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Proceedings of the charter boat management workshop held as part of the first National Fisheries Manager Conference Terrigal NSW 21 September 1993

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Fisheries management report

Proceedings of the
charter boat
management workshop

held as part of the first
National Fisheries Manager Conference
Terrigal NSW 21 September 1993

by

A E Magee
Qld Fisheries Management Authority
PO Box 344 Fortitude Valley QLD 4066
&
F B Prokop
WA Fisheries Department

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FOREWORD

The First National Fisheries Managers Conference provided a unique opportunity for Fisheries Managers from around Australia to discuss issues which are relevant in each state and the Commonwealth.

The vast distances in Australia and the workloads of managers means that in many instances, communication is not at the level or frequency that many issues require. As a consequence, many states faced with similar management situations are duplicating processes, strategies, solutions and all too often, mistakes.

Charter boat management was chosen as a workshop topic as it is increasing in prominence and profile in every state/territory.

Charter boat management is extremely complex, encompassing elements of traditional commercial fisheries management, recreational fisheries management, conflict between and within these two sectors, resource allocation, inter-jurisdictional issues between states, and the states and Commonwealth and property rights.

There have been a number of developments around the country which would benefit other fisheries management authorities. The Northern Territory is now licensing charter boats, Queensland has announced significant changes to its reef fishery and Western Australia has prepared a draft management plan subject to changes being made to the Fisheries Act to allow changes to be made law.

The Charter Boat Management Workshop provided the opportunity for an exchange of ideas and management strategies from around Australia. Perhaps the most disappointing aspect of the workshop was the lack of a Commonwealth representative, particularly given the Commonwealth interest in charter boat management.

The discussion at the workshop was extremely positive and a number of recommendations are detailed in these proceedings.

However, it is clear that there are significant differences in approach and philosophy between the various fisheries management agencies. This workshop was not about trying to come up with a magic formula for the management of charter boats in Australia, rather it was to identify problems and possible solutions. The collective wisdom and experience that was present meant that options could be explored in a way that has not been possible in each state.

As Chairman of the Charter Boat Workshop, I hope that at least some of the ideas and outcomes will be incorporated into management plans in the various states. In addition, I hope that the communication that was a feature of the workshop will continue and that participants of the workshop keep in touch so that we can learn from the successful and not so successful strategies which are adopted in the future.

I would especially like to thank Annette Magee from the Queensland Fish Management Authority for acting as rapporteur and minutes secretary, with good cheer at short notice.



Frank Prokop
WA FISHERIES DEPARTMENT

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1. Current charter boat management arrangements in Australia

Each state/territory was asked to give a precis of current or proposed future management for charter boats under their jurisdiction.

Queensland:

- * No licence required, only survey under Harbours and Marine and safety compliance.
- * Reef Line Fishery Review implemented changes for management of reef species from 1 July 1993 (bag limits, minimum and maximum sizes).
- * Representation from the Charter Vessel Association of Queensland resulted in the accommodation for charter vessels by registration in logbook program (for \$150) which, if completed on a daily basis, exempts clients from bag limits for reef species only.
- * Of over 200 charter vessels reported to be operating in Queensland (actual figure unknown), 115 are registered in the logbook program.
- * 5 are known to be dual licensed (ie. registered charter vessel and primary commercial fishing vessel).
- * Extrapolation of current data indicates that 200 vessels may be taking up to 500 tonnes per year of reef species.
- * It is an offence to provide misleading information in a logbook.
- * Product cannot be sold from a vessel unless it has a Primary Commercial Fishing Vessel Licence and the operator is a Master Fisherman.
- * The discussion paper on Queensland Fisheries Policy and Legislation (as a result of the recent State Government Inquiry into recreational fishing) will be committing the state government to:
 - a) "monitor and control the impact of commercialised activities eg. charter boats";
 - b) "require statistical information on catch and effort from charter fishing operations"; and
 - c) "charter fishing vessels be levied an annual fee with respect to vessel dimension".
- * The Charter Vessel Association actively advocates the licensing of charter vessels with the logbook as a requirement of such a licence.
- * RREEFMAC (Reef Fishery Management Advisory Committee) also supported an active involvement in the management of charter vessels.
- * The Reef Line Fishery management measures are due for appraisal on 30 June 1994.
- * There is a compulsory logbook and a fee of \$1 per head for all charter (including non-fishing) in the Great Barrier Reef Marine Park.

