

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 10/08/2008

Department of Commerce  
National Oceanic and Atmospheric Administration  
FOR CERTIFYING OFFICIAL: Suzanne Hilding  
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 04/28/2008

ACTION REQUESTED: Extension without change of a currently approved collection  
TYPE OF REVIEW REQUESTED: Regular  
ICR REFERENCE NUMBER: 200804-0648-010  
AGENCY ICR TRACKING NUMBER:  
TITLE: Individual Fishing Quotas for Pacific Halibut and Sablefish in the Alaska Fisheries  
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change  
OMB CONTROL NUMBER: 0648-0272

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 10/31/2011

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	38,273	15,750	44,000
New	49,537	20,364	38,727
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	11,264	4,614	-5,273
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official:

Kevin F. Neyland  
Deputy Administrator,  
Office Of Information And Regulatory Affairs

**List of ICs**

<b>IC Title</b>	<b>Form No.</b>	<b>Form Name</b>	<b>CFR Citation</b>
Application for Eligibility to Receive QS/IFQ	NA	Application for eligibility to receive QS/IFQ	
IFQ/CDQ hired master permit	NA	Application for hired master permit	
Application for Registered Buyer Permit	NA	Application for registered buyer permit	
Letter of Appeal			50 CFR 679
QS/IFQ Designated Beneficiary Form	NA	QS/IFQ designated beneficiary form	
QS Holder Form: Identification of Ownership Interest	NA	Quota share holder: identification of ownership interest	
Application to Become a Community Quota Entity (CQE)	NA	Application to become a community quota entity	
Application for Transfer of QS/IFQ to or from a Community Quota Entity (CQE)	NA	Application for transfer of QS/IFQ to or from a CQE	
Application for Transfer of QS/IFQ by Sweep-up (short form)	NA	Application for transfer of QS/IFQ sweep up transfer form	
Application for replacement of certificates, permits, or licenses	NA	Application for replacement of certificates, permits, or licenses	
IFQ Administrative Waiver	NA	IFQ administrative waiver (OLE officer completes per respondent phone call)	50 CFR 679
Prior Notice of Landing			50 CFR 679
IFQ Departure Report			50 CFR 679
Landing Report (electronic/backup manual)	NA	IFQ Landing Report	
Transshipment Authorization			50 CFR 679
Dockside Sales Receipt			50 CFR 679
CQE Annual Report			50 CFR 679
Approval of Transfer from governing body of the eligible community			50 CFR 679

# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT  
INDIVIDUAL FISHING QUOTAS FOR PACIFIC HALIBUT AND SABLEFISH  
IN THE ALASKA FISHERY  
OMB CONTROL NO. 0648-0272**

**INTRODUCTION**

The Halibut and Sablefish Individual Fishing Quota (IFQ) Program was developed to reduce fishing capacity that had increased during years of management as an open access fishery, while maintaining the social and economic character of the fixed gear fishery that is relied on as a source of revenue for coastal communities in Alaska. The Halibut and Sablefish IFQ Program provides economic stability for the commercial hook-and-line fishery while reducing many of the conservation and management problems commonly associated with open access. The IFQ Program for sablefish and Pacific halibut fixed gear provides each fisherman a catch quota that can be used any time during the open season. Individual shares are intended to allow fishermen to set their own pace and adjust their fishing effort. The program is intended to reduce the premium that was traditionally placed on speed, allowing fishermen to pay more attention to efficiency and product quality. The IFQ Program consists of three parts: IFQ halibut and sablefish, Western Alaska Community Development Quota (CDQ) halibut, and Gulf of Alaska (GOA) IFQ community quota share. This action is a request for renewal for the collection-of-information.

Individual Fishery Quota (IFQ) Program

The IFQ Program was implemented under the Magnuson Stevens Fishery Conservation and Management Act ([Magnuson-Stevens Act](#)). The Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area (BSAI) and the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) were prepared by the North Pacific Fishery Management Council (Council) and are implemented by regulations at [50 CFR part 679](#).

The International Pacific Halibut Commission (IPHC) and National Marine Fisheries Service (NMFS) manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under the authority of the Convention between the United States Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention) and the Northern Pacific Halibut Act of 1982 (Halibut Act). The IPHC promulgates regulations pursuant to the Convention at 50 CFR 300.60 through 300.65.

Western Alaska Community Development Quota (CDQ) Halibut

The goals and purpose of the CDQ Program are to allocate a portion of the quotas for groundfish, halibut, crab, and prohibited species in the BSAI to Western Alaska communities to provide the means for starting or supporting commercial fisheries business activities that will result in an ongoing, regionally-based, fisheries-related economy. This document supports required permitting and reporting related to CDQ halibut allocations as described under 679.32(f). These requirements include: electronic reporting of CDQ halibut; a CDQ halibut permit which must be on board a CDQ halibut harvesting vessel; a CDQ hired master permit issued to individuals making halibut CDQ landings; and a Registered Buyer permit issued to persons who are receiving CDQ halibut from harvesters or for harvesters making their own landings under certain

conditions. The collections of information related to all other CDQ species is addressed in OMB Control No.: 0648-0269.

### Gulf of Alaska (GOA) Community Quota Share (QS) Program

The IFQ Program provides management measures designed to respond to chronic concerns about effectively managing the halibut and sablefish commercial fixed-gear fisheries while maintaining an efficient use of the resource. However, since the implementation of the IFQ Program and initial issuance of QS, a substantial decline has occurred in the amount of QS and the number of QS holders in rural communities that are located adjacent to the coast of the GOA. This trend may have an effect on employment and reduce the diversity of fisheries to which fishermen in rural communities have access.

To provide additional opportunities for community fishermen and indirectly address concerns about the economic viability of those communities, a new group of non-profit entities was specified to hold QS on behalf of residents of eligible communities. A non-profit corporate entity that meets specific criteria receives transferred halibut or sablefish QS on behalf of an eligible community and leases the resulting IFQ to fishermen who are residents of the eligible community. Communities eligible to participate in this program need to meet all of the following criteria:

- ◆ Have a population of less than 1,500 persons based on the 2000 United States Census;
- ◆ Have direct saltwater access;
- ◆ Lack direct road access to communities with a population greater than 1,500 persons;
- ◆ Have historic participation in the halibut and sablefish fisheries; and
- ◆ Be specifically designated on a list adopted by the Council.

The NMFS requires information to establish the eligibility of the Community Quota Entity (CQE) to hold QS, monitor the participation of the eligible communities in this program, gather information on the distribution of QS and IFQ among these communities, and receive an annual report from each CQE. This information will be analyzed to determine whether the goals envisioned by the Council are met. Regulations implementing the Halibut and Sablefish IFQ Program are at 50 CFR part 679.

## **A. JUSTIFICATION**

### **1. Explain the circumstances that make the collection of information necessary.**

The Council, under the authority of the Halibut Act (with respect to Pacific halibut) and the Magnuson-Stevens Act (with respect to sablefish), adopted the IFQ Program in 1991. The Halibut and Sablefish IFQ Program established a limited access system for managing the fixed gear Pacific halibut fishery in Convention waters in and off Alaska and sablefish fisheries in waters of the exclusive economic zone (EEZ), located between 3 and 200 miles off Alaska. Fishing under the Halibut and Sablefish IFQ Program began on March 15, 1995, ending the open access fisheries which preceded its implementation.

The Halibut and Sablefish IFQ Program was developed to reduce fishing capacity that had increased during years of management as an open-access fishery, while maintaining the social and economic character of the fixed-gear fisheries that coastal communities in Alaska rely on as

a source of revenue. The Council and the Secretary concluded that the Halibut and Sablefish IFQ Program would provide economic stability for the commercial hook-and-line fishery while reducing many of the conservation and management problems commonly associated with open access fisheries.

The Council and NMFS also intended the IFQ Program to improve the long-term productivity of the sablefish and halibut fisheries by further promoting the conservation and management objectives of the Magnuson-Stevens Act and the Halibut Act while retaining the character and distribution of the fishing fleets as much as possible. The IFQ Program includes several provisions, such as ownership caps and vessel use caps that are intended to protect small producers, part-time participants, and entry-level participants that otherwise could be adversely affected by excessive consolidation. The IFQ Program also includes other restrictions intended to prevent the halibut and sablefish fisheries from being dominated by large boats or by any particular vessel class. These and other types of requirements were designed to maintain predominantly owner-operated fisheries, which was a key characteristic of the halibut and sablefish fisheries prior to the implementation of the IFQ Program.

