NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Marine Resources Headquarters, Marine Permit Office
205 North Belle Mead Road, Suite 1, East Setauket, NY 11733
P: (631) 444-0470 | F: (631) 444-0497 | FW.Marine@dec.ny.gov
www.dec.ny.gov

Resident Shellfish Digger's Permit Application

This is an electronic copy of a Shellfish Digger's Permit Application package. Please print this package and complete and sign the application, and mail or bring it to DEC Bureau of Marine Resources at the address above.

Your signature and the date are needed in three places:

1. Declaration of Domicile (Page 3) →

2. Affirmation (Page 3) →

3. 2020 Supplemental Application for Shellfish Digger's Permit (Page 5) →

<u>The following are needed for the successful processing of your application:</u>

- Please be sure to completely fill out all the requested information on the application.
- Please include one recent photo (head only), passport size, in color, photo quality only. No hats or sunglasses in the photo.
- Please provide proof of domicile in New York State as described on Page 6.
- If you are under 16 years of age, please have your application signed and notarized by your parent or legal guardian.
- 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.
- Corporate applicants should include a copy of the certificate of incorporation with the permit application.

Please send checks or money orders made out to **NYSDEC** in the amount of **$50.00**. Starter checks and credit cards are not accepted. Cash is only accepted for in-person applicants.

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Instructions for Completing the License/Permit Application

1. **NEW Application**: Please print all requested information in the appropriate spaces.
2. **RENEWAL Application:** Please review **ALL** pre-entered information. If any of the pre-entered information is incorrect, please cross it out and enter the correct information above it.
3. **SIGNATURE FOR AFFIRMATION:** Please sign and date the application or it will be returned.
4. **NEW YORK STATE DOMICILE** – Please check the appropriate box (Yes or No) for New York State Domicile or the application will be returned. ***If you are domiciled in New York, you must also sign and date the Declaration of Domicile on the application or it will be returned.*** In order to qualify for a resident license or permit, a person must be domiciled in the State of New York immediately prior to filing the application and continue to maintain such status for the duration of the permit or license. The domicile for minors is the domicile of their parent(s) or legal guardian(s).
5. **CORPORATIONS, BUSINESSES AND DBA's** – If purchasing a license or permit in the name of a business (domestic corporation, domestic limited liability company, foreign business corporation, foreign LLC) or under an assumed name (DBA), please submit a copy of the legal documents establishing the corporation, LLC or DBA to DEC with the completed application form. Valid copies of the above referenced documents (Certificate of Incorporation, Articles of Organization (LLC), Filing Receipt for Application of Authority for Foreign Businesses Operating in New York, or Certificate of Assumed Name (DBA)) must be provided to DEC when filing a new application or each year with your renewal. Please refer to the New York State Department of State's website for more information on obtaining copies of these documents: www.dos.state.ny/corps/. Please enter your Federal Tax ID on application or application may not be processed.
6. **SUPPLEMENTARY DOCUMENTS:** Please be sure to include any supplementary forms needed for your application. You may need to also include copies of your driver's license for proof of domicile, a boat registration or USCG documentation or your captain's license.
7. **PERMIT FEE:** Please make remittance payable to **NYSDEC**. **ALL** applications submitted by mail must be paid by check or money order. **Applicants from Canada must** contact the Marine Permit Office to determine acceptable forms of payment for application fees. **NOTE: There will be a $20.00 fee for all returned checks**.
8. **PHOTOGRAPH:** Please submit with your application a recent, clear passport size photograph of yourself, approximately 1 ½ x 2 inches. A photograph is not required for corporate and business applications. A photograph is not required if you are renewing from the preceding year.
9. **FINISHED?** Mail the application, any required documents, the correct permit fee, and photograph to the address above for the NYSDEC's Marine Permit Office.

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Year 2020

Application for Marine Permits

January 02, 2020

Corporation? ◯ Yes ◯ No

For Corporate Applicants, Are you a Corporation in Good Standing?