Northern Territory:

- * No-cost licensing arrangement with daily logbook (NB. this log indicates relative skill levels of individual fishers). See Appendix 3 - Northern Territory daily log sheet.
- * Bag limits are still observed on managed species (currently Mud Crabs, Barramundi, Spanish Mackerel).
- * If commercial vessel is chartering it must remove all commercial gear, empty its hold and report its proposed activity for the day. Must advise that it is going commercial fishing before returning commercial gear to the vessel.
- * No permitted sale of charter catch.
- * Small-scale Barramundi charters are also licensed.

Tasmania:

- * There are about 12 dual licensed commercial/charter operators.
- * About 20 licensed vessels (via survey) operate as fishing charter vessels, no licence is required from Sea Fisheries Division to take fish under charter operation.
- * Only licensed fisherman may sell fish.
- * Mostly tuna fishing, some line fishing for scale fish.
- * Future options (tuna) see attached document.
- * Possession limits apply to recreational fishers for crayfish and abalone.

New South Wales:

- * 100's under survey for dive and fishing charters.
- * Dual licensing a problem (unknown figures).
- * Block licensing of crew a source of conflict especially with respect to tuna.
- * Centralised marketing system is an advantage in that charter operators cannot legally "sell back" their catch to clients, thereby staying as a commercial vessel to circumvent bag limits.

South Australia:

It is proposed that a system be introduced such that:

- * A licence be introduced under the Fisheries Act 1982 for charter boat operators, such that vessels registered on the licence could be used to take paying customers, and the customers on that trip would be exempted from that boat limits for species of fish for which bag/boat limits apply (ie, an individual bag limit would apply to customers formally registered for the trip, not including crew).

- * Persons wishing to engage in charter operations need to take out a charter boat licence provided they comply with existing bag and boat limits (ie. operators would select whether they wish to seek exemption from the boat limit, and if so would pay the appropriate fee).
- * Charter boat operators would be restricted to a trip limit, equal to the bag limit for relevant species for the number of customers on board during the trip, (whilst this may discriminate against extended trips covering more than one day, provisions would exist for fish taken to be consumed on board during the trip but not to be in possession either during or on completion of the trip, of more than the individual bag limit for each species).
- * Persons wishing to make use of the exemption provided under a charter boat licence would be required to pay a fee (to be determined).
- * It would be an offence to sell fish taken by a registered charter boat.
- * The fee charged would need to be sufficient to discourage non-charter boat operators (particularly people seeking to use the exemption to facilitate larger catches for illegal sale) from applying for licences and should be on a sliding scale in line with the capacity to carry paying clients.
- * Children under the age of five years would not qualify for a separate bag limit for the purpose of charter boat trips.
- * Any fish held in possession on completion of a charter boat trip would be considered to be part of the catch (ie. would not be a defence that the fish had been on board before the commencement of the trip).
- * The licensed charter boat operator would be held responsible for any fish taken in excess of the permitted quantity.
- * The licensed charter boat operator would be required to complete a statistical return on the completion of each trip detailing fish taken during the trip, and forward it to the Director of Fisheries.
- * As an added measure to prevent this provision from being utilised as a loophole to avoid recreational boat limits, charter boat licences would not be issued for vessels less than 10 metres in overall length.

Western Australia:

The current licence conditions for Charter Boat Fishing Activity on licensed fishing boats are listed as an attachment to WA Fisheries Management Paper No. 35:

- (i) the boat is surveyed, equipped and named as required by the limited coast-trade vessels regulations made under the provisions of the Western Australian Marine Act 1948.
- (ii) the boat does not carry more than the number of persons specified on the licence issued under the Western Australian Marine Act 1948.
- (iii) all fish caught in excess of the requirements of the passengers chartering the vessel shall not be sold unless they are sold in the name of the owner or the person in charge or licensed to use the boat to catch fish for sale.

