

ROFR and 'Cooling off' Provisions													
Updated: March 16, 2005													
Community of Origin	BSAI or GOA?	Is the community in a CDQ Group?	Is the community an ECC?	ADFG Port Code	NMFS Landing Location	Incorporation Type	Borough Name	Who must potential PQS holders in these communities notify by April 4, 2005? (680.40(f)(3)) -- Page 10280 of the Final Rule	Who designates the ECC Entity (ECCE) that must form by May 4, 2005 to exercise ROFR? (680.41(i)(2)) -- Page 10285 of the Final Rule	Who gets to exercise ROFR?	Who must a PQS/IPQ holder in these communities notify if it intends to transfer PQS/IPQ?	What is the geographic area that applies to ROFR for PQS/IPQ use?	What is the geographic area that applies during the "cooling off" period for PQS/IPQ use?
Adak (NO ROFR)	BSAI	N	Y	ADA	186	2nd Class City	None	N/A	N/A	None	N/A	City of Adak	City of Adak
Akutan	BSAI	Y	Y	AKU	101	2nd Class City	Aleutians East	APICDA	APICDA	ECCE for Akutan	ECCE for Akutan	City of Akutan	Aleutians East Borough
Dutch Hbr/Unalaska	BSAI	N	Y	DUT	119	1st Class City	None	City of Unalaska	City of Unalaska	ECCE for Unalaska	ECCE for Unalaska	City of Unalaska	City of Unalaska
False Pass	BSAI	Y	Y	FSP	125	2nd Class City	Aleutians East	APICDA	APICDA	ECCE for False Pass	ECCE for False Pass	City of False Pass	Aleutians East Borough
King Cove	GOA	N	Y	KCO	142	1st Class City	Aleutians East	City of King Cove & Aleutians E. Borough	City of King Cove & Aleutians E. Borough	ECCE for King Cove	ECCE for King Cove	City of King Cove	Aleutians East Borough
Kodiak	GOA	N	Y	KOD	146	Home Rule City	Kodiak Island	City of Kodiak & Kodiak Is. Borough	City of Kodiak & Kodiak Is. Borough	ECCE for Kodiak	ECCE for Kodiak	City of Kodiak	Kodiak Island Borough
Port Moller	BSAI	N	Y	MOL	317	None	Aleutians East	Aleutians East Borough	Aleutians East Borough	ECCE for Aleutians E. Borough	ECCE for Aleutians E. Borough	Port Moller	Aleutians East Borough
St. George	BSAI	Y	Y	STG	170	2nd Class City	None	APICDA	APICDA	ECCE for St. George	ECCE for St. George	City of St. George	City of St. George
St. Paul	BSAI	Y	Y	STP	172	2nd Class City	None	CBSFA	CBSFA	ECCE for St. Paul	ECCE for St. Paul	City of St. Paul	City of St. Paul
Alitak	GOA	N	N	ALI	103	None	N/A	City of Kodiak & Kodiak Is. Borough	N/A	ECCE for Kodiak	ECCE for Kodiak	Alitak	N/A
Anchorage	GOA	N	N	ANC	105	Unified Home Rule Muni.	N/A	City of Kodiak & Kodiak Is. Borough	N/A	ECCE for Kodiak	ECCE for Kodiak	City of Anchorage	N/A
Chignik	GOA	N	N	CHG	113	2nd Class City	N/A	City of Kodiak & Kodiak Is. Borough	N/A	ECCE for Kodiak	ECCE for Kodiak	City of Chignik	N/A
Cordova	GOA	N	N	COR	115	Home Rule City	N/A	City of Kodiak & Kodiak Is. Borough	N/A	ECCE for Kodiak	ECCE for Kodiak	City of Cordova	N/A
Homer	GOA	N	N	HOM	132	1st Class City	N/A	City of Kodiak & Kodiak Is. Borough	N/A	ECCE for Kodiak	ECCE for Kodiak	City of Homer	N/A
Juneau	GOA	N	N	JNU	136	Unified Home Rule Muni.	N/A	City of Kodiak & Kodiak Is. Borough	N/A	ECCE for Kodiak	ECCE for Kodiak	City of Juneau	N/A
Ninilchik	GOA	N	N	NIN	151	None	N/A	City of Kodiak & Kodiak Is. Borough	N/A	ECCE for Kodiak	ECCE for Kodiak	Ninilchik	N/A
Petersberg	GOA	N	N	PBG	156	Home Rule City	N/A	City of Kodiak & Kodiak Is. Borough	N/A	ECCE for Kodiak	ECCE for Kodiak	City of Petersberg	N/A
Seward	GOA	N	N	SEW	167	Home Rule City	N/A	City of Kodiak & Kodiak Is. Borough	N/A	ECCE for Kodiak	ECCE for Kodiak	City of Seward	N/A
Soldotna	GOA	N	N	SOL	318	1st Class City	N/A	City of Kodiak & Kodiak Is. Borough	N/A	ECCE for Kodiak	ECCE for Kodiak	City of Soldotna	N/A
Wasilla	GOA	N	N	WAS	322	2nd Class City	N/A	City of Kodiak & Kodiak Is. Borough	N/A	ECCE for Kodiak	ECCE for Kodiak	City of Wasilla	N/A
Any other community north of 56°20' N. latitude in the GOA	GOA	N	N	???	???	???	N/A	City of Kodiak & Kodiak Is. Borough	N/A	ECCE for Kodiak	ECCE for Kodiak	???	N/A
"Cooling off"	When does it apply?	What fisheries are covered?	Which communities are covered?	What are the limitations of PQS/IPQ use?		What is the geographic area that applies for "cooling off" for PQS/IPQ use?							
(680.42(b)(4)) -- Page 10286 of the Final Rule	Until July 1, 2007. After that, there is not a "cooling off" provision.	All of the fisheries except: Western Aleutian Islands golden and red king crab and Bering sea Tanner crab	All of the ECCs, including Adak	10% of the total IPQ in the fishery or 500,000 pounds of crab, whichever is LESS, can be used outside of an ECC during the cooling off period. Otherwise, all of the IPQ designated for an ECC must be used in the ECC. Special exemptions are made for "unavoidable circumstances" such as a fire that destroys a processing plant.		See the list above for each of the ECCs. For "cooling off" the geographic boundaries are the Borough if an ECC is in a Borough. Otherwise, the ECC boundary applies during the "cooling off" period.							
ROFR (Right of First Refusal)	When does it apply?	What fisheries are covered?	Which communities are covered?	What are the limitations of PQS/IPQ use by PQS/IPQ holders who are subject to ROFR?		What is the geographic area that applies for ROFR?							
Several citations throughout the Final Rule but key provisions are: 680.40(f)(3) -- Page 10280; 680.41(h)(2) -- Page 10284; and 680.41(i) -- Page 10287 of the Final Rule	See the Contract Provisions for ROFR on the web at: www.fakr.noaa.gov.	All of the fisheries except: Western Aleutian Islands golden and red king crab and Bering sea Tanner crab	All of the ECCs, except Adak.	The ROFR provisions that limit the use of PQS and IPQ are established by Statute. The Contract provisions are available on our website at www.fakr.noaa.gov		See the list above for each community subject to ROFR.							
ROFR applies to the transfer of PQS and IPQ originating from processing history earned in a community.													
If the City of Kodiak and the Kodiak Island Borough in the Gulf of Alaska (GOA) designate an ECCE, it will have the right to exercise ROFR on the transfer of PQS and IPQ from any community in the GOA north of 56°20' N. latitude.													