Under the IFQ Program, quota share (QS) represents a harvesting privilege for a person. On an annual basis, QS holders are authorized to harvest specified poundage which is issued by NMFS as IFQ. The specific amount of IFQ held by a person is determined by the number of QS units held, the total number of QS units issued in a specific regulatory area, and the total pounds of sablefish or halibut allocated for the IFQ fisheries in a particular year. Fishermen may harvest the IFQ over the entire fishing season, which in 2007 was March 10 through November 15 for halibut and sablefish. Generally, an IFQ permit holder must be onboard a vessel at the time his or her IFQ is fished.

IFQ regulations also restrict the type of QS and IFQ transfers that may occur including restrictions against the transfer of most types of QS if the QS is subject to a lease or condition of repossession or resale by the person transferring the QS. This effectively precludes temporary transfers of QS and IFQ between parties. QS is categorized by vessel size and type. IFQ derived from QS associated with processing vessels (vessel category A) may be temporarily transferred or leased, while much of the IFQ derived from QS associated with catcher vessels (vessel categories B, C, and D) may not be temporarily transferred or leased, with limited exception.

The requirements that catcher vessel QS holders be onboard a vessel while conducting IFQ fishing operations and present during an IFQ landing, as well as the restrictions against temporary transfers of IFQ, are conditionally excepted by other IFQ Program regulations.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

This collection-of-information describes permit applications and reports. The permits in this program are free of charge.

Reports are required, when applicable, to monitor catches of halibut and sablefish to determine: individual compliance; that the amount of fish being taken does not fall under the definition of



overfishing for the fishery; and that the program is effective in accomplishing the goal of reducing fishing effort in the halibut and sablefish fisheries in the waters off Alaska. These reports are prior notice of landing; landing report, shipment report, transshipment authorization, vessel clearance, and departure report.

The IFQ Program was implemented to both maintain rigorous safeguards on use of fishing privileges for a public resource and to provide safeguards for program constituents. Use of notarized signatures (on certain applications) is the best way for NMFS to ensure that only authorized persons are granted privileges and that NMFS can act in certainty in accordance with requests for program services (such as issuance of a hired master permit) or commercial transactions (for transfers). By employing this widely accepted means of unequivocally establishing the identity of submitters, this requirement removes ambiguity about whether constituents have specific knowledge of the terms and conditions of requested benefits. Notary certification is especially helpful to program participants in that it bars unauthorized persons from access to individual fishing and processing account privileges and business information, and from conducting highly valuable transfers of privileges. The requirement has in fact proven invaluable in enforcement investigations of fraud and in at least one adjudication about a high-value commercial transaction for which a NMFS program action was defensible based on its absolute certainty of the identity of the requestor afforded by the Notary signature.

#### **a. Application for Eligibility to Receive QS/IFQ**

Those persons who wish to receive QS/IFQ by transfer but did not have QS initially awarded to them must submit this application to receive a Transfer Eligibility Certificate (TEC). Only those who have 150 or more days of experience working as part of a harvesting crew in any United States (U.S.) commercial fishery are eligible. Work in support of harvesting but not directly related to it is not considered harvesting crew work.

Note: The currently approved Tax Identification Number (TIN) requirement is included on this application form in this renewal request: Collection of TIN is necessary on program fee submission forms (covered under OMB Control No. 0648-0398) to ensure that we are collecting from the person who owes the debt. Collection of TIN is required also required on this application for eligibility form because the debt is established prior to the time that the fee submission forms are due to the agency. If the fee submission and payment are not received, the agency must begin collection processes and those collection processes cannot be initiated or accomplished without the TIN.

*Because the TIN in this instance is collected for NMFS cost recovery, there is demonstrable practical utility. In addition, cost recovery is mandated by the Magnuson-Stevens Act (16 U.S.C. 1852 et seq.) as amended in 2006, and the collection of TIN in such an instance is supported by 31 U.S.C. Section 7701. See also applicable NMFS Alaska Region regulations: 50 CFR 679.45(d) and 50 CFR 679.5(l).*

#### **Application for Eligibility to Receive QS/IFQ**

##### Block A – Applicant Information

Name and NMFS Person ID

Taxpayer ID No. (Employer ID No. or Social Security Number (SSN))

Business mailing Address (indicate whether permanent or temporary address)

Business telephone number, fax number, and e-mail address

Indicate YES or NO whether applicant is a U.S. citizen

If YES, enter date of birth

Indicate YES or NO whether applicant is a U.S. corporation, partnership, association, or other business entity

If YES, enter date of incorporation

**Block B – Freezer Shares**

Indicate YES or NO whether this TEC is intended for an entity that wishes to buy or lease only category A QS

If YES, and you are a corporation, partnership, association, or other non-individual entity,

complete and submit a QS holder: Identification of Ownership Interest form.

**Block C – Notary Certification**

Printed name and signature of applicant and date signed

If completed by an authorized agent, attach authorization

Signature, commission expiration date, and stamp of notary

**Blocks D & E –Commercial Fishing Experience**

Species

Gear type

Location

Begin date and end date of fishing experience

Number of actual days spent harvesting fish

Duties performed while directly involved in the harvesting of fish

Name and Alaska Department of Fish and Game (ADF&G) vessel registration number or U.S. Coast Guard

(USCG) documentation number of vessel

Name of vessel owner and name of operator

Reference name, reference’s relationship to applicant, business address, and telephone number

A person applies for eligibility only once, rather than annually or every three years. The total number of Persons Eligible to Receive QS by Transfer from the beginning of the IFQ Program is 7,377. Dividing by 6 (to represent number of years), obtains 1,229.5. Therefore, the number 1,200 is used as a round number for the estimated number of participants for this form.

<b>Application for Eligibility to Receive QS/IFQ, Respondent</b>	
<b>Total number of respondents</b>	1200
<b>Total annual responses</b>	<b>1200</b>
Number of responses per year = 1	
<b>Total Time burden</b> (1200 x 2)	<b>2400 hr</b>
Time per response = 2 hr	
<b>Total personnel cost</b> (2400 x\$25)	<b>\$60,000</b>
<b>Total miscellaneous cost</b>	<b>\$6,612</b>
Postage (0.41 x 1200 = 492)	
Photocopy (0.10 x 1200 = 120)	
Notary (5 x 1200 = 6000)	

<b>Application for Eligibility to Receive QS/IFQ, Federal Government</b>	
<b>Total annual responses</b>	<b>1200</b>
<b>Total Time burden</b>	<b>600 hr</b>
Time per response = 0.5 hr	
<b>Total personnel cost</b> (600 x\$25)	<b>\$15,000</b>
<b>Total miscellaneous costs</b>	<b>0</b>

**b. IFQ/CDQ hired master permit (formerly IFQ/CDQ landing card)**

This hired master permit is required for persons (hired masters or skippers) who are harvesting IFQ halibut, IFQ sablefish, or CDQ halibut for a permit holder. This application must be used to obtain Pacific halibut and sablefish Individual Fishing Quota/Community Development Quota (IFQ/CDQ) permits for hired skippers and to obtain permits for halibut CDQ fishing. A separate application must be completed for each vessel, each IFQ permit number, or CDQ permit number.

IFQ permit holders who are not individuals must designate a hired master to fish their IFQ or obtain a permit to access their account. With few exceptions, persons holding catcher vessel QS/IFQ hiring masters must own (either directly or indirectly) at least 20 percent of the vessel upon which their hired master will fish the IFQ. Proof of vessel ownership is required to be submitted each year. Federal regulations at 50 CFR 679.42(i) and (j) define acceptable proof of ownership as:

- ◆ For a documented vessel, owns a minimum 20-percent interest in the vessel as shown by the U.S. Abstract of Title issued by the U.S. Coast Guard that lists the permit holder as an owner and, if necessary to prove the required percentage ownership, other written documentation;
- ◆ For an undocumented vessel, owns a minimum 20-percent interest in the vessel as shown by a State of Alaska vessel license or registration that lists the permit holder as an owner and, if necessary to show the required percentage ownership interest,
- ◆ Category "A" (freezer vessel) permit holders do not need to send proof of vessel ownership but must provide the vessel information requested in Block C of the application.
- ◆ CDQ permit holders are not required to provide the vessel information requested in Block C of the application.

