

Agendum H.1  
Attachment 2  
September 2004



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

Mr. Benjamin Fuss  
Baja Aqua-Farms  
2535 Kettner Boulevard  
San Diego, California 92101

JUN 30 2004

RECEIVED

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PFMC

Dear Mr. Fuss:

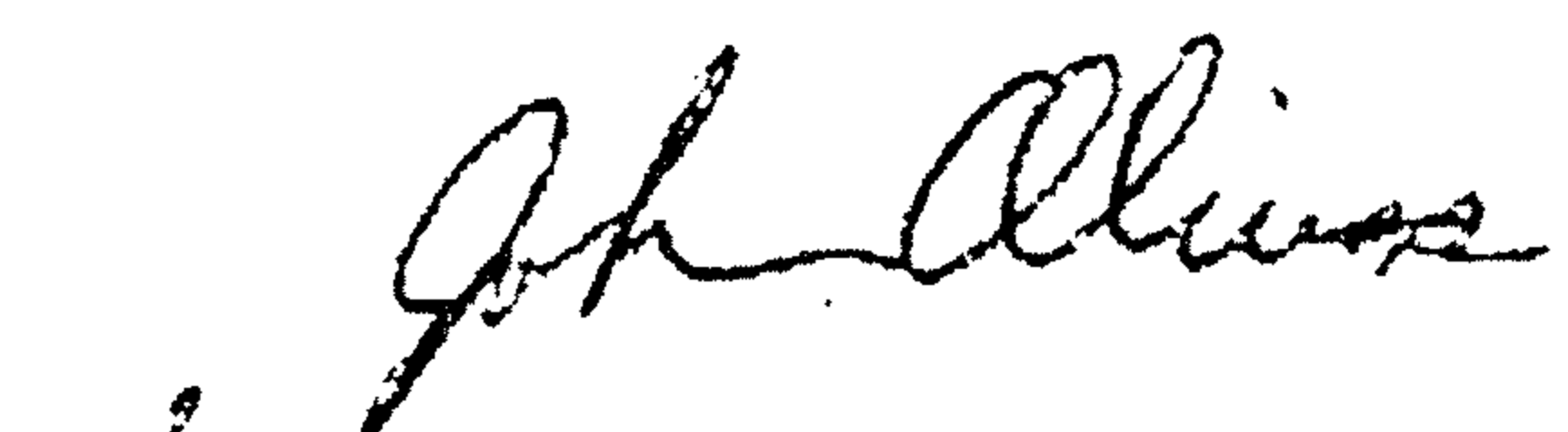
I have reviewed your application for a permit to be issued under Section 204(d) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and made the following determinations:

- 1) The transportation of fish to be conducted under the permit will be in the interest of the United States and will meet the applicable requirements of the Magnuson-Stevens Act.
- 2) You have confirmed that you will comply with the requirements described in Section 201(c)(2) of the Magnuson-Stevens Act.
- 3) No bonds or financial assurances as provided for in Section 204(d)(3)(C) of the Magnuson-Stevens Act are necessary at this time.
- 4) No owner or operator of a vessel of the United States having adequate capacity to perform the transportation for which the application was submitted has indicated an interest in performing the transportation.

Accordingly, I have approved the application. Enclosed is a permit issued under Section 204(d) of the Magnuson-Stevens Act for the THOR and the XCARET. This permit governs fishing by the named vessels in calendar year 2004. It includes the initial permit conditions and restrictions. Additional conditions and restrictions may be issued, if appropriate.

Copies of the approved permit are being provided to the Southwest Regional Administrator of the National Marine Fisheries Service, the U.S. Coast Guard, the Pacific Fishery Management Council, and the Department of State.

Sincerely,

  
for William T. Hogarth, Ph.D.

Enclosure



MX-001

UNITED STATES OF AMERICA  
DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