- (iv) a return of all fish caught during each month shall be forwarded to the Director of Fisheries not later than the fifteenth day of each succeeding month by the person in charge.
- (v) a return of fish sold during each month shall be forwarded to the Director of Fisheries not later than the fifteenth day of each succeeding month by the person in charge.
- (vi) the person in charge keeps a record of the number of persons carried for each day of the month for the purpose of taking fish, and such a record be forwarded to the Director of Fisheries not later than the fifteenth day of each succeeding month.
- (vii) each member of the crew (not including passengers) hold a professional fisherman's licence.
- * All crew for commercial vessels are required to hold a professional fisherman's licence (PFL). This requirement helps to prevent the use of charter boats to provide unpaid crew. There is a proposal within the Fisheries Department to abolish the PFL which would have consequences for charter boat management.
- * Charter boats have been asked to supply catch returns, but to date, compliance with this request has been variable.
- * For those boats that act as recreational charter vessels only, they are required to hold a marine and harbours survey to carry passengers. Recreational fishing rules apply to these vessels.
- * Charter vessels in the Exmouth/Ningaloo Marine Park area have been granted an allowance to fillet their catch at sea (which does not apply to recreational anglers) for a 12 month trial.
- * Charter activity has increased substantially in the north of the state. There is some concern that charter boats are given access to areas where commercial line fishing is prohibited and can have an impact on residential reef species.
- * Many charter boats are multi-functional, also taking non-consumptive dive charters and whale or whale shark watching tours. Charter operators claim that they need to be flexible to remain financially viable.
- * The Department of Conservation and Land Management (CALM), the conservation agency responsible for Marine Park management is looking to licence charter operations, including fishing charters in marine parks.
- * The Fisheries Act is currently being rewritten. The new Act will allow for more effective control and management of charter vessels which can also act as commercial vessels or only as recreational charters. Conditions and controls including prohibiting any sale of fish while acting as a charter vessel as well as licensing all charter operations are expected to be possible under the new Act.

GENERAL

General concern of all states was the actual AND potential impact of charter fishing on the resource and the inability to measure such impacts

The perceived problem with dual licensing was unregulated effort and the ability to circumvent management controls.

2. Why manage charter vessels?

- * Commonwealth claims that charter vessels should be managed as they have the "capacity to pay" - ie an access fee.
- * They impact on the resource.
- * Issues for management:
 - a) catch data for charter vessels can give an indication of recreational catch and effort
 - b) claiming to be a charter vessel can lead to an exemption from commercial management eg. access to closed waters, circumvention of species quotas.
 - c) catch control for charter boats where poor anglers can frequently take good catches - over exploitation, equity
 - d) zoning for biological and economic reasons
 - e) compliance

3. Are charter vessels commercial or recreational?

- * It is generally agreed that they are a platform for recreational fishing.
- * They are not acknowledged as a Primary Industry, and therefore should gain no tax exemptions.
- * If they are recreational vessels, then bag limits should apply to:
 - a) ensure equitable access to the resource; and
 - b) prevent over exploitation.

4. Types of charter vessels

Commercial vessels part-time:

- * reef fish
- * game fish
- * high value species (eg. lobster, barramundi, mud crab)
- * non-consumptive (was not considered to be a fisheries management agency responsibility)

Recreational only:

- * reef fish
- * game fish
- * high value species
 - extensive (eg. with tenders)
 - intensive (eg. guides)
- * non-exploitive

It was noted that recreation fishers were paying for higher catch expectation on charter vessels. But - are there sufficient reasons to manage charter vessels?

5. Dual licensing (charters that are also licensed fishing vessels)

If charter vessels are deemed to be "recreational", then should dual licensing be refused?

Or - is it a commercial fisher's right to choose whether he undertakes charters when not fishing commercially?

Is the potential for over exploitation of the resource (particularly reef species) enough reason to prevent dual licensing arrangements?

Problems with commercial boats:

- * obligation to commercial operators to grant them access to the resource (which is also the recreational resource) ie. setting or controlling entry.
- * compliance
- * ethics
- * selling of excess fish
- * only Northern Territory and Queensland have limited number of line fishery endorsements, therefore number of boats that can easily move from commercial to charter operations is high
- * need reactive management on numbers of charter vessels with access based on logbook information for improved management
- * licence should probably be required
- * control fishing effort in sensitive areas by zoning or tendering for access
- * charter captain's expert fishermen can lift catch rates and exploitation of poor fishermen (also applies to recreational only charters)

Therefore management agencies should examine:

- * need to limit the number of commercial line fishing endorsements
- * and find a means of identifying commercial versus recreational activities

This may involve a formal arrangement whereby the operator identifies his fishing activities by logbook or reporting arrangements. Note the importance of penalties for non-compliance.