◯ Yes ◯ No

NYS Domicile? ◯ Yes ◯ No

Applicant Name: _____

Country Issuing Taxpayer Id: _____

Taxpayer ID/SSN: _____

Township: _____

County: _____

Home Phone: _____

Business Phone: _____

Fax Phone: _____

E-Mail: _____

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: _____

Physical Description (N/A if Corporation)

Date of Birth: _____

Gender: ◯ Male ◯ Female

Hair Color: _____

Eye Color: _____

Height: _____ Weight: _____

Permit Year 2020

Permit Fee: $50.00

Permit Type: Digger - Resident

Total Amount Due: $50.00

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 6 NYCRR Part 175.

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_____

2020 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 2019:

SHELLFISH HARVESTING, IDENTIFICATION AND HANDLING REQUIREMENTS:

Condition Nos. 1-11 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 45ºF (7.2ºC). 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 33ºF (0.6ºC) to 45ºF (7.2ºC) 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. 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.

8. 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.

9. 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.

10. 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.

11. 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 2020 SHELLFISH DIGGER PERMIT APPLICATION WILL BE RETURNED****

Condition No. 12 Applies To Harvest Of Oysters And Hard Clams Under A Vp Control Plan Only:

12. 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**:

    a. Shellfish harvesters working in shellfish lands specified in a Vp Control Plan (as specified in Condition No. 12b below) must adhere to all harvesting requirements included in the Vp Control Plan.

    b. The requirements specified in Condition No. 12 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 2019.

    c. Hard clams and oysters harvested for food consumption from any certified areas identified in Condition No. 12b must be **immediately** culled and placed under temperature control through icing, mechanical refrigeration maintained at 33ºF (0.6ºC) to 45ºF (7.2ºC) or other cooling method approved by the Department **upon commencement of *time of harvest*.**

    d. 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**.

    e. 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.

    f. ***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**.

    g. 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.

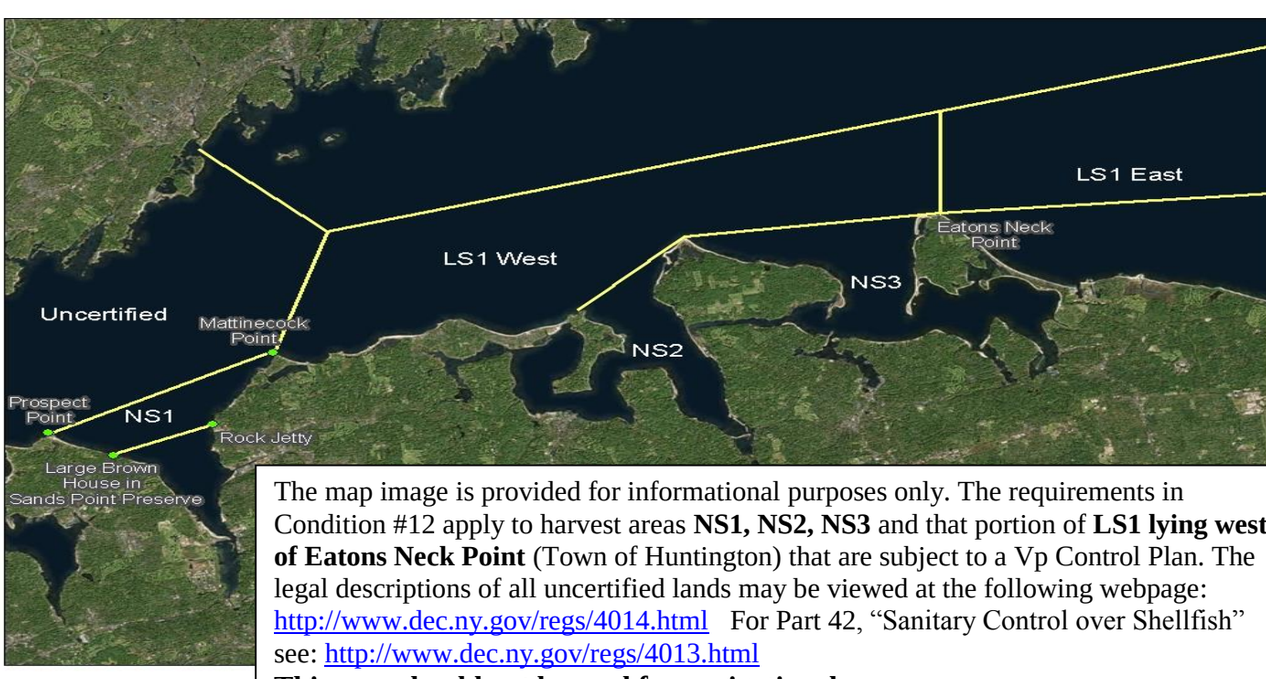
    h. All hard clams and oysters harvested from **LS1 west of Eatons Neck Point shall be tagged or labeled LS1 West**; all hard clams and oysters harvested from LS1 east of Eatons Neck Point shall be tagged or labeled LS1 East. Hard clams and oysters harvested from LS1 West shall not be comingled with hard clams or oysters harvested from LS1 East.