The Abstract of Title is necessary to determine percentage of vessel ownership for purposes of the hired master provisions of the IFQ program.

**Application for IFQ/CDQ Hired Master Permit**

Block A – Purpose of application

- Indicate whether hired master is being added or removed
- Indicate permit(s) that this action applies to
  - Sablefish permit number and category
  - Halibut permit number and category

Block B – Permit Holder Information

- Name and NMFS person ID
- Business mailing address (indicate whether temporary or permanent)
- Business telephone number, fax number, and e-mail address

Block C – Identification of Vessel upon which IFQ/CDQ Halibut or Sablefish Will be Fished

- Name, length overall, ADF&G vessel registration number, and USCG documentation number of vessel
- Indicate YES or NO whether IFQ permit holder holds an ownership interest of at least 20% in the named vessel
  - If YES, submit a current copy of USCG Abstract of Title or Documentation showing the percentage of the permit holder's ownership interest in the named vessel.

Block D – Hired Master Information

- Name and NMFS person ID
- Business mailing address (indicate whether temporary or permanent)
- Business telephone number, fax number, and e-mail address

Block E – Certification of Permit Holder & Notary

- Signature and printed name of applicant, and date signed
- Signature, commission expiration date, and stamp of notary public

The number of hired master halibut/sablefish permits is estimated to be 200, with an estimated 500-600 CDQ halibut hired masters.

<b>Application for IFQ/CDQ Hired Master Permit, Respondent</b>	
<b>Estimated number of respondents</b> IFQ = 200 CDQ halibut = 550	<b>750</b>
<b>Total annual responses</b> Number of responses per year = 1	<b>750</b>
<b>Total Time burden</b> Time per response (30 min/60 min = 0.5)	<b>375</b>
<b>Total personnel cost</b> (375 x \$25)	<b>\$9,375</b>
<b>Total miscellaneous cost</b> (4132.50) Postage (0.41 x 750 = 307.50) Photocopy (0.10 x 750 = 75) Notary (\$5 x 750 = 3750)	<b>\$4,133</b>

<b>Application for IFQ/CDQ Hired Master, Federal Government</b>	
<b>Total annual responses</b>	<b>750</b>
<b>Total Time burden</b> (750 x 0.5) Time per response (30 min/60 min = 0.5)	<b>375</b>
<b>Total personnel cost</b> (375 x \$25)	<b>\$9,375</b>
<b>Total miscellaneous cost</b>	<b>0</b>

### c. Application for Registered Buyer Permit

This permit authorizes a person to receive IFQ halibut or sablefish or CDQ halibut from the person that harvested the fish. The permit is also required of any person who harvests IFQ halibut or sablefish or CDQ halibut and transfers such fish: in a dockside sale; outside of an IFQ regulatory area; or outside of the State of Alaska. Permits are non-transferable, renewed annually or issued on request, and at no cost. Each buying station, mothership, shoreside processor, or stationary floating processor that receives IFQ fish or CDQ halibut is required to have its own Registered Buyer permit. Entities receiving IFQ fish or CDQ halibut at locations outside Alaska do not need these permits, because the deliverer is required to be a Registered Buyer.

#### **Application for Registered Buyer Permit**

Indicate YES or NO whether this application a renewal

If YES, indicate Registered Buyer number

#### Block A -- Applicant Identification

Name and NMFS Person ID

Taxpayer ID No. (EIN or SSN)

Date of birth or date of incorporation

Name of contact person

Business mailing address (indicate whether permanent or temporary)

Physical location of facility

Business telephone number, business fax number, and e-mail address

#### Block B – Type of Activity

Check all that apply

Hired Master making dockside sales (catcher-seller)

Hired Master transferring IFQ/CDQ fish outside Alaska (permit holder or vessel operator)

Person receiving fish from harvester (check all that apply)

#### Block C – Password

Indicate YES or NO whether you currently have a password  
 If YES, provide password

**Block D – Signature**

Signature and printed name of applicant and date signed  
 If completed by an authorized agent, attach authorization

Note: The currently approved TIN requirement is included on this application form in this renewal request: Collection of TIN is necessary on program fee submission forms (covered under OMB Control No. 0648-0398) to ensure that we are collecting from the person who owes the debt. Collection of TIN is required also required on this application for eligibility form because the debt is established prior to the time that the fee submission forms are due to the agency. If the fee submission and payment are not received, the agency must begin collection processes and those collection processes cannot be initiated or accomplished without the TIN.

*Because the TIN in this instance is collected for NMFS cost recovery, there is demonstrable practical utility. In addition, cost recovery is mandated by the Magnuson-Stevens Act (16 U.S.C. 1852 et seq.) as amended in 2006, and the collection of TIN in such an instance is supported by 31 U.S.C. Section 7701. See also applicable NMFS Alaska Region regulations: 50 CFR 679.45(d) and 50 CFR 679.5(l).*

452 Registered Buyer Permits are currently active, which changes the former estimate from 800 to read 500, rounded up to account for possible small increase.

<b>Application for Registered Buyer Permit, Respondent</b>	
<b>Estimated number of respondents</b>	500
<b>Total annual responses</b>	<b>500</b>
Number of responses per year = 1	
<b>Total Time burden</b> (500 x 0.5)	<b>250 hr</b>
Time per response (30 min/60 min = 0.5)	
<b>Total personnel cost</b> (250 x \$25)	<b>\$6,250</b>
<b>Total miscellaneous cost</b>	<b>\$255</b>
Postage (0.41 x 500 = 205)	
Photocopy (0.10 x 500 = 50)	

<b>Application for Registered Buyer Permit, Federal Government</b>	
<b>Total annual responses</b>	<b>500</b>
<b>Total Time burden</b> (500 x 0.5)	<b>250 hr</b>
Time per response = 0.5	
<b>Total personnel cost</b> (250 x \$25)	<b>\$6250</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**d. Application for Quota Share (QS) Permit [NO LONGER ISSUED]**

QS was initially issued to persons who owned or leased vessels that made legal commercial fixed-gear landings of Pacific halibut or sablefish during 1988-1990 off Alaska. QS is transferable to other initial issues or to those who have become transfer-eligible on NMFS' approval of an Application for Transfer Eligibility Certificate. Once issued to a person (at no charge), QS is held by that person until it is transferred, suspended, or revoked.

**e. Request for Application for Quota Share (Forms A through D) [NO LONGER AVAILABLE]**

Prior to the end of the application period for IFQ Quota Share which ended July 15, 1994, the “QS Application” was used to assess eligibility to receive QS. That form was replaced by the “Request for Application for Quota Share (Forms A through D)” and is used by persons who still may wish to claim eligibility, while providing NMFS with a means to issue an initial administrative determination on such claims. No persons are expected to file this application because the application period has passed. Applicants submit Form D plus one of Forms A, B, or C, depending on the type of “person” represented by each applicant.

**Request for Application for Quota Share**

Form A: Form for Individuals

- Name, social security number (SSN), and date of birth of applicant
- Business address, telephone number, and fax number
- Signature of Applicant, date signed
- If this application is made on behalf of the estate of a deceased fishermen:
  - Date of death
  - SSN of decedent
  - Name and address of Estate’s authorized representative
  - Signature of Estate representative, date signed

Form B: Form for Existing Corporations or Partnerships

- Name of corporation or partnership and Federal Tax ID number
- Business mailing address, telephone number, fax number
- Date of incorporation or partnership agreement
- Name and signature of registered agent or partner and date signed

Form C: Form for Dissolved Corporations or Partnerships

- Business name and Tax ID number
- Whether business was a corporation or partnership
- Date of incorporation or partnership agreement
- Date of dissolution
- Names, SSNs, Business addresses, and ownership percentage shareholders or partners
- Name and signature of applicant, Date signed

Form D: Vessel Information Form

- Vessel name, ADF&G vessel number, USCG vessel number
- Registration number in other states: state and registration number
- Owner’s name and business address
- Vessel purchase date, if sold, date of sale, length overall
- Whether vessel is a processor
- Freezer capacity (in cubic feet)
- Whether leased to or by the applicant
- Lessees’ name, address, and telephone number
- Begin and end date of lease
- Name and signature of applicant and date signed