Need to determine on a state-by-state basis whether dual licensing IS a problem THEN make a management decision whether or not to make the activities mutually exclusive. THEN a mechanism is required to identify the separate activities.

We need to prevent commercial operators using charter operations to circumvent management arrangements. This may mean that boats can only operate as commercial OR recreational vessels either by season or full time.

6. Management of recreational only charter vessels

Advantages of Licensing:

- * catch data - licence as tool for gathering MORE INFORMATION
- * quantify number of boats
- * penalty for non-compliance
- * conditions can be stipulated
- * access is a privilege (as opposed to a right)
- * cost recovery (licence fee to cover cost of administration)

Disadvantages of Licensing:

- * setting entry criteria
- * results in a paper trail and cost of administration
- * enforcement
 - compliance regarding catch data etc.
 - costs

7. Non-consumptive charters (eg. whale watching, scuba diving with no fishing)

It was generally agreed that this was not an issue from a fisheries management viewpoint, however was of some importance with respect to policy development and especially to marine reserves and cost recovery.

8. Management of guides and small-scale charter operators

These operators target high value species. The potential for increased resource exploitation was not considered to be a problem (especially in freshwater) YET....

9. Commonwealth jurisdiction

It was agreed that charter operations should be managed at the state level as compliance is enforced at point of landing and current management is state based. However, it was also agreed that there should be some consistencies between states. However, more information was necessary on recreational and charter catches to negotiate agreements with the Commonwealth.

Negotiation with the Commonwealth was also necessary with respect to the level of recreational catch on quota species.

10. Development of agreed strategies

- * Charter vessels are basically a recreational fishing platform
- * There are legitimate reasons for managing charter vessels at state level

Each management agency should consider the application of these strategies:

- * Identify mechanisms for controlling commercial vessels switching to charter operations for own needs
- * Reactive management - requires logbook data
- * Logbooks are outcome of instigating formal arrangement for charter vessels with appropriate penalties for non-compliance
- * Need to be aware of commercial/charter vessels with respect to them accessing closed waters and finding exemptions to commercial arrangements
- * Non-consumptive users are not a fisheries concern until they take or attempt to take fish
- * Examine payment for exemptions to recreational arrangements eg. higher bag limits
- * Management is mainly state's territory role
- * NO SALE of caught fish by charter vessels
- * Freshwater charters/guides not considered to be a problem at present

11. Identification of future needs

- * codes of practice can be developed - but not enforceable
- * long term education of charter captains and their clients

Management/Information Needs:

- * catch effort species data- how much, caught by whom
 - increasing emphasis on logbooks plus validation (independent if possible)
- * economic analysis

Management: See Section 10

Compliance:

- * identify fleet and its characteristics
- * cross reference vessels and effort between states
- * make sure they are identified as a recreational fishing platform
- * programmed compliance as required

Future Co-operation and/or Education:

- * information to charter operators for distribution to clients on management measures, bag limits etc.
- * involve industry in consultation
- * education - logbooks as a priority for improved basis for future management.

APPENDIX I

**ATTENDEES OF THE CHARTER BOAT
MANAGEMENT WORKSHOP**

Frank Prokop	WA Fisheries (Chairman)
Phil Bruce	WA Fisheries
Annette Magee	Qld Fish Management Authority (Rapporteur)
John Glaister	Qld Fisheries
Rosemary Lea	NT Fisheries
John Diplock	NSW Fisheries
Peter Lynch	NSW Fisheries
John Smith	Tas Fisheries
Douglas Nicol	Tas Fisheries

APPENDIX II

AGENDA - CHARTER BOAT WORKSHOP

FIRST NATIONAL FISHERIES MANAGER'S CONFERENCE

21 September 1993 - Terrigal NSW

Chairman - Frank Prokop WA Fisheries

Commencing 9.00am

It is proposed to run this workshop as a discussion group with only a loose agenda.