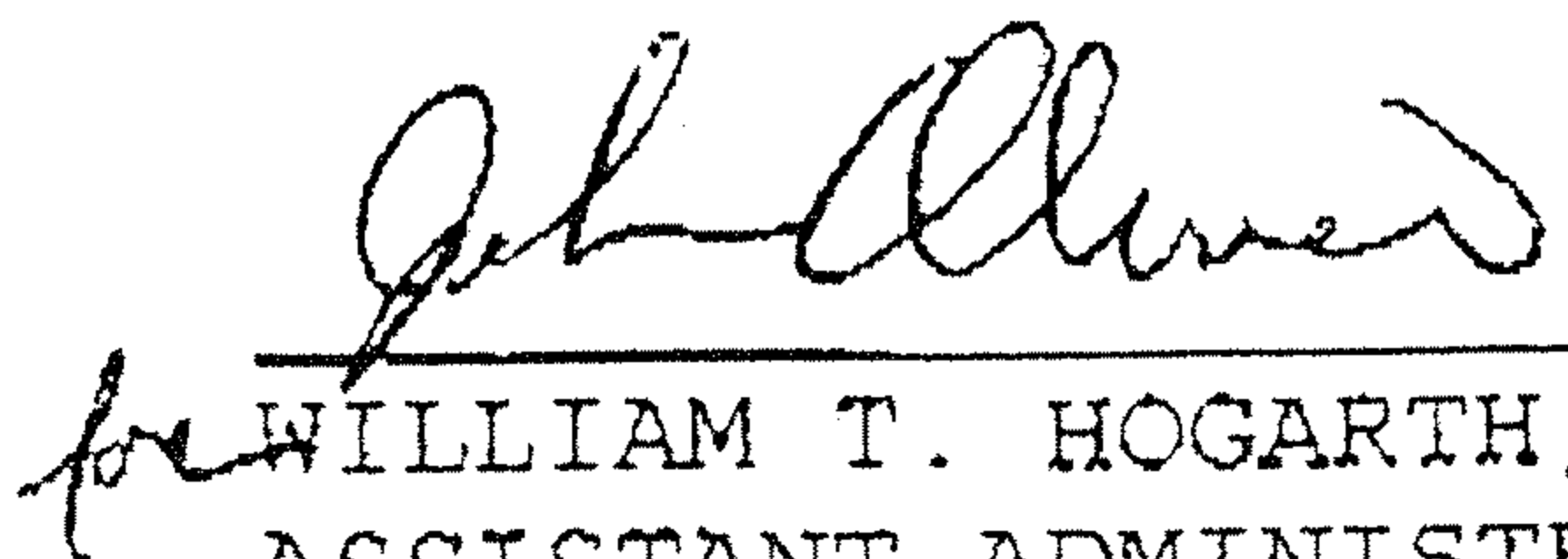
FOREIGN FISHING VESSEL PERMIT  
FOR CALENDAR YEAR 2004

VESSEL NUMBER	NAME OF VESSEL	CALL SIGN	ACTIVITY
MX-04-0006	THOR	XCCH6	10
MX-04-0007	XCARET	XCDJ7	10

ACTIVITY : 10 -- TRANSSHIPPING [REFER TO 50 CFR 600.501(c)]

THE VESSELS IDENTIFIED ABOVE ARE SUBJECT TO THE ATTACHED CONDITIONS AND RESTRICTIONS AND TO ANY SUBSEQUENT CONDITIONS AND RESTRICTIONS WHICH MAY BE ISSUED AND MADE A PART OF THIS FOREIGN FISHING PERMIT.

FOR THE UNITED STATES OF AMERICA

  
\_\_\_\_\_  
WILLIAM T. HOGARTH, Ph.D.  
ASSISTANT ADMINISTRATOR  
FOR FISHERIES

6/30/04  
DATE

AUTHORIZATION NO. MX-001

ATTACHMENT FOR MX-001

## UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATIONFOREIGN FISHING VESSEL PERMIT  
AUTHORIZED ACTIVITIES AND  
CONDITIONS AND RESTRICTIONS

## AUTHORIZED ACTIVITIES ARE AS FOLLOWS:

The named vessels are authorized to transship, within the area of the U.S. Exclusive Economic Zone south of 38° N. lat., live tuna for the purpose of transporting the tuna alive in a fish cage to the Mexican Exclusive Economic Zone.

## CONDITIONS AND RESTRICTIONS ARE AS FOLLOWS:

In addition to the conditions and restrictions established by Section 204(b) (7) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) (16 U.S.C. 1801 et seq.), the named vessels are subject to the following conditions and restrictions:

Fishing must be conducted in accordance with the provisions of Section 204(d) of the MSFCMA, applicable Federal and State regulations, and any additional conditions and restrictions which may be issued and made a part of this permit. Any area closed to fishing by U.S. vessels being supported by the named vessels is also closed to the named vessels.

This permit is valid from the date of signature for calendar year 2004 unless otherwise limited in this permit or subsequent conditions and restrictions issued and made a part of this permit. Subsequent conditions and restrictions, if any, are valid on the date issued. This permit may be amended, suspended, canceled or revoked under provisions of 15 CFR Part 904.

Vessels authorized under this permit may engage in approved fishing activities only after:

(1) the permitted vessel has received notification of activities authorized under this permit, and of all additional conditions and restrictions pertaining to this permit and

(2) a copy of this permit is on board and readily available to an authorized officer or observer upon request.

The owners and operators of the vessels authorized under this permit must ensure that fish used to feed the caged tuna are

disease-free and caught from the area where the tuna were caught.

In lieu of a transshipment point and other particulars being specified in the permit application for the named vessels, this permit is issued contingent upon the owner or operators of the named vessels providing information satisfactory to the Southwest Regional Administrator, National Marine Fisheries Service (Regional Administrator), and to District Eleven of the U.S. Coast Guard (USCG), specifying the quantities of tuna transported from U.S. waters by the named vessels, and such other information as the Regional Administrator and USCG may deem necessary. Failure by the owner or operators of the named vessels to submit complete and accurate information to the satisfaction of the Regional Administrator and USCG may result in cancellation of the permit. The manner and schedule for reporting such information is set as follows by the Regional Administrator and USCG:

The owners and/or operators of the named vessels must report for each transshipment the following information on a weekly basis by the Tuesday following the week in which transshipments occurred:

- a) Date of transshipment;
- b) U.S. catcher vessel name and hull number;
- c) Tuna species transshipped;
- d) Volume of tuna transshipped in metric tons (mt);
- e) Value of tuna transshipped in U.S. dollars per mt;
- f) Transshipment point specified as latitude and longitude;
- g) Name and address of company to which transshipped tuna is to be delivered.

The above information must be submitted by U.S. mail, electronic mail or fax to Trisha Culver at the following address:

National Marine Fisheries Service  
Southwest Regional Office  
P.O. Box 32469  
Long Beach, CA 90832-2469  
E-mail: [Trisha.Culver@noaa.gov](mailto:Trisha.Culver@noaa.gov)  
Fax: (562) 980-4047

The owners and/or operators of the named vessels must report as follows to Coast Guard Activities, San Diego, CA, either via VHF-FM Channel 16 or via telephone to (619) 683-6470:

- a) Prior to entering U.S. waters, but no earlier than 4 hours before entry, report time and place of entry and expected time and place of departure from U.S. waters;
- b) If delayed within U.S. waters for more than 24 hours past the estimated time of departure, report current position and new estimated departure time;
- c) If contacted by the USCG.