<b>Request for Application for Quota Share (Forms A through D), Respondent</b>	
<b>Estimated number of respondents</b>	<b>0</b>
<b>Total annual responses</b>	<b>0</b>
<b>Total Time burden</b>	<b>0</b>
<b>Total personnel cost</b>	<b>0</b>
<b>Total miscellaneous cost</b>	<b>0</b>

<b>Request for Application for Quota Share (Forms A through D), Federal Government</b>	
<b>Total annual responses</b>	<b>0</b>
<b>Total Time burden</b>	<b>0</b>
<b>Total personnel cost</b>	<b>0</b>
<b>Total miscellaneous cost</b>	<b>0</b>

## **f. Letter of Appeal**

New information in the QS application is compared with data compiled by NMFS. If any new data presented in an application are not consistent with the NMFS-compiled data, the applicant is notified of insufficient documentation and is provided 90 days opportunity to support his or her claim. The applicant is offered 60 days in which to appeal. This appeals process provides the necessary due process for aggrieved applicants. A printed form is not used for an appeal. The applicant is required to request by letter that the IFQ Appeals Officer review the case of the QS applicant. NMFS' Office of Administrative Appeals recently completed the last received IFQ appeal and no new appeals have been submitted in several years.

<b>Letter of Appeal, Respondent</b>	
<b>Estimated number of respondents</b>	<b>2</b>
<b>Total annual responses</b>	<b>2</b>
Number of responses per year = 1	
<b>Total Time burden (2 x 4)</b>	<b>8 hr</b>
Time per response = 4 hr	
<b>Total personnel cost (8 x \$25)</b>	<b>\$200</b>
<b>Total miscellaneous cost (\$0.94)</b>	<b>\$1</b>
Postage (0.41 x 2 = 0.82)	
Photocopy (0.10 x 2 = 0.20)	

<b>Letter of Appeal, Federal Government</b>	
<b>Total annual responses</b>	<b>2</b>
<b>Total Time burden (2 x 4)</b>	<b>8 hr</b>
Time per response = 4 hr	
<b>Total personnel cost (4 x \$75)</b>	<b>\$300</b>
<b>Total miscellaneous cost</b>	<b>0</b>

## **g. QS/IFQ Designated Beneficiary Form**

The Designated Beneficiary form provides options for survivorship privileges of QS and IFQ to immediate family members. QS holders may provide NMFS with the name of a designated beneficiary to receive survivorship transfer privileges in the event of the QS holder's death. If the QS holder does not leave a surviving spouse, he/she may name an immediate family member to be the beneficiary.

NMFS allows the transfer of IFQ only (lease) of any QS/IFQ transferred to the beneficiary by right of survivorship, for a period of 3 years following the death of the original QS holder. This information is necessary to provide temporary transfer privileges to families of deceased QS holders in the absence of a surviving spouse.

### **QS/IFQ Designated Beneficiary Form**

Block A – Instructions

Block B – Identification of QS holder

Name and NMFS Person ID  
 Business mailing address  
 Business telephone number, business fax number, and business e-mail address

**Block C – Name of beneficiary**

Name and NMFS person ID  
 Business mailing address  
 Business telephone number and fax number

**Block D – Relationship of Beneficiary to QS Holder**

Indicate YES or NO whether beneficiary named on this form is the spouse of the QS holder  
 If NO, provide immediate relationship of the beneficiary to the QS holder

**Block E – Signature**

Signature and printed name of QS holder, and date signed  
 If completed by an authorized agent, attach authorization  
 Signature, commission expiration date, and stamp of notary public

<b>QS/IFQ Designated Beneficiary Form, Respondent</b>	
<b>Estimated number of respondents</b>	<b>500</b>
<b>Total annual responses</b>	<b>500</b>
Number of responses per year = 1	
<b>Total Time burden (500 x 0.5)</b>	<b>250 hr</b>
Time per response = 0.5 hr	
<b>Total personnel cost (250 x\$25)</b>	<b>\$6,250</b>
<b>Total miscellaneous cost</b>	
Postage (0.41 x 500= 205)	<b>\$305</b>
Photocopy (0.10 x 2 x 500 = 100)	

<b>QS/IFQ Designated Beneficiary Form, Federal Government</b>	
<b>Total annual responses</b>	<b>500</b>
<b>Total Time burden (500 x 0.5)</b>	<b>250 hr</b>
Time per response = 0.5 hr	
<b>Total personnel cost (250 x\$25)</b>	<b>\$6250</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**h. QS Holder Form: Identification of Ownership Interest**

Corporations, partnerships, and other non-individual entities are required to submit the ownership form annually [679.42(j)(8)]. The information is necessary for the application of the individual and collective quota share use caps [679.42(e) and (f)] as well as to monitor whether changes have occurred [679.42(j)9)].

The information requested in this form is needed by Restricted Access Management Program (RAMP) to determine compliance with two IFQ program requirements:

- ◆ **Limitations On Use of QS and IFQ.** This information is needed to determine if persons who hold QS have exceeded their allowable use limits under the “individually and collectively” language set out in the IFQ regulations at 50 CFR 679.42(e) and (f); and,
- ◆ **Changes in corporations or partnerships.** This information is also needed to determine if a Corporation or Partnership has changed. Under Sec. 679.42(j)(1) - (4), upon a “change” (i.e., the addition of a new member) to a corporation or partnership that holds catcher vessel QS, the entity may no longer hire a master to fish the IFQ resulting from the QS it holds; further, such an entity must notify NMFS of the change within 15 days of its effective date and must then transfer its QS to a qualified individual.



In addition to the information needs to identify first-time applicants, collection of ownership interest information enables NMFS to determine compliance with the following requirements:

- ◆ to affirm the entity’s continuing existence;
- ◆ to ensure corporations and partnerships are not erroneously issued annual IFQ resulting from the collectively held QS; and
- ◆ to determine indirect ownership of vessels for purposes of the hired skipper provisions of the IFQ program.

**QS Holder form: Identification of Ownership Interest**

Indicate name of QS holder

Block A – Identification of QS holder

Indicate YES or NO whether this business is a publicly held corporation

Indicate YES or NO whether this is a corporation, association, or partnership

If YES, indicate YES or NO whether this corporation or partnership is still active

Indicate YES or NO whether this is an estate that has been probated

If YES, provide date probate was finalized

Block B – Identification of Members, Shareholders, Partners, Joint Venturers, Successor-In-Interests

If ownership consists of separate or additional corporations or partnerships, the individual owners of those entities and the percentage of interest those individuals hold in their respective corporations or partnerships must also be listed

Name

Percent of interest held

Indicate Yes or NO whether these ownership percentages represent the addition of any new owners since QS was initially issued

Block C – Signature Block

Signature, printed name, title, and date of signature

Signature, commission expiration date, and stamp of notary public

Although the requirement is to notify NMFS within 15 days, we usually find out about changes with the annual submission of the ownership form. The ownership form can be used to provide us with changes; or a letter can be submitted. The estimated number of respondents is estimated to be 150-200 per year; the number used in the analysis below is 175.

<b>QS Holder Form: Identification of Ownership Interest and Status Update, Respondent</b>	
<b>Estimated number of respondents</b>	<b>175</b>
<b>Total annual responses</b>	<b>175</b>
Number of responses per year = 1	
<b>Total Time burden (25 x 2)</b>	<b>350 hr</b>
Time per response = 2 hr	
<b>Total personnel cost (350 x \$25)</b>	<b>\$8,750</b>
<b>Total miscellaneous cost (964.25)</b>	<b>\$964</b>
Postage (0.41 x 175 = 71.75)	
Photocopy (0.10 x 175 = 17.50)	
Notary (5 x 175 = 875)	

<b>QS Holder Form: Identification of Ownership Interest and Status Update, Federal Government</b>	
<b>Total annual responses</b>	<b>175</b>
<b>Total Time burden</b>	<b>175 hr</b>
Time per response = 1 hr	
<b>Total personnel cost (175 x \$25)</b>	<b>\$4,375</b>
<b>Total miscellaneous costs</b>	<b>0</b>

## **i. Application to Become a Community Quota Entity (CQE)**

A non-profit corporate entity that meets specific criteria to receive transferred halibut or sablefish QS on behalf of an eligible community may lease the resulting IFQ to fishermen who are residents of the eligible community. Communities eligible to participate in this program would need to meet all of the following criteria:

- ◆ Have a population of less than 1,500 persons based on the 2000 United States Census;
- ◆ Have direct saltwater access;
- ◆ Lack direct road access to communities with a population greater than 1,500 persons;
- ◆ Have historic participation in the halibut and sablefish fisheries; and
- ◆ Be specifically designated on a list adopted by the Council.