Discussion points.

1. Precis of current charter boat management by the States, Territories and Commonwealth.
2. Management of Charter Boats that are also licensed commercial fishing boats.
 - i Licensing arrangements
 - ii Possession or boat limits
 - iii Notification of intent to fish as charter vessel
 - iv Application of limited entry controls for charter boats
 - v Obligation to complete catch returns for recreational charters
 - vi Access to areas which are closed to commercial fishermen
 - vii Role of an potential conflict with conservation authorities eg. GBRMPA, National Parks, ANCA.
 - viii Control of crew and informal arrangements if Charter vessel is declared to be fishing commercially, but may be suspected of taking fees for fishing.
3. Management of Recreational only Charter Boats
 - i Should these boats be treated differently for i - vii above.
4. Management of non-consumptive charters such as scuba diving charters, sight seeing in Marine protected areas and operations such as whale shark watching.
 - i Definition of Fisheries role

APPENDIX II (CONTINUED)

5. Management of guides and small scale charter operators (eg. working out of a punt).
 - i Should they be considered the same as other charter operators in 2 and 3 above.
 - ii Catch return obligations.
 - iii Boat or possession limits
 - iv Difference, if any, between fresh and salt water operations.
6. Commonwealth jurisdiction
 - i Fishing in Commonwealth waters eg. game fishing
 - ii Targetting species managed at Commonwealth level
 - iii Species managed jointly by the Commonwealth and States/Territories
7. Development of Agreed Strategies
8. Identification of future needs
 - i Research
 - ii Management
 - iii Compliance
 - iv Future cooperation between States/Territories and Commonwealth

APPENDIX III

TO THE LICENSEE

Attached is the first logbook for Northern Territory Fishing Tour Operators. Considerable thought and consultation with operators has gone into its preparation in order to make it as quick and easy to fill out as possible and the daily log forms in this booklet request the minimum information necessary.

The information on the returns is used by the Fisheries Division to assist in making decisions about fisheries management and to meet its responsibilities under the Act. The accuracy of the data is, therefore, very important. "NIL" catch records are as important as those listing catches when making management decisions. If no fishing activity takes place in a given month a "NIL" return must still be lodged. To indicate a "NIL" return, please write "NIL" across the page.

Decisions taken concerning the management of our fisheries are based on information supplied on fishermen's returns. To assist management in making these decisions the return forms have been designed to provide an accurate picture of your fishing activity. If you submit inaccurate returns, the management decisions based on this information could be wrong and this may in turn have an adverse impact on your future livelihood. It is, therefore in your own interest that you complete your returns accurately and submit them on time.

We are obliged to point out that the Northern Territory Fisheries Act requires that the holder of a Fishing Tour Operators licence submit, catch returns for each day in which they undertook fishing activity to the Director of Fisheries, Returns must be submitted within 28 days from the end of each month.

Please be advised that:

- a) Returns must be filled out as completely and accurately as possible, sufficient to satisfy the Director of Fisheries.
- b) Each daily log sheet refer to a day of actual fishing activity. If areas in more than one grid are fished in a single day, or a party exceeds six persons, subsequent dated daily log sheets must be filled out accordingly.
- c) If no catch takes place on a day spent fishing, you must tick the box marked NIL CATCH and complete all remaining details.
- d) If you believe your returns may be late in reaching the Fisheries Division it is your responsibility to notify the Returns Officer with details of when the returns can be expected to arrive.
- e) All correspondence related to your licence and returns will be directed to the address on your licence application, unless the Division is notified of any change of address.
- f) If licence return conditions are not met prosecution may result.

APPENDIX III (CONTINUED)

g) Returns are to be lodged with the:

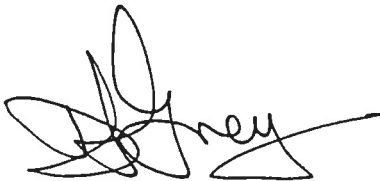
Director of Fisheries
Department of Primary Industry and Fisheries
GPO Box 990
DARWIN NT 0801
ATTENTION: Returns Officer

or deposited in the "returns" box located at the main desk of Fisheries Licensing Section, Harbour View Plaza, corner of McMinn and Bennett Streets, Darwin.

