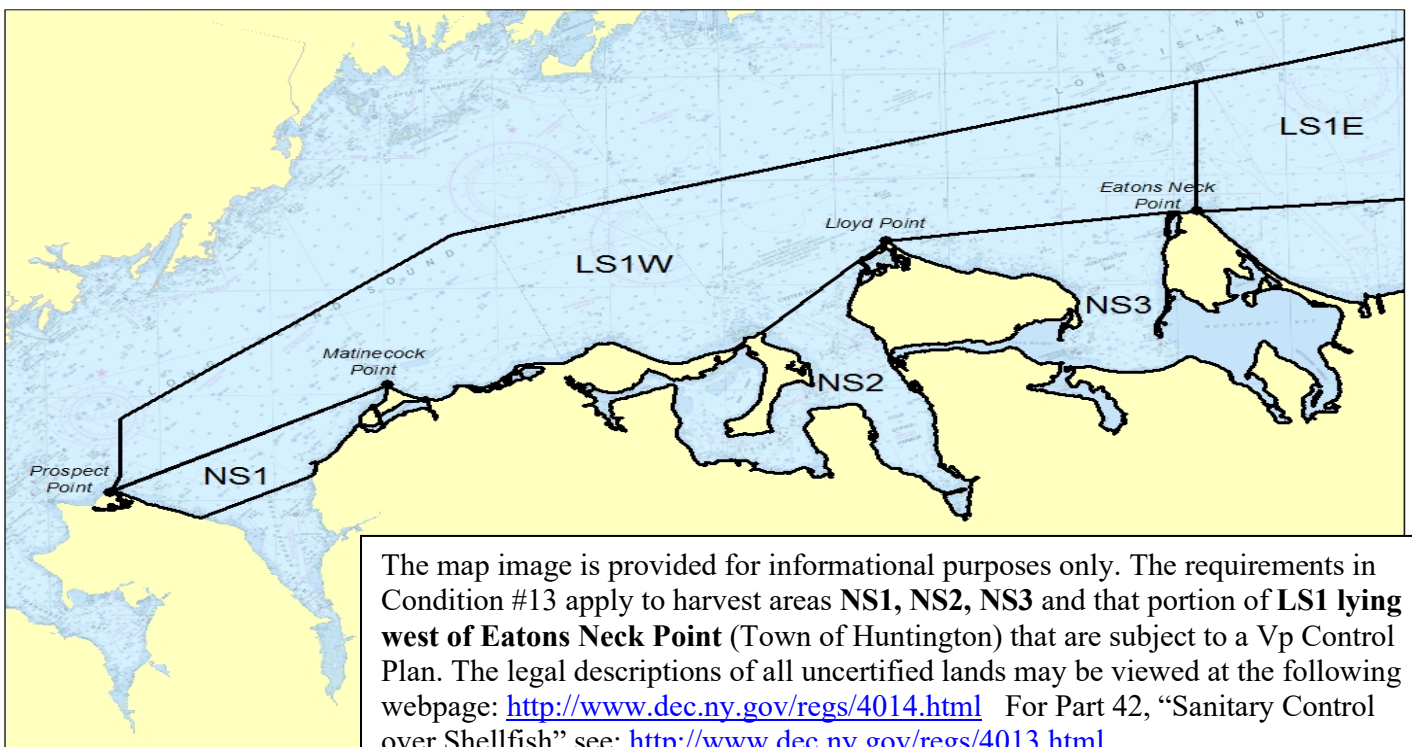
Condition No. 13 Applies To Harvest Of Oysters And Hard Clams Under A Vp Control Plan Only:

13. When the Department has determined that a *Vibrio parahaemolyticus* (Vp) Control Plan is required for particular harvest areas, for the protection of public health, the following requirements must also be met by all shellfish harvesters working in the affected areas. **These requirements shall apply from May 1 through September 30, both dates inclusive:**
- Shellfish harvesters working in shellfish lands specified in a Vp Control Plan (as specified in Condition No. 13b below) must adhere to all harvesting requirements included in the Vp Control Plan.
 - The requirements specified in Condition No. 13 shall apply to all commercial harvesters when they take **hard clams and oysters** for food consumption from any of the following certified shellfish lands (harvest areas) which are subject to a Vp Control Plan: New York State harvest areas identified as **NS1, NS2, NS3** and that portion of **LS1, lying west of Eatons Neck Point** (Town of Huntington); refer to the map on the bottom of this page. Other areas will be added as necessary if they are the source of shellfish linked to Vp illnesses in 2022.
 - Hard clams and oysters harvested for food consumption from any certified areas identified in Condition No. 13b must be **immediately** culled and placed under temperature control through icing, mechanical refrigeration maintained at 33°F (0.6°C) to 45°F (7.2°C) or other cooling method approved by the Department **upon commencement of time of harvest.**
 - For this condition, ***time of harvest*** begins when hard clams or oysters are taken from the water and no longer submerged. **Time of harvest must be written in indelible ink on each tag and the tag must be affixed to the container prior to the placement of any hard clams and/or oysters into the container.**
 - All oysters and/or hard clams shall be immediately culled and maintained under temperature control (cooling) throughout the harvest day once the ***time of harvest*** (start of harvest) begins. Once a container has been completely filled as intended, a new ***time of harvest*** begins when the next lot of shellfish is removed from the water.
 - Time of harvest must be identified on your shellfish harvester tag(s) and harvest log. All shellfish tags must be fully completed prior to leaving the area of harvest.**
 - Any ice used must be of drinking water quality (potable water) or from an approved source. Saltwater used in an ice slurry shall only be from the certified harvest area where the lot of clams or oysters was harvested.
 - All hard clams and oysters harvested from **LS1 west of Eatons Neck Point shall be tagged or labeled LS1 West**; all hard clams and oysters harvested from LS1 east of Eatons Neck Point shall be tagged or labeled LS1 East. Hard clams and oysters harvested from LS1 West shall not be comingled with hard clams or oysters harvested from LS1 East.
 - All oysters and hard clams must be cooled to an internal temperature of 60°F (15.6°C) or less prior to sale to the original dealer.

This supplemental document is part of the permit application for marine permits. By signing below, I affirm and acknowledge that I have read and understand these conditions that apply to shellfish harvest, identification and handling requirements. These conditions are issued as additional requirements under my 2022 shellfish harvester (digger) permit. A shellfish diggers permit will not be issued without the digger's name, permit number, signature and date provided in the spaces below.

Name (Print) _____ Shellfish Digger Permit Number _____

Applicant Signature _____ Date _____



The map image is provided for informational purposes only. The requirements in Condition #13 apply to harvest areas NS1, NS2, NS3 and that portion of LS1 lying west of Eatons Neck Point (Town of Huntington) that are subject to a Vp Control Plan. The legal descriptions of all uncertified lands may be viewed at the following webpage: <http://www.dec.ny.gov/reg/4014.html> For Part 42, "Sanitary Control over Shellfish" see: <http://www.dec.ny.gov/reg/4013.html>

This map should not be used for navigational purposes.