

Subsistence License Exemption Document Requirements

1. **Introduction.** After reviewing comments from the Parties, the Claims Administrator has adopted the rules and criteria set out in this Alert for the verification of claimed license exemptions in the Subsistence Program.
2. **Current Process.** Each Gulf State permits different exemptions from the recreational fishing license requirement. Currently, if a claimant alleges an exemption that is not permitted in his or her alleged fishing or hunting location(s), the Settlement Program will not accept the claimant's exemption documents and will require valid license(s) or explanation(s) of one or more valid exemptions. The Settlement Program will continue to accept these documents as valid proof of licensure exemptions without requiring additional proof:
 - a. **Bycatch:**¹ Commercial Fishermen may harvest certain species as bycatch of their regular commercial harvests. The Settlement Program requires Commercial Fishermen to submit their Commercial Fishing licenses and letters from the claimants or their attorneys to verify their bycatch exemptions.
 - b. **Alternative Gear Use:** Some claimants harvest certain species by use of alternative gear (excluding cane poles) that does not require species-specific or gear licensure. The Settlement Program requires claimants who possess basic Recreational Fishing Licenses to submit their Recreational Fishing Licenses and letters from the claimants or their attorneys to verify alternative gear exemptions.
 - c. **Deckhands:** The Settlement Program requires deckhands to submit Third Party Sworn Written Statements from their captains to verify withheld landings or harvests from deckhand activities.
3. **Exemption Proof Policy.** All claimants who allege fishing and hunting license exemptions must continue to submit letter(s) or Sworn Written Statements to explain their exemptions and the jurisdictions from which they are exempt. However, going forward, the Settlement Program will require additional documents to verify other fishing and hunting license exemption types. These exemption types include: age, disability, public fishing pier, cane pole fishing, fishing/hunting on private property and food stamps/public assistance. The Settlement Program may exercise its discretion to accept these and/or other reasonable documents that are not identified in this Policy to verify a claimant's exemption from fishing and hunting license requirements:
 - a. **Age:** A claimant who alleges to be exempt from licensure because of his or her age must submit:
 - (1) A government-issued identification card that displays his or her date of birth; and/or

¹ Bycatch is the retained incidental catch a Commercial Fisherman harvested during the course of his or her Commercial Fishing activities.

- (2) A passport; and/or
- (3) A birth certificate.

b. Disability: A claimant who alleges to be exempt from licensure because he or she has/had disabilities must submit a pre-Spill certification of disability from a government agency or a physician. This certification includes:

- (1) Letter from the Social Security Administration that states that the claimant is 100% totally disabled; and/or
- (2) Letter from the Veterans Administration that states that the claimant has a 100% service-connected disability; and/or
- (3) Letter from the Railroad Retirement Board that states that the claimant is 100% disabled; and/or
- (4) Letter from a physician on a letterhead that certifies that the claimant is legally blind, paraplegic or a multiple amputee.

c. Public Fishing Pier: A claimant who alleges to be exempt from licensure because he or she fished from a Public Fishing Pier must submit:

- (1) One or more receipts for the purchase of a pass to access the Public Fishing Pier. The receipt(s) must display pre-Spill dates of purchase and clearly identify the name or location of the pier; and/or
- (2) One or more receipts for the purchase of bait for use at a Public Fishing Pier. The Settlement Program will only accept receipts for the purchase of bait within ten miles of the Public Fishing Pier. The receipts must display the locations and pre-Spill dates of purchase; and/or
- (3) A letter or Sworn Written Statement from the pier owner or pier manager of the claimant's fishing pier location that explains: (1) the location of the pier; (2) the frequency in which the claimant fished from the pier before the Spill; and (3) the species the claimant harvested from the pier; and/or
- (4) A letter or Sworn Written Statement from a third-party witness to the claimant's fishing activity at a Public Fishing Pier, who is not a family member or personal friend of the claimant (a "Disinterested Witness"). The letter or Sworn Written Statement must explain: (1) the location of the pier; (2) the frequency in which the claimant fished from the pier before the Spill; (3) the species the claimant harvested from the pier; and (4) the name, address, and phone number of the Disinterested Witness; and/or

- (5) One or more receipts for the purchase of items for fishing use at a Public Fishing Pier. The receipt(s) must display pre-Spill dates of purchase and clearly identify the name or location of the pier.

The Settlement Program shall require a claimant to complete an interview with a member of the Field Visit Team if: (1) the claimant alleges to be exempt from licensure because he or she fishes from a public fishing pier; and (2) the claimant cannot provide any proof described in this section.

- d. Cane Pole Fishing:** A claimant who alleges to be exempt from licensure because he or she used a cane pole to fish must submit one or more receipts from an identifiable business for the purchase of a cane pole. The receipts must display pre-Spill dates of purchase.

The Settlement Program shall require a claimant to complete an interview with a member of the Field Visit Team if: (1) the claimant alleges to be exempt from licensure because he or she fishes with a cane pole; and (2) the claimant cannot provide a pre-Spill receipt from an identifiable business for the purchase of a cane pole.

- e. Fishing or Hunting on Private Property:** A claimant who alleges to be exempt from licensure because the claimant fished or hunted on his or her own property or fished or hunted on another landowner's property with the landowner's permission must submit:
 - (1) A deed, lease, bill or other document that identifies the claimant's ownership, leasehold or other property interest in the location of fishing or hunting activity before the Spill; and/or
 - (2) A letter or Sworn Written Statement from a landowner or authorized representative of the landowner that explains: (1) the landowner or authorized representative of the landowner permitted the claimant to harvest Seafood or Game on his or her property; (2) the claimant's harvest activity took place during an identifiable period before the Spill; and (3) the claimant's harvest activity would have been permitted after April 20, 2010. The letter or Sworn Written Statement must also identify: (1) the property address; (2) the frequency in which the claimant harvested Seafood or Game from the property before the Spill; and (3) the species the claimant harvested from the property; and/or
 - (3) A letter or Sworn Written Statement from a Disinterested Witness to the claimant's fishing or hunting activity on private property that explains: (1) the landowner or authorized representative of the landowner permitted the claimant to harvest Seafood or Game on his or her property; (2) the claimant's harvest activity took place during an identifiable period before the Spill; and (3) the claimant's harvest activity would have been permitted after April 20, 2010. The letter or Sworn Written Statement must also identify: (1) the property address; (2) the frequency in which the claimant harvested Seafood or Game from the property before the Spill; and (3) the species the claimant

harvested from the property; and (4) the name, address, and phone number of the Disinterested Witness.

f. Food Stamps or Public Assistance: A claimant who alleges to be exempt from fishing or hunting licensure because of his or her reliance on food stamps or public assistance must submit:

- (1) A document or identification card from the government agency that addresses the claimant's public assistance reliance. The document must display a pre-Spill date or confirm that the claimant relied on public assistance before the Spill; and/or
- (2) A Sworn Written Statement from the claimant that explains: (1) that he or she is exempt from licensure because he or she draws food stamps, temporary cash assistance or Medicaid; and (2) that he or she fishes exclusively from the shoreline in his or her county of residence with a pole or line without a line retrieval mechanism.

4. Questions. If you have any questions regarding the information in this Alert, please email us at Questions@dhecc.com, call us at 1-800-353-1262, or visit a Claimant Assistance Center. Law firms should contact their Law Firm Contacts for assistance.