NMFS requires information to establish the eligibility of the CQEs to hold QS, monitor the participation of the eligible communities in this program, gather information on the distribution of QS and IFQ among these communities, and receive an annual report from each CQE. This information is used both to evaluate the ability of the specific CQE to represent an Eligible GOA community and to augment fisheries management efforts.

This application procedure is required for each non-profit entity seeking to become a CQE representing a specific community. The Application to Become a CQE is submitted prior to the transfer of any QS to a CQE representing any community. This application is due only once, unless a particular eligible community withdraws support from a specific CQE. For purposes of estimating burden hours, this situation is unlikely to arise, and the application process would not need to be resubmitted more than once every five years.

### **Application for a Non-profit Corporation to be Designated as a Community Quota Entity (CQE)**

#### **Block A—Identification of applicant**

- Name of nonprofit organization
- Permanent business mailing address
- Name of contact person
- Business telephone number, fax number, and e-mail address
- Name of community represented by nonprofit organization
- Name of contact for community governing body

#### **Block B – Required Information**

##### Checklist of required attachments

The non-profit organization applying to become a Community Quota Entity must provide all of the documentation listed in this section. This information is used both to evaluate the ability of the non-profit applicant to represent an Eligible GOA community and to ensure the non-profit has the support of the community's government body.

Applicant's Articles of Incorporation

Applicant's Corporate By-laws

A list of the applicant's key personnel, including its Board of Directors and Officers

The applicant's Organizational Chart or, at a minimum, a written explanation that fully reveals the applicant's line and staff responsibilities and relationships

A statement designating the eligible Gulf of Alaska coastal community(ies) that the entity seeks to represent

An explanation of how the applicant will manage QS/IFQ on behalf of the community(ies) it seeks to represent

An explanation of the applicant's administrative stability and competence, including the resumes of key management personnel

A statement that explains the procedures that will be used to solicit requests from community residents to use (lease) annual IFQ held by the applicant and that sets out the criteria and procedures to be used to select from among those who have expressed a desire to use the IFQ

Formal resolution from the community governing body (i.e., the city council if a municipality, the tribal governing body if not a municipality, or the non-profit community association if neither a municipality or a tribe) that unambiguously designates the applicant as the community's representative and CQE

**Block C -- Certification**

Printed name, signature, and date signed  
Signature, date when commission expires, and stamp of Notary

The current number of CQEs is 20, down from the estimate of 42. And, because this analysis is done every 3 years, the annual number is determined by dividing by 3.

<b>Application to Become an CQE, Respondent</b>	
<b>Estimated number of respondents</b> (20/3 = 6.67)	<b>7</b>
<b>Total annual responses</b>	<b>7</b>
Number of responses per year = 1	
<b>Total Time burden</b>	<b>1,400 hr</b>
Time per response = 200 hr	
<b>Total personnel cost</b> (\$150 x 1400)	<b>\$210,000</b>
<b>Total miscellaneous cost</b> (43.61)	<b>\$44</b>
Postage (7 x 1.23 = 8.61)	
Photocopy (7 x 50 pages x 0.10 = 35)	

<b>Application to Become an CQE, Federal Government</b>	
<b>Total annual responses</b>	<b>7</b>
<b>Total Time burden</b>	<b>28 hr</b>
Time per response = 4 hr	
<b>Total personnel cost</b> (28 x \$25)	<b>\$700</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**j. Application for Transfer of QS/IFQ to or from a Community Quota Entity (CQE)**

This application form is only used to apply for a transfer of QS or IFQ to or from a CQE. Any party to whom the QS/IFQ is proposed to be transferred must hold a Transfer Eligibility Certificate (TEC). If the application is to permanently transfer QS from a CQE to another party, the application must be signed by a representative of the community for whom the CQE holds the QS.

The following determinations are required for each eligible community represented by that CQE:

- ◆ An individual applying to receive IFQ from QS held by a CQE is an eligible community resident of the eligible community in whose name the CQE is holding QS;
- ◆ The CQE applying to receive or transfer QS, has submitted a complete annual report(s);
- ◆ The CQE applying to transfer QS has provided information on the reasons for the transfer;
- ◆ The CQE applying to receive QS is eligible to hold QS on behalf of the eligible community in the halibut or sablefish regulatory area designated for that eligible community in Table 21 to 50 CFR part 679;
- ◆ The governing body of the eligible community has authorized the transfer of QS; and
- ◆ The CQE applying to receive QS has received notification of approval of eligibility to receive QS/IFQ for that community

**Application for Transfer of QS/IFQ to or from a CQE**

Block A – General Requirements

Block B – Identification of Proposed Transferor (Seller)

Full name as it appears on QS Certificate or TEC and NMFS Person ID number  
If proposed transferor is a CQE, name of community represented by the CQE  
Business mailing address (indicate whether permanent or temporary)  
Business telephone number, fax number and e-mail address

Block C – Identification of Proposed Transferee (Buyer)

Name and NMFS Person ID number

If proposed transferee is a CQE, name of community represented by the CQE

Business mailing address (indicate whether permanent or temporary)

Business telephone number, fax number, and e-mail address

Block D – Questions for Transferee (Buyer)

Indicate YES or NO whether QS is to be included in a sweep-up

If YES, list the identifier on the QS certificate into which this new piece should be combined

If this is a transfer of Catcher vessel CDQ compensation QS that has not been assigned a catcher vessel length, designate the category. Indicate the QS vessel length to which you wish the QS assigned.

Block E – Identification of QS/IFQ to be Transferred

Complete Block E if QS and IFQ are to be transferred together or to transfer QS only.

Number of QS units to be transferred

Designation of QS, as shown on the QS certificate: from and to

Indicate YES or NO whether all remaining IFQ pounds from the current fishing year should be transferred with the QS

If NO, indicate the number of pounds to be transferred

Block F – Transfer of IFQ only (lease of IFQ)

Pertains only to proposed transfers from CQEs to qualifying community members

Identification of IFQ to be transferred: Permit number and year

Name of the community to which QS are currently assigned

Block G – Required Supplemental Information

(to be completed by proposed transferor, if a CQE)

Indicate the reason(s) transfer being proposed

(check all that apply and provide a brief explanation on a separate sheet)

Block H – Required Supplemental Information

(to be completed by proposed transferor, if a CQE)

Provide the price per unit of QS and the price per pound of IFQ

Indicate total amount paid for the QS/IFQ in this transactions, including all fees

Indicate YES or NO whether a broker is used for this transaction

If YES, indicate amount paid in brokerage fees or percentage of total price

Indicate reason applying to transfer QS/IFQ (check all that apply)

Block I – Required Supplemental Information

(to be completed by proposed transferee)

Indicate YES or NO whether the QS/IFQ will have a lien attached

If YES, identify the person who will hold the lien

Indicate primary source of financing for this transfer (check one)

Indicate how the QS/IFQ was located (check all that apply)

Indicate relationship to the transferor (check all that apply)

Indicate YES or NO whether an agreement exists to return the QS or IFQ to the transferor or any other person or a condition place on resale.

If YES, explain

Certification of Transferor (Seller)

Printed name and signature of Transferor and date signed

If completed by an authorized agent, attach authorization

Signature, commission expiration date, and stamp of notary

Certification of Transferee (Buyer)

Printed name and signature of Transferee and date signed.

If completed by an authorized agent, attach authorization.

Signature, commission expiration date, and stamp of notary

Certification of CQE Community Representative

(required when CQE proposes to permanently transfer QS)

Printed name, title, and signature of Community Representative and date signed

Signature, commission expiration date, and stamp of notary

The current number of CQEs is 20, down from the previous estimate of 42.

<b>Application for Transfer of QS/IFQ to or from a CQE, Respondent</b>	
<b>Estimated number of respondents</b>	<b>20</b>
<b>Total annual responses</b>	<b>40</b>
Number of responses per year = 2	
<b>Total Time burden (40x 2)</b>	<b>80 hr</b>
Time per response = 2 hr	
<b>Total personnel cost (80 x \$25)</b>	<b>\$2,000</b>
<b>Total miscellaneous cost (224.20)</b>	<b>\$224</b>
Postage (20 x .41 = 8.20)	
Photocopy (4 pages x 0.10 x 40 = 16)	
Notary (\$5 x 40 = 200)	

<b>Application for Transfer of QS/IFQ to or from a CQE, Federal Government</b>	
<b>Total annual responses</b>	<b>40</b>
<b>Total Time burden (40x 0.5)</b>	<b>20 hr</b>
Time per response = 0.5 hr	
<b>Total personnel cost (42 x \$25)</b>	<b>\$1,050</b>
<b>Total miscellaneous cost</b>	<b>0</b>

#### **k. Application for Transfer of QS/IFQ**

The information required by this application is necessary to ensure that quota share (QS) and individual fishing quota (IFQ) are transferred in compliance with the regulations governing the buying and selling of QS and the leasing of IFQ. This application for transfer must be completed, signed by both the buyer and seller, and notarized. Collectively held QS must be transferred to a qualified individual upon any change in a corporation or partnership.

The form allows NMFS to monitor the transfer of QS, both purchased and sold. Transfers of QS and IFQ are regulated:

- ◆ to prevent over-consolidation,
- ◆ to accommodate divestiture requirements at 50 CFR part 679.42(j),
- ◆ to promote an owner-operator IFQ fleet, and
- ◆ to allow new entrants into the fishery.

Transfer Upon Deceased QS Holder (Formerly Notification of Inheritance of QS). Any person that receives title to QS by inheritance or court order must notify NMFS and provide an affidavit, court order, or some other form of substantiating evidence supporting the transaction. Any person that receives title to QS in this manner may not use the IFQ resulting from it to harvest sablefish or halibut with fixed gear until the QS transfer is approved by NMFS. Any person that wishes to substantiate the death or dissolution of a QS holder, or that receives title to QS by inheritance or court order and that wishes to transfer title to the QS on behalf of the deceased person or his/her estate, must:

- ◆ Request a transfer to NMFS for approval under rules that govern the IFQ program;

- ◆ Establish the death or dissolution of the QS holder; and
- ◆ Provide proof of representation to conduct such business as authorized by the Court or other appropriate authorizing body.

Transfer Sweep-up. A separate “Sweep-up” Form is to be used by a single person who wishes to combine his/her own individual holdings by sweeping them together -- a "self sweep-up". The regular transfer form is for two different parties who are transferring from one person to another. They can request on this form that QS be swept up with QS already held by the buyer (transferee).

**Application for Transfer of QS and IFQ**

Block A -- Transfer Eligibility Certificate (TEC)

Indicate YES or NO whether transferee (buyer) holds a TEC

Block B – Attachment Checklist

Use this list to ensure application is complete.

Block C – Transferor (Seller) Information

Full name as it appears on QS Certificate or TEC and NMFS Person ID number

Date of birth

Business mailing address (indicate whether permanent or temporary)

Business telephone number, Business fax number, and business e-mail address

Block D – Transferee (Buyer) Information

Name and NMFS Person ID number

Date of birth

Business mailing address (indicate whether permanent or temporary)

Business telephone number, business fax number, and business e-mail address

Block E – Questions for Transferee (Buyer)

Indicate YES or NO whether QS is to be included in a sweep-up

If YES, list the identifier on the QS certificate into which this new piece should be combined

If this is a transfer of Catcher vessel CDQ compensation QS and the vessel category was not declared, indicate the QS vessel category in which you would like to have your QS issued.

Block F – Identification of QS and IFQ to be Transferred

Complete Block F if QS and IFQ are to be transferred together or to transfer QS only.

Whether Halibut or sablefish

IFQ Regulatory area

Vessel category

Number of QS units to be transferred

Seller IFQ permit number

Start and end serial numbers of QS to be transferred

Indicate YES or NO whether all remaining pounds for the current fishing year should be transferred

If NO, number of pounds to be transferred

Block G – Transfer of IFQ only

Complete Block G if requesting transfer of IFQ only (applies only to Category A and surviving Spouse IFQ)

Whether Halibut or sablefish

IFQ regulatory area

Number of units to be transferred

Start and end serial numbers of IFQ to be transferred

Actual number of IFQ pounds being transferred

Seller IFQ permit number

Fishing year

Block H – Required Supplemental Information (completed by seller)

Indicate YES or NO whether a broker is used for this transaction

If YES, how much is paid in brokerage fees or % of total price

Total amount being paid for the QS/IFQ in this transaction, including all fees

Price per unit of QS

Price per pound of IFQ

Reasons for transferring the QS/IFQ (check all that apply)

**Block I – Required supplemental information** (completed by buyer)

Indicate YES or NO whether QS/IFQ being purchased will have a lien attached

Indicate primary source of financing for this transfer (check one)

Indicate how the QS/IFQ was located (check all that apply)

Indicate Buyer's relationship to the QS/IFQ Holder (check all that apply)

Indicate YES or NO whether an agreement exists to return QS or IFQ to Seller or any other person, or a condition placed on resale

If YES, explain

**Block J – Transferor (Seller) Signature Block**

Printed name and signature of Transferor and date signed

If completed by an authorized agent, attach authorization

Signature, commission expiration date, and stamp of notary

**Block K – Transferee (Buyer) Signature Block**

Printed name and signature of Transferee and date signed.

If completed by an authorized agent, attach authorization.

Signature, commission expiration date, and stamp of notary

**Application for Transfer of QS/IFQ by Sweep-up (short form)**

This form is a short form of the Application for Transfer of QS/IFQ to be used by persons who wish to combine (sweep-up) the transferred block together with a block already held. Blocked QS may be swept up into one block if the total amount of QS being combined is less than or equal to established amounts of QS units per area. To be combined, QS must be in the same vessel category, and the resulting block size must not exceed the sweep-up limits.

**Application for Transfer of QS/IFQ by Sweep-up (short form)**

**Block A -- Instructions**

**Block B -- Sweep-up limits**

**Block C -- Applicant information**

Applicant name and date of birth

Business mailing address (indicate whether permanent or temporary)

Business telephone number, business fax number, and business e-mail address

**Block D -- First Quota Shore Block**

Halibut or sablefish

IFQ Regulatory area

Vessel category

Number of QS units to be swept up

Start and end serial numbers of QS to be transferred

**Block E -- Second Quota share Block**

Halibut or sablefish

IFQ Regulatory area

Vessel category

Number of QS units to be swept up

Start and end serial numbers of QS to be transferred

**Block F – Signature Block**

Signature and printed name of QS holder and date signed

If completed by an authorized agent, attach authorization

Signature, commission expiration date, and stamp of notary public

In 2007, the following transfers occurred in the halibut fishery: 209 in Area 2C; 326 in Area 3A; 90 in Area 3B; 83 in Area 4A; 19 in Area 4B; 14 in Area 4C; and 10 in Area 4D. This totals 751 transfers in the IFQ Halibut fishery.

In 2007, the following transfers occurred in the sablefish fishery: 14 in Aleutian Islands; 18 in Bering Sea; 63 in Central Gulf of Alaska; 78 in Southeast Gulf of Alaska; 45 in Western Gulf of Alaska; and 41 in West Yakutat. This totals 259 transfers in the IFQ Sablefish fishery.

<b>Application for Transfer of QS and IFQ, Respondent</b>	
<b>Estimated number of respondents</b>	<b>1010</b>
751 halibut transfers	
259 sablefish transfers	
<b>Total annual responses</b>	<b>1010</b>
Number of responses per year = 1	
<b>Total Time burden</b>	<b>2020 hr</b>
Time per response = 2 hr	
<b>Total personnel cost</b> (2020 x \$25)	<b>\$50,500</b>
<b>Total miscellaneous cost</b>	<b>\$5,868</b>
Postage (1010 x .41 = 414.10)	
Photocopy (4 pages x 0.10 x 1010 = 404)	
Notary (\$5 x 1010 = 5050)	

<b>Application for Transfer of QS and IFQ, Federal Government</b>	
<b>Total annual responses</b>	<b>1010</b>
<b>Total Time burden</b> (1010x 0.5)	<b>505 hr</b>
Time per response = 0.5 hr	
<b>Total personnel cost</b> (505 x \$25)	<b>\$12625</b>
<b>Total miscellaneous cost</b>	<b>0</b>

## **I. Application for replacement of certificates, permits, or licenses**

This form allows for replacement of Certificates, Permits, or Licenses in the IFQ program as well as replacement of all other management programs permits or licenses offered by NMFS Alaska Region.

### **Application for replacement of certificates, permits, or licenses**

#### Block A – Identification of Applicant

- Name, date of birth, NMFS Person ID
- Business mailing address (indicate whether temporary or permanent)
- Business telephone number, business fax number, and business e-mail address

#### Block B – Replacement Request

Indicate certificates, permits, or licenses to be replaced (check only items that apply)

##### Part I – BSAI Crab Permits and Scallop Permits

- Crab QS Reports
  - Units and Fishery
  - Indicate whether this QS Report is requested for a pending QS/IFQ transfer
- Crab PQS Report
  - Units and Fishery
  - Indicate whether this PQS Report is requested for a pending PQS/IFQ transfer
- Crab Annual IFQ Fishing Permit: Permit Number
- Crab Annual IPQ Fishing Permit: Permit Number
- Registered Crab Receiver: Permit Number
- Crab Federal Vessel Permit
  - Permit Number and Vessel ADF&G Number
- Crab IFQ Hired Master Permit
  - Permit Number and Skipper Name
- Crab QS or PQS Transfer Eligibility Certificate
- Crab License Limitation License (LLP): License Number
- Scallop License Limitation License (SLLP): License Number



PART II – Pacific Halibut and Sablefish IFQ Program Permits

Halibut/Sablefish QS Certificate

Units, Area, and Species

Indicate whether this QS Certificate is requested for pending QS/IFQ transfer

Halibut/Sablefish IFQ Fishing Permit: Permit Number

Halibut/Sablefish IFQ/CDQ hired master permit for individual permit holder

Permit Number and Species

Halibut/Sablefish Transfer Eligibility Certificate (TEC): NMFS Person ID

Registered Buyer Permit: Permit Number

PART III – Federal Groundfish Permits

Federal Fisheries Permit (FFP): Permit Number

Federal Processor Permit (FPP):

Permit Number

Vessel ADF&G Number (if stationary floating processor)

Groundfish License Limitation License (LLP)

American Fisheries Act (AFA) Inshore Cooperative: Permit Number

AFA Catcher Vessel Permit:

Permit Number

Vessel USCG No., ADF&G No., and Name

AFA Catcher/Processor Permit

Permit Number

Vessel USCG No., ADF&G No., and Name

AFA Inshore Processor: Permit Number

AFA Mothership:

Permit Number

Vessel USCG No., ADF&G No., and Name

PART IV – Halibut Subsistence

Subsistence Halibut Registration Certificate (SHARC)

Tribal SHARC Number

Rural Resident SHARC Number

Subsistence Halibut Ceremonial Permit: Permit Number

Block C – Reason for replacement Request

Check one; if checked “other” describe

Block D – Certification of Applicant

Signature and printed name of applicant and date signed

If completed by authorized agent, attach authorization

Signature, commission expiration date, and stamp of notary public

The number of replacement requests currently is estimated to be 300 for IFQ permits, and 250 for the other permits. No records are kept of the requests.

<b>Application for Replacement of Certificates, Permits, or Licenses, Respondent</b>	
<b>Estimated number of respondents</b>	<b>550</b>
<b>Total annual responses</b>	<b>550</b>
Number of responses per year = 1	
<b>Total Time burden (550 x 0.5)</b>	<b>275 hr</b>
Time per response = 0.5 hr	
<b>Total personnel cost (275 x \$25)</b>	<b>\$6,875</b>
<b>Total miscellaneous cost (3030.50)</b>	<b>\$3,031</b>
Postage (0.41 x 550 = 225.50)	
Photocopy (0.10 x 550 = 55)	
Notary (5 x 550 = 2750)	

<b>Application for Replacement of Certificates, Permits, or Licenses, Federal Government</b>	
<b>Total annual responses</b>	<b>550</b>
<b>Total Time burden</b> (550 x 0.5) Time per response = 0.5 hr	<b>275 hr</b>
<b>Total personnel cost</b> (275 x \$25)	<b>\$6,875</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**m. Request for Automated Transaction Terminal/Printer [REMOVED]**

**n. IFQ Administrative Waiver**

A request for an administrative waiver is received by telephone at a Government-provided toll-free number (or, in rare cases, by marine radio) from fishermen participating in IFQ fisheries. No form exists for this item. A waiver is completed by NMFS, Office of Law Enforcement (OLE), Juneau to document a request for an administrative waiver from one of the following requirements. The waiver is granted at the discretion of the clearing officer:

- ◆ Six-hour Prior of Notice of Landing: issued to a vessel to land fish before the required 6 hours
- ◆ 12-hour IFQ Landing Window: issued to a vessel that lands fish after hours: after 1800 and before 0600.
- ◆ Electronic Landing Report requirement -- issued due to eLandings failure.
- ◆ IFQ hired master onboard requirement -- issued for the IFQ hired master to not be on board in extreme personal emergencies.

**IFQ Administrative Waiver**

Toll-free telephone call to OLE; completed by OLE  
Date and time of waiver  
Vessel name and ADF&G vessel registration number  
All IFQ permit numbers  
Prior Notice confirmation number (if applicable)  
Registered Buyer name and permit number (if applicable)  
Requirement being waived.

IFQ administrative waivers were issued as follows: 2004, 726; 2005, 757; 2006, 720; and 2007, 772. The rounded-up number used in the analysis is 745.

<b>IFQ Administrative Waiver, Respondent</b>	
<b>Estimated number of respondents</b>	<b>745</b>
<b>Total annual responses</b>	<b>745</b>
Number of responses per year	
<b>Total Time burden</b> (745 x 0.1) Time per response = 0.1 hr (6 min)	<b>75 hr</b>
<b>Total personnel cost</b> (75 x \$25)	<b>\$1,875</b>
<b>Total miscellaneous cost</b>	<b>0</b>

<b>IFQ Administrative Waiver, Federal Government</b>	
<b>Total annual responses</b>	<b>745</b>
<b>Total Time burden</b> (745 x 0.1) Time per response = 0.1 hr	<b>75 hr</b>
<b>Total personnel cost</b> (75 x \$25)	<b>\$1875</b>
<b>Total miscellaneous cost</b>	<b>0</b>

#### **o. Prior Notice of Landing (PNOL)**

The objective of the PNOL is to provide the IPHC monitoring personnel and NMFS, Office for Law Enforcement (OLE) personnel advance notice of vessel IFQ landings. Unless an administrative waiver is granted by a clearing officer, no fewer than three hours prior to making an IFQ landing, the operator of any vessel intending to make a landing of IFQ halibut, CDQ halibut, or IFQ sablefish must submit a PNOL to OLE. The PNOL alerts OLE of legal landings and allows monitoring personnel to query the IFQ data center to determine if the permit holder has enough IFQ pounds available in the account to cover the amount being landed and to afford the opportunity to observe the offload. No form exists for this item.

A PNOL is submitted to OLE by toll-free telephone number 800-304-4846 or 1-907-586-7163 between the hours of 0600 hours, Alaska Standard Time (AST), and 2400 hours, AST

The operator of any vessel wishing to make an IFQ landing before the date and time (AST) reported in the PNOL or later than 2 hours after the date and time (AST) reported in the PNOL must submit a new PNOL.

Data on gear type are necessary to ensure compliance with the PNOL requirement, because some reporting exemptions are gear-based. Also, such data are used by the International Pacific Halibut Commission to assist with harvest monitoring, and by NMFS and the Council to show gear use, project bycatch rates for non-IFQ fish in the IFQ fishery, and to support analyses for seasonal apportionments and other allocation proposals.

#### **Prior notice of landing (PNOL)**

Toll-free telephone call to OLE

Vessel name and ADF&G vessel registration number

Landing information

Port of landing

Exact location of landing within the port

(dock name, harbor name, facility name, or geographical coordinates)

Date and time that the landing will take place

Estimated halibut weight

Estimated sablefish weight

IFQ regulatory area(s) in which the IFQ halibut or IFQ sablefish were harvested;

IFQ or CDQ permit number(s) that will be used to land the IFQ halibut or IFQ sablefish

Gear type reported by the hired master

PNOL were submitted as follows: 2004, 8012; 2005, 9154; 2006, 9068; and 2007, 9854. The average of these four years is used, 9022. The number used below is 9000. Each IFQ permit holder must submit a PNOL prior to landing. The number of IFQ permit holders is different from the number of permits; some people have multiple IFQ permits. Currently, there are approximately 2,250 active IFQ fishermen.

<b>Prior notice of landing, Respondent</b>	
<b>Estimated number of respondents</b>	<b>2250</b>
<b>Total annual responses</b>	<b>9,000</b>
Number of responses per year = 4	
<b>Total Time burden</b> (9000 x 0.2)	<b>1,800 hr</b>
Time per response = 0.2 hr	
<b>Total personnel cost</b> (1800 x \$25)	<b>\$45,000</b>
<b>Total miscellaneous cost</b>	<b>0</b>

<b>Prior notice of landing, Federal Government</b>	
<b>Total annual responses</b>	<b>9000</b>
<b>Total Time burden</b> (9000 x 0.2)	<b>1,800 hr</b>
Time per response = 0.2 hr	
<b>Total personnel cost</b> (1800 x \$25)	<b>\$45,000</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**p. Electronic Landing report**

The IFQ hired master must initiate a landing report of sablefish and halibut landed upon arrival at the dock by using his or her own magnetic card and personal identification number (PIN). A properly concluded transaction terminal receipt or manual landing report receipt received by FAX from OLE, Juneau, constitutes confirmation that NMFS received the landing report and that the cardholder’s account was properly debited. After the Registered Buyer enters the landing data in the transaction terminal and a receipt is printed, the IFQ hired master must sign the receipt. Legible copies of the receipt must be retained by both the Registered Buyer and the IFQ hired master.

The automated template module (ATM) information is automatically provided to the NMFS database for timely fishery monitoring driven by custom-designed software, provided and/or specified by NMFS, Alaska Region. The ATMs are equipped with printers so that copies of the transaction are available for the Registered Buyer. Some information is automatically derived from the IFQ card, CDQ halibut card, or the IFQ/CDQ database when the ATM procedure is used. This electronic system enables immediate confirmation that adequate IFQ pounds exist in the account to cover the landing and affords the cardholder instant access to updated account information.

The fish ticket number provides important management information. ADF&G vessel number is used for enforcement of the regulations imposing a cap on the amount of IFQ that may be used by any one vessel. The ADF&G statistical area information is needed so that the fisherman may verify that IFQ species were harvested only in areas for which cardholders making the landing have IFQ. Information on gear-type is necessary to distinguish long-liners from trollers, who in certain instances are exempt from the Six-hour Prior Notice of IFQ Landing Requirement and the 12-hour IFQ landing window.

The ATM system with card swipe was replaced completely by use of Internet reporting February 2005.

**Electronic landing report**

- Date and time (AST) of landing
- Location of IFQ landing (port code or if at sea, latitude and longitude)
- Name, permit number, and PIN number of IFQ hired master or CDQ hired master

Name, permit number, and password of Registered Buyer receiving the IFQ halibut, IFQ sablefish, or CDQ halibut  
 Harvesting vessel's name and ADF&G vessel registration number  
 Initial accurate scale weight (lb or nearest 0.001mt) with or without ice and slime at the time of offloading  
 Gear code used to harvest IFQ species  
 ADF&G statistical area of harvest  
 Species and product codes  
 ADF&G Fish ticket number  
 If vessel operator is the Registered Buyer reporting the landing, accurate weight of IFQ sablefish processed product obtained before the offload may be substituted for the initial accurate scale weight  
 Registered Buyer and IFQ hired master or CDQ hired master must sign printed receipt

**Manual landing report**

If a waiver from use of an electronic landing report is granted by OLE, Juneau, AK, the manual landing report must contain the following information

Whether manual landing report is original or revised  
 Date, time, and location (lat and long if at sea) of the IFQ landing  
 Name of the IFQ hired master and Registered Buyer  
 Halibut IFQ/CDQ permit number, Sablefish IFQ/CDQ Permit No., and Registered Buyer permit number  
 Harvesting vessel's name, ADF&G vessel registration number, and gear code  
 ADF&G statistical area of harvest  
 If ADF&G statistical area is bisected by a line dividing two IFQ regulatory areas, the IFQ regulatory area of harvest reported by the IFQ cardholder  
 For each ADF&G statistical area  
 Whether ice and slime is present  
 Whether halibut is incidental  
 Alaska State fish ticket number(s)  
 Species code and product code,  
 Product weight sold (lb), and  
 Product weight retained (lb)  
 Registered Buyer signature, FAX number, and contact number  
 IFQ/CDQ hired master's signature  
 NMFS Enforcement signature

<b>Electronic Landing Report, Respondent</b>	
Estimated number of respondents	2250
<b>Total annual responses</b>	<b>33,750</b>
Number of responses per year = 15	
<b>Total Time burden</b> (33750 x 0.3)	<b>10,125 hr</b>
Time requirement for each report = 0.3 hr	
<b>Total personnel cost</b> (10125 x\$25)	<b>\$253,125</b>
<b>Total miscellaneous cost</b>	<b>\$17,150</b>
33,700 Internet submittal (\$0.5 x 33,700=16850)	
50 FAX submittal (\$6 x 50=300)	

<b>Electronic Landing Report, Federal Government</b>	
<b>Total annual responses</b>	<b>33,750</b>
<b>Total Time burden</b> (33750 x 0.1)	<b>3375 hr</b>
Time requirement for each report = 0.1 hr	
<b>Total personnel cost</b> (3375 x\$25)	<b>\$84,375</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**q. IFQ Departure Report**

The IFQ Departure Report may be submitted only after completion of all IFQ fishing and prior to departing the waters of the EEZ adjacent to the jurisdictional waters of the State of Alaska, the territorial sea of the State of Alaska, or the internal waters of the State of Alaska. If intending to

make an IFQ landing at any location other than in an IFQ regulatory area or in the State of Alaska, the vessel operator must submit an IFQ Departure Report to OLE by toll-free telephone.

**IFQ Departure report**

- Intended date, time (AST), and location of landing
- Vessel name and ADF&G vessel registration number
- Halibut IFQ, halibut CDQ, and Sablefish IFQ permit numbers
- Vessel operator’s name and IFQ Registered Buyer permit number
- Estimated total weight of IFQ halibut or CDQ halibut on board (lb/kg/mt)
- Estimated total weight of IFQ sablefish on board (lb/kg/mt)
- Halibut Regulatory Areas or Sablefish Regulatory Areas of harvest or both

IFQ Departure Reports were submitted as follows: 1996, 198; 1997, 147; 1998, 180; 1999, 156; 2000, 91; 2001, 72; 2002, 61; 2003, 60; 2004, 62; 2005, 65; 2006, 54; and 2007, 70. The rounded-up average of the last four years is used in the analysis, 63.

<b>IFQ Departure Report, Respondent</b>	
<b>Estimated number of respondents</b>	<b>63</b>
<b>Total annual responses</b>	<b>63</b>
Number of responses = 1	
<b>Total Time burden</b> (63 x 0.25 = 15.75)	<b>16 hr</b>
Time per response = 0.25 hr (15 min.)	
<b>Total personnel cost</b> (16 x \$25)	<b>\$400</b>
<b>Total miscellaneous cost</b>	<b>0</b>

<b>IFQ Departure Report, Federal Government</b>	
<b>Total annual responses</b>	<b>63</b>
<b>Total Time burden</b> (63 x 0.25)	<b>16 hr</b>
Time per response = 0.25 hr	
<b>Total personnel cost</b> (16 x \$25)	<b>\$400</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**r. Transshipment Authorization**

If a person intends to transship processed IFQ halibut, IFQ sablefish, or CDQ halibut between vessels, authorization from an OLE clearing officer to do so must be obtained for each instance of transshipment. The authorization is requested from OLE by telephone at 1-800-304-4846. The request should be made at least 24 hr before the transshipment is intended to commence.

**Transshipment authorization**

- Time, date, and location of transshipment
- Vessel name and ADF&G vessel registration number transshipment from
- