

January 7, 2009

Dear Fish Sellers and Fish Buyers:

Our records indicate that you are obligated either to pay or to collect the fee for repaying the \$35,662,471 reduction loan which financed 78% of the Pacific Coast groundfish fishing capacity reduction program.

We hope the questions and answers in this letter will help you better understand fee payment and collection. The letter is, however, a convenience and not a substitute for reading the final fee rule and fee notice.

(1) **WHEN DID THE FEE BEGIN?**

The fee began on September 8, 2005.

(2) **WHAT DOES THAT MEAN?**

It means that fish sellers must pay the fee and fish buyers must collect the fee for every pound of fee fish landed on September 8, 2005, and on every day thereafter until further notice.

(3) **WHAT IS FEE FISH?**

Fee fish are the fish whose landings are subject to payment and collection of the fee.

Fee fish are these species landed in these states:

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FEE FISH	LANDED IN THESE STATES		
	Washington	Oregon	California
Trawl harvested groundfish (except whiting catcher- processors)	Yes	Yes	Yes
Coastal Dungeness Crab	Yes	Yes	Yes
Pink Shrimp	Yes	Yes	Yes

**(4) ARE THERE ANY FEE FISH EXCEPTIONS?**

For coastal Dungeness crab and pink shrimp, there are no exceptions.

The fee must be paid and collected on every pound of Dungeness crab and pink shrimp landed in the states of Washington, Oregon, and California beginning on September 8, 2005, and on every day thereafter until further notice.

For groundfish, there are two exceptions:

1. Groundfish harvested by any gear other than trawl gear are not subject to the fee, and
  - (b) Groundfish harvested by whiting catcher-processor vessels are not subject to the fee.

With these two exceptions, the fee must be paid and collected on every pound of groundfish landed in the states of Washington, Oregon, and California beginning on September 8, 2005, and continuing on each day thereafter until further notice.

**(5) WHAT SPECIES DOES THE TERM "GROUND FISH" INCLUDE?**

It includes all these fish categories:

- (a) Sharks,
- (b) Skates,
- (c) Ratfish,
- (d) Morids,
- (e) Grenadiers,
- (f) Roundfish,
- (g) Rockfish,
- (h) All genera and species of the family Scorpaenidae, and
- (i) Flatfish.

Specifically, the term "groundfish" includes all these species:

- |                               |                           |
|-------------------------------|---------------------------|
| 1. Leopard shark              | 47. Longspine Thornyhead  |
| 2. Soupfin shark              | 48. Mexican rockfish      |
| 3. Spiny dogfish              | 49. Olive rockfish        |
| 4. Big skate                  | 50. Pacific ocean perch   |
| 5. California skate           | 51. Pinkrose rockfish     |
| 6. Longnose skate             | 52. Pink rockfish         |
| 7. Ratfish                    | 53. Pygmy rockfish        |
| 8. Finescale codling          | 54. Quillback rockfish    |
| 9. Pacific rattail            | 55. Redbanded rockfish    |
| 10. Cabezon                   | 56. Redstripe rockfish    |
| 11. Kelp greenling            | 57. Rosethorn rockfish    |
| 12. Lingcod                   | 58. Rosy rockfish         |
| 13. Pacific cod               | 59. Rougheye rockfish     |
| 14. Pacific whiting           | 60. Sharpchin rockfish    |
| 15. Sablefish                 | 61. Shortbelly rockfish   |
| 16. Aurora rockfish           | 62. Shortraker rockfish   |
| 17. Bank rockfish             | 63. Shortspine thornyhead |
| 18. Black rockfish            | 64. Silvergray rockfish   |
| 19. Black and yellow rockfish | 65. Speckled rockfish     |
| 20. Blackgill rockfish        | 66. Splitnose rockfish    |
| 21. Blue rockfish             | 67. Squarespot rockfish   |
| 22. Bocaccio                  | 68. Starry rockfish       |
| 23. Bronzespotted rockfish    | 69. Stripetail rockfish   |
| 24. Brown rockfish            | 70. Swordspine rockfish   |
| 25. Calico rockfish           | 71. Tiger rockfish        |
| 26. California scorpionfish   | 72. Treefish              |
| 27. Canary rockfish           | 73. Vermilion rockfish    |
| 28. Chameleon rockfish        | 74. Widow rockfish        |
| 29. Chilipepper               | 75. Yelloweye rockfish    |
| 30. China rockfish            | 76. Yellowmouth rockfish  |
| 31. Copper rockfish           | 77. Yellowtail rockfish   |
| 32. Cowcod                    | 78. All Scorpaenidae      |
| 33. Darkblotched rockfish     | 79. Arrowtooth flounder   |
| 34. Dusky rockfish            | 80. Butter sole           |
| 35. Dwarf-red                 | 81. Curlfin sole          |
| 36. Flag rockfish             | 82. Dover sole            |
| 37. Freckled                  | 83. English sole          |
| 38. Gopher rockfish           | 84. Flathead sole         |
| 39. Grass rockfish            | 85. Pacific sanddab       |
| 40. Greenblotched rockfish    | 86. Petrale sole          |
| 41. Greenspotted rockfish     | 87. Rex sole              |
| 42. Greenstriped rockfish     | 88. Rock sole             |
| 43. Halfbanded rockfish       | 89. Sand sole             |
| 44. Harlequin rockfish        | 90. Starry flounder       |
| 45. Honeycomb rockfish        |                           |
| 46. Kelp rockfish             |                           |

The list above is for your convenience. The term "groundfish" is, however, officially defined at 50 CFR 660.302 (as that section may from time to time be amended). Any discrepancy between the information in the answer to this question and in 50 CFR 660.302 will be resolved in favor of the latter. Fish sellers and fish buyers should, consequently, always be officially guided by the "groundfish" definition in 50 CFR 660.302. 50 CFR 660.302 is posted at the following NOAA website:

<<http://www.nwr.noaa.gov/lsustfish/groundfish/gfregs.htm>>.<sup>1</sup>

**(6) WHAT IS A "FISH SELLER"?**

Fish sellers are the parties who actually harvest fee fish and subsequently sell it to a fish buyer.

Everyone who does this is a fish seller and is obligated to pay the fee.

**(7) WHAT IS A "FISH BUYER"?**

Fish buyers are the parties who first buy fee fish from the fish sellers who harvested that fee fish.

The first point-of-sale buyer of fee fish is always the fish buyer for that fee fish.

Everyone who does this is a fish buyer and is obligated to collect the fee.

**(8) DO FISH BUYERS ALSO INCLUDE BROKERS OR THOSE TO WHOM FISH SELLERS OTHERWISE DELIVER FISH ON CONSIGNMENT?**

Yes, if fish sellers first deliver their fee fish to brokers or to parties on consignment, then the consignees are the fish buyers even though they do not actually buy the fish.

The consignment of fee fish, in lieu of a first point-of-sale to a fish buyer, always obligates the consignee to collect the fee.

**(9) CAN MOTHERSHIPS, CATCHER-PROCESSORS, OR BUYERS OTHER THAN SHORESIDE PROCESSORS BE FISH BUYERS?**

Yes, the fish seller's first point of sale controls.

The party who first buys fee fish from the parties who harvested it is a fish buyer and is obligated to collect the fee.

It makes no difference whether the first point-of-sale buyer is a shoreside processor, a mothership, a catcher-processor, or

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<sup>1</sup> Please note that here, and elsewhere in this letter, the angle brackets (meaning, the marks < and >) are not part of the URL, but are used merely to indicate the URL's beginning and its end.

some other form of operation.

The first buyer of fee fish is always obligated to collect the fee.

2. WHAT ABOUT FISH SELLERS SELLING FEE FISH DIRECTLY TO GENERAL FOOD SERVICE WHOLESALERS OR SUPPLIERS, RESTAURANTS, RETAILERS, CONSUMERS, OR OTHER TYPES OF END USERS?

These parties, if they are the first point of sale, could not reasonably be expected to be aware that they have an obligation to collect a fee.

Consequently, the fish sellers who sell fee fish directly to these parties are themselves legally deemed to be both the fish sellers and the fish buyers. This means that the fish sellers under these conditions have all the legal fee obligations of a fish seller as well as all the legal obligations of a fish buyer.

If you are a fish seller and you sell your fee fish to one of these parties, you must both pay and collect the fee.

(11) WHAT ABOUT FISH SELLERS SELLING FEE FISH DIRECTLY TO PARTIES WHO DO NOT HAVE A PLACE OF BUSINESS IN THE UNITED STATES OR ARE OTHERWISE OPERATING FROM A FOREIGN COUNTRY?

Again, the fish sellers are legally deemed in these instances to be both the fish sellers and the fish buyers. Consequently, these fish sellers have the legal obligations of both fish seller and fish buyer.

If you are a fish seller and you sell your fee fish to parties like this, you must both pay and collect the fee.

(12) ARE THERE ANY OTHER INSTANCES IN WHICH A FISH SELLER CAN HAVE THE LEGAL OBLIGATIONS OF BOTH A FISH SELLER AND A FISH BUYER?

Yes, this is true whenever a fish seller sells fee fish to any party who the fish seller has good reason to believe is either not subject to U.S. law or against whom NOAA cannot reasonably apply the obligation to collect the fee.

**(13) HOW DO FISH SELLERS PAY THE FEE?**

The fish buyers simply deduct the fee from the net trip proceeds which the fish buyers pay to the fish sellers.

If, for example, a fish seller sells \$1,000 worth of fee fish to a fish buyer and the fee rate for that fee fish is 5%, then the fee is \$50 and the fish seller receives from the fish buyer only \$950 rather than \$1,000. The fish buyer retains the \$50 as a collected fee.

**(14) DO FISH SELLERS EVER RECEIVE THE PORTION OF TRIP PROCEEDS REQUIRED TO PAY THE FEE?**

No.

Fish buyers deduct the fee from the net trip proceeds before paying the net trip proceeds to the fish sellers, and the fish buyers retain the deduction as a collected fee.

So, fish sellers never receive the portion of their trip proceeds required to pay the fee.

**(15) ON WHAT IS THE FEE BASED?**

It is based on the full, fair-market, gross, ex-vessel value of the fee fish which fish sellers sell to fish buyers.

This includes the value of all in-kind compensation or all other goods and services which fish buyers pay fish sellers in lieu of cash plus any and all deferred cash compensation.

**(16) HOW DO FISH BUYERS COLLECT THE FEE?**

They withhold it from the net trip proceeds which they pay to the fish sellers.

If, for example, a fish buyer buys \$1,000 worth of fee fish from a fish seller and the fee rate for that fee fish is 5%, then the fee is \$50 and the fish buyer pays the fish seller only \$950 rather than \$1,000. The fish buyer retains the \$50 as a collected fee.

**(17) WHAT ARE THE FEE RATES TO WHICH FEE FISH ARE SUBJECT?**

Fee fish includes fish from seven different fisheries, and each

of these seven fisheries is subject to a different fee rate.

Each fee rate is a percentage of the full, fair-market, gross, ex-vessel value of fee fish.

These are the fee rates applicable to fee fish from each of the seven fisheries:

STATE	FEE FISH SUBJECT TO FEE	FEE RATE APPLICABLE TO FEE FISH
Washington	Dungeness Crab	0.16%
Washington	Pink Shrimp	1.50%
Oregon	Dungeness Crab	0.55%
Oregon	Pink Shrimp	4.70%
California	Dungeness Crab	1.24%
California	Pink Shrimp	5.00%
Washington, Oregon, and California	Groundfish	5.00%

**(18) WHAT SUB-AMOUNT OF THE TOTAL REDUCTION LOAN DOES EACH OF THESE SEVEN FISHERIES HAVE TO REPAY?**

Each fishery is obligated to repay the following reduction loan sub-amount:

STATE	FISHERY	REDUCTION LOAN SUB-AMOUNT
Washington	Dungeness Crab	\$369,426
Washington	Pink Shrimp	\$259,400
Oregon	Dungeness Crab	\$1,367,545
Oregon	Pink Shrimp	\$2,228,845
California	Dungeness Crab	\$2,334,334
California	Pink Shrimp	\$674,202
Washington, Oregon, and California	Groundfish	\$28,428,719

**(19) WHAT DO FISH BUYERS FIRST DO WITH THE FEES THEY COLLECT?**

No less frequently than at the end of each month, fish buyers must deposit all collected fees in a Federally insured depository institution.

NOAA encourages fish buyers to deposit collected fees as often as possible. At the very least, however, all fish buyers must deposit the fees they collect no later than by the end of each month in which they have collected the fees.

**(20) WHAT KIND OF DEPOSITARY ACCOUNTS CAN FISH BUYERS USE FOR DEPOSITING COLLECTED FEES?**

All depositary accounts must be Federally insured.

The fish buyers can either deposit the collected fees in their operating accounts or establish separate accounts for the deposit of collected fees alone.

If a fish buyer elects to deposit collected fees in its operating account, the account must be subdivided into a sub-account for the fish buyer's operating funds and a separate sub-account for the fees which the fish buyer has collected.

Regardless, the depositary accounts or sub-accounts into which fish buyers deposit collected fees must also be subdivided into separate accounts for each separate fishery from which the fish buyers collect fees.

If, for example, a fish buyer deposits collected fees into its operating account and customarily buys fish from, say, the groundfish fishery, the Washington Dungeness crab fishery, and the Washington pink shrimp fishery, the depositary account must be structured like this:

<b>MIXED DEPOSITARY ACCOUNT</b>			
Operating Funds Sub-account	Collected Fees Sub-account		
	Groundfish Fees Sub-account	Washington Dungeness Crab Sub-account	Washington Pink Shrimp Sub-account

Here is another example. If a fish buyer deposits all collected fees into an account separate from his operating account and customarily collects fees from the California Dungeness crab fishery, the California pink shrimp fishery, the Oregon Dungeness crab fishery, and the Oregon pink shrimp fishery, the depositary account must be structured like this:

<b>COLLECTED FEE DEPOSITARY ACCOUNT</b>			
California Dungeness Crab Sub-account	California Pink Shrimp Sub-account	Oregon Dungeness Crab Sub-account	Oregon Pink Shrimp Sub-account



**(21) WHAT MAY FISH BUYERS DO WITH COLLECTED FEE DEPOSITS?**

Nothing, except disburse them to us at the required time.

Fish buyers may not pledge collected fee deposits or use them for any purpose other than disbursing them to us at the required time.

**(22) WHEN MUST FISH BUYERS DISBURSE THE COLLECTED FEES TO NOAA?**

Each fish buyer must disburse to NOAA the collected fees in its depository account at least once each month in time for the disbursement to reach us not later than the 14<sup>th</sup> calendar day after the last calendar day of the month

This means that each fish buyer's disbursement of collected fees must always reach us not later than close of business on the 14<sup>th</sup> day of each month following the month in which the fish buyer collected the disbursed fees.

**(23) IS THERE ANY EXCEPTION TO THIS DISBURSEMENT REQUIREMENT?**

Yes, there is one (and only one).

If the amount of collected fees in a fish buyer's depository account on the last calendar day of any month is less than \$100, then the fish buyer does not need to disburse the collected fees to us until the next month in which the cumulatively collected fees total \$100 or more.

If, for example, the collected fees on deposit were \$44 at the end of September, \$96 at the end of October, and \$103 at the end of December, the fish buyer would not have to disburse these cumulatively collected fees to us until after the last calendar day of December. Nevertheless, the disbursement would still have to reach us not later than the 14<sup>th</sup> day of January.

Moreover, if cumulatively collected fees do not total at least \$100 during any one whole year, the fish buyer need not disburse the collected fees to us until the end of the calendar year in which the fish buyer deposited any part of

these cumulatively collected fees.

**(24) DO FISH BUYERS HAVE TO DISBURSE ANY INTEREST ACCRUED ON COLLECTED FEE DEPOSITS.**

No.

Fish buyers may keep any interest which they may have earned on collected fee deposits during the period of their deposit.

**(25) HOW SHOULD FISH BUYERS DISBURSE COLLECTED FEES TO NOAA?**

There are two methods.

The first method is electronic. This method uses a secure Federal system accessed at a website maintained by the U.S. Department of the Treasury. This electronic payment system is named Pay.gov.

The second method is postal. This method involves mailing a check to NOAA's lockbox.

**(26) WHICH DISBURSEMENT METHOD DOES NOAA RECOMMEND FISH BUYERS USE?**

NOAA recommends that fish buyers disburse collected fees electronically by using the Pay.gov. system.

This method is much easier and quicker for fish buyers to use. It is more reliable. It enables fish buyers to make their disbursements much closer to (or even on) the 14th calendar day of each month.

**(27) HOW DO FISH BUYER'S ACCESS THE PAY.GOV. WEBSITE?**

Enter this URL in a web browser and hit the web browser's "go" button: <<https://www.pay.gov/paygov/>>.

**(28) WHAT PAY.GOV DISBURSEMENT OPTIONS DO FISH BUYER HAVE?**

Fish buyers have two Pay.gov payment options. They can pay by

(a) Bank account debit (ACH), or

(b) Credit card.

The bank account debit disbursement option is part of the automated clearing house network<sup>2</sup>. Using this form of direct payment does not require a debit card, and is similar to the direct payment method by which consumers electronically pay their bills. Using this option means that fish buyers are debiting the checking accounts they specify by making a direct electronic payment through the Pay.gov system.

This is more simple and direct than using a credit card. It also overcomes what may be sometimes be inadequate credit card limits.

**(29) WHAT IS INVOLVED IN THE LOCKBOX DISBURSEMENT OPTION?**

If a fish buyer does not have access to the internet or simply, for whatever reason, does not want to use the Pay.gov system, the fish buyer must send his paper check<sup>3</sup> for the required disbursement amount to NOAA's lockbox at the following address:

NOAA Fisheries Pacific Coast Groundfish Buyback  
Post Office Box 979059  
St. Louis, MO 63197-9000

This is a slower method of fish buyers complying with their collected fee disbursement obligations. It may also be generally less reliable. Fish buyers using this method will have to post their checks further in advance of the 14<sup>th</sup>

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<sup>2</sup> The ACH network is a reliable and efficient nationwide electronic funds transfer mechanism which provides for the interbank clearing of electronic payments for participating depository financial institutions. Go to: <[http://nacha.org/About/what\\_is\\_ach\\_.htm](http://nacha.org/About/what_is_ach_.htm)> to read more about the ACH network.

<sup>3</sup> Notice to fish buyers making payment by paper check: In compliance with recent check processing standards, NOAA will convert to an electronic funds transfer all paper checks which fish buyers submit to NOAA. This means NOAA will copy the paper check and use the account information on it to then electronically debit the check's account for the check's amount. The account debit will usually occur within 24 hours, and will be shown on the account holder's regular account statement. The account holder will not receive the original check back. NOAA will destroy the original check, but will keep the copy of it. If NOAA cannot, for technical reasons, perform an electronic funds transfer, the account holder authorizes NOAA to process the check copy in place of the original check.

calendar day of each month in order for NOAA to actually receive their disbursement before the 14<sup>th</sup> calendar day and for the fish buyers to avoid late charges.

(30) DO FISH BUYERS DISBURSING COLLECTED FEES HAVE TO INCLUDE A FEE COLLECTION REPORT WITH EACH OF THEIR DISBURSEMENTS?

Yes.

This is a very simple report form which identifies the fish buyer making the disbursements, the fee fish on which the collected fees being disbursed were collected, and how the disbursement is to be credited to one or more of the seven fee paying fisheries.

Fish buyers who use the Pay.gov system to disburse their collected fees can complete this form electronically and transmit it electronically at the same time they make their electronic disbursement. They can even arrange for the electronic form to remember most of their identifying information so they will not have to type this in each time they complete a fee collection report for a disbursement.

Fish buyers who use the NOAA lockbox to disburse their collected fees must complete the fee collection report form and send to the lockbox a hard copy of the completed form along with their paper check for the amount of their disbursement.

(31) WHAT DOES THE FEE COLLECTION FORM LOOK LIKE?

See Enclosure No. 1 to this letter, which is a paper copy of the fee collection report form.

Fish buyers may also access a Microsoft Excel version of the fee collection report on NOAA's website at:

<[http://www.nmfs.noaa.gov/mb/financial\\_services/buyback.htm](http://www.nmfs.noaa.gov/mb/financial_services/buyback.htm)>.

(32) ARE THERE PENALTIES FOR FISH SELLERS WHO FAIL TO COMPLY WITH THEIR FEE PAYMENT OBLIGATIONS AND FOR FISH BUYERS WHO FAIL TO COMPLY WITH THEIR FEE PAYMENT, DEPOSIT, DISBURSEMENT, ACCOUNTING, AND REPORTING REQUIREMENTS?

Yes.

Fee payment and fee collection are mandatory.

There are severe penalties for any fish seller or fish buyer failing to pay or collect/disburse fees in accordance with the applicable regulations.

These include the full range of penalties provided for in the Magnuson-Stevens Act, in 5 CFR part 904, and in all other applicable United States law. These penalties include, but are not limited to: civil penalties, sanctions, forfeitures, and punishment for criminal offenses.

In addition to applying these penalties, NOAA will also enforce the collection of all fee payment and collection obligations by adding late charges and bringing legal actions to enforce payment/collection against any fish seller or fish buyer who fails to pay, collect, deposit, and/or disburse the fee in accordance with the regulations.

NOAA will continuously audit official, ex-vessel, landing records against fish buyer fee collection, deposit, disbursement, report, and other records for purposes of determining and enforcing compliance with all fee payment/collection requirements.

**(33) WHAT SHOULD A FISH BUYER DO IF A FISH SELLER IS UNWILLING TO PAY THE FEE?**

The fish buyer should withhold the fee regardless of the fish seller's protest.

If the fish seller protests, the fish buyers should inform the fish seller that fee payment and collection is a legal obligation, and report the protesting fish seller to NOAA.

**(34) WHAT SHOULD A FISH SELLER DO IF A FISH BUYER REFUSES TO COLLECT THE FEE?**

The fish seller must, in this instance, become both the fish seller who pays the fee and the fish buyer who collects the fee, fulfilling the legal obligations of both. The fish seller must also report the fish buyer to NOAA.

**(35) WHEN DOES FEE PAYMENT AND COLLECTION STOP?**

Fee payment and collection stops for each of the seven fee-paying fisheries when that fishery has fully repaid its reduction loan sub-amount.

NOAA will notify all fish sellers and fish buyers in each fishery when the fishery has fully repaid its loan sub-account and the sellers and buyers, consequently, need no longer pay or collect the fee.

Until that time, however, all fish sellers and fish buyers must, without interruption, continue paying and collecting the fee.

**(36) WILL A FEE RATE EVER CHANGE?**

Yes, this is possible.

No fee rate change will, however, ever be effective until 30 days after NOAA has first notified all affected fish sellers and fish buyers of the fee rate change.

Fee rates could decrease if the increased value of future landings in a fee-paying fishery makes a lesser fee capable of repaying the fishery's reduction loan sub-amount by the loan's maturity date.

The reduction loan's interest rate is fixed at today's low rates. Fee rates may, consequently, also decrease at some point in the future if normal price inflation during the course of 30 years (and, thus, increasing ex-vessel value) warrants it.

No fee rate may, however, ever increase beyond 5% of the gross ex-vessel value of the fee fish from each of the seven fee-paying fisheries.

Fee rates could increase if future landings (and, thus, ex-vessel value) were to materially decrease in a fee-paying fishery because this could make a higher fee rate necessary to repay the fishery's reduction loan sub-amount by the loan's maturity date.

(37) WHAT IS THE REDUCTION LOAN'S MATURITY?

This is a 30-year loan.

(38) WHAT HAPPENS IF A FISHERY PAYING THE FEE AT THE MAXIMUM RATE STILL HASN'T MANAGED TO REPAY THE FISHERY'S REDUCTION LOAN SUB-AMOUNT BY THE TIME THE REDUCTION LOAN MATURES?

The fee continues indefinitely until the fishery has fully repaid its reduction loan sub-amount.

(39) WHAT REGULATORY PROVISIONS ARE APPLICABLE TO FEE PAYMENT AND COLLECTION?

The applicable rules are all in Part 600 of Title 50 of the Code of Federal Regulations.

The following table identifies the various 50 CFR Part 600 rules involved in or affecting the fee:

DESCRIPTION	SUBPART	SECTION
Reduction Framework Rule	L	600.1012 through 600.1017
Groundfish Program Fee Rule	M	600.1102

(40) WHAT FEE MATTERS DOES EACH FRAMEWORK RULE SECTION INVOLVE?

The framework rule sections involve the following reduction loan and fee matters which are common to all reduction programs:

SECTION	MATTER
Section 600.1012	Loan obligation, principal amount, interest rate, payment term, and penalties for non-payment and non-collection.
Section 600.1013	Fee amount, fee rate, how fish sellers pay the fee, and how fish buyers collect the fee.
Section 600.1014	How fish buyers deposit collected fees, disburse collected fees to NOAA, keep fee records, and make fee reports.

Section 600.1015	Late charges for fee payment, collection, deposit, and/or disbursement.
Section 600.1016	NOAA enforcement of all fee provisions.
Section 600.1017	Prohibitions and penalties.

**(41) WHAT FEE MATTERS DOES THE GROUND FISH PROGRAM FEE RULE INVOLVE?**

The groundfish program fee rule has only one section (600.1102), but all of the section's paragraphs specifically involve or affect the groundfish program's reduction loan or the fees which will repay the loan. The groundfish program fee rule involves the following reduction loan and fee matters specific to the groundfish program fee:

*[Rest of page intentionally left blank]*

SECTION PARAGRAPH	MATTER
(a)	The rule's purpose.
(b)	Definition of terms which the rule uses.
(c)	Reduction loan amount.
(d)	Reduction loan sub-amounts for the reduction fishery and each of the six fee-share fisheries.
(e)	Interest accrual inception.
(f)	Interest rate.
(g)	Repayment term.
(h)	Subjection of the groundfish program reduction loan to section 600.1012 of the framework rule and subjection of groundfish program fee payment and collection to section 600.1013 of the framework rule.
(i)	Subjection of groundfish program fee collection, deposit, disbursement, records, and reports to section 600.1014 of the framework rule, except for a specified departures from the section 600.1014 requirements.

**(42) IS MOST GROUND FISH PROGRAM INFORMATION PUBLICLY POSTED SOMEPLACE?**



Yes, the following are all posted on a NOAA website:<sup>4</sup>

- (a) The reduction framework rule,
- (b) The groundfish reduction program implementing Federal Register notice,
- (c) The groundfish program fee rule,
- (d) The fee collection report, and
- (e) This letter.

This completes the questions and answers.

If you have additional questions about any fee aspect, please telephone or e-mail us at the following numbers or e-mail addresses:

PERSON	NUMBERS/ADDRESS	
	TELEPHONE (301) 713-2390	E-MAIL
Brian Summers	Extension 186	brian.summers@noaa.gov
Mike Sturtevant	Extension 212	michael.a.sturtevant@noaa.gov
Doug Potvin	Extension 206	douglas.potvin@noaa.gov

We appreciate your cooperation.

Please do not hesitate to contact us if you have a question about any fee aspect.

Sincerely,

Leo Erwin, Chief  
Financial Services Division

ATTACHMENTS:

- (1) Fee collection report,

<sup>4</sup>

Please go to <[http://www.nmfs.noaa.gov/mb/financial\\_services/buyback.htm](http://www.nmfs.noaa.gov/mb/financial_services/buyback.htm)>.