    i. All oysters and hard clams must be cooled to an internal temperature of 60ºF (15.6ºC) 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 2019 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 #12 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/regs/4014.html For Part 42, "Sanitary Control over Shellfish" see: http://www.dec.ny.gov/regs/4013.html
This map should not be used for navigational purposes.

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INSTRUCTIONS FOR ALL NEW NYS RESIDENT APPLICANTS

Applicants for New York State *RESIDENT Marine Resources Permits* **must** be domiciled within the State of New York. Applicants must maintain a fixed, permanent and principal place of abode (home) or establishment within the State immediately prior to the time of filing a resident permit application and continue to maintain such a place of abode or establishment for the duration of the permit or license.

All new resident applicants must submit the following to DEC:

1. **A fully completed and signed application.**
2. **One recent photo (head only) approximately 1 ½" X 2", in color, photo quality only. No hats or sunglasses.**
3. **Proof of identity**
4. **Proof of domicile in New York State**
5. **The appropriate license/permit fee(s) – cash, money order or check (starter checks not accepted).**
6. **Any other additional supporting documents, licenses, etc., that are required for the license/permit.**

In order to demonstrate sufficient documentation of identity and domicile in New York State, applicants **must** provide one or more of the following as proof of identity or domicile (photocopies are acceptable):

- **Valid New York State DMV driver's license or New York State non-driver photo ID card**
- **NYS Income Tax Form IT-201 or W-2 form of previous year**
- **Current Voter Registration Card**
- **Valid New York State Vehicle Registration**
- **Valid New York State vehicle learner's permit**
- **Notarized statement by parent or guardian with custody of an applicant under 16 attesting to the applicant's New**
- **York State domicile; parent or guardian must provide appropriate proof of domicile.**
- **Permanent Resident Card (Form I-551)***
- **Armed Services Identification Card***
- **Student ID (Current)***

***Proof of identity only.

Proof of New York State domicile must show signature and current address. The preferred proof of identity and legal address is a valid New York State driver's license or a non-driver photo ID card issued by the New York State Department of Motor Vehicles. For applicants using a Post Office Box to receive mail, you must include a legal address (street address) with your application or it will be returned. If under 18 (minors), the domicile of their parent(s) or legal guardian(s) shall be considered their domicile. **DEC reserves the right to require additional proofs of domicile. Applications received without appropriate proofs of identity or domicile will be returned.** If you apply by mail, and we encourage you to do so, please forward only a **clear photocopy** of your proofs of identity and domicile. DEC will **NOT** be responsible for the return of your document(s).

DOMICILE: In order to qualify for a resident license or permit, a person must be domiciled in New York State.
Domicile is defined in 6 NYCRR 170.8(c)(1) as the place where a person has his or her true, fixed and permanent home to which he or she intends to return.
Resident is defined in 6 NYCRR 170.8(c)(1) as a person whose domicile is in the state of New York. For minors, their domicile is that of their parent(s) or legal guardian(s). Ownership of property in New York State does not make you domiciled in the State.