Business Reply Postage envelopes have been provided for your convenience. No postage stamps are required for these envelopes, if they are posted in Australia.

Any further information on completion of returns can be obtained from the RECREATIONAL FISHING OFFICER, telephone (089) 89 4395.

Your co-operation in this matter is greatly appreciated.

A handwritten signature in black ink, appearing to read 'D. Grey', with a long horizontal stroke extending to the right.

Darryl Grey
Director-Fisheries

APPENDIX III (CONTINUED) Northern Territory - Fishing Tour Operator Daily Log Book

IN CONFIDENCE

FISHING TOUR OPERATOR - DAILY LOG®



DATE ▶ LIC. No# ▶ D 2 GRID No. ▶ FISHED FROM ▶ Boat ☐
(✓ any) Shore ☐
SPECIFIC AREA FISHED (name of reef, bay, river etc) ▶

PERSON DETAILS (all anglers, including yourself)

PERSON NO.	①	②	③	④	⑤	⑥
ORIGIN ▶ Home State (Aust.) Country (O'seas)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
FISHING SKILL ▶ Expert Average Beginner	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

TARGETING AND HOURS FISHED * if more than one type of fishing was conducted complete separate sheets

Barramundi	Game Fishing	Reef Fishing	Other line Fishing	Crabbing	Other ▶ <input type="text"/>
Methods (✓ any) Trolling <input type="checkbox"/> Casting <input type="checkbox"/> Bait <input type="checkbox"/>	Methods (✓ any) Trolling <input type="checkbox"/> Casting <input type="checkbox"/> Bait <input type="checkbox"/>	Methods (✓ any) Trolling <input type="checkbox"/> Casting <input type="checkbox"/> Bait <input type="checkbox"/>	Methods (✓ any) Trolling <input type="checkbox"/> Casting <input type="checkbox"/> Bait <input type="checkbox"/>	Methods (✓ any) Pots / Dillies <input type="checkbox"/> Other <input type="checkbox"/>	Methods (please write in) <input type="text"/>
(calculation space)	(calculation space)	(calculation space)	(calculation space)	(calculation space)	(calculation space)
Total Line Hours ▶ <input type="text"/>	Total Line Hours ▶ <input type="text"/>	Total Line Hours ▶ <input type="text"/>	Total Line Hours ▶ <input type="text"/>	Total Pot Hours ▶ <input type="text"/>	Total Hours ▶ <input type="text"/>

CATCH DETAILS (or tick here if NIL CATCH) ☐

Species	No. Caught Kept Rel.	Species	No. Caught Kept Rel.	Species	No. Caught Kept Rel.	Other Species (please write in)	No. Caught Kept Rel.
Barramundi	<input type="text"/>	Mangrove Jack	<input type="text"/>	Sooty Grunter	<input type="text"/>		<input type="text"/>
Bream	<input type="text"/>	Moonfish	<input type="text"/>	Snapper (Golden)	<input type="text"/>		<input type="text"/>
Catfish (fork-tailed)	<input type="text"/>	Mullet	<input type="text"/>	Snapper (Saddle-T)	<input type="text"/>		<input type="text"/>
Cobia	<input type="text"/>	Mud Crab	<input type="text"/>	Snapper (Tricky)	<input type="text"/>		<input type="text"/>
Cod (all types)	<input type="text"/>	Queenfish	<input type="text"/>	Stripey	<input type="text"/>		<input type="text"/>
Coral Trout	<input type="text"/>	Emperor (Red)	<input type="text"/>	Sweetlip	<input type="text"/>		<input type="text"/>
Javelin fish	<input type="text"/>	Salmon (Blue)	<input type="text"/>	Tarpon	<input type="text"/>		<input type="text"/>
Jewfish	<input type="text"/>	Salmon (Threadfin)	<input type="text"/>	Trevally	<input type="text"/>		<input type="text"/>
Mackerel (Spanish)	<input type="text"/>	Saratoga	<input type="text"/>	Tuna	<input type="text"/>		<input type="text"/>
Mackerel (Other)	<input type="text"/>	Shark/All	<input type="text"/>	Tusk/Parrotfish	<input type="text"/>		<input type="text"/>

Comments/Notes

I certify that the information provided here is true and complete.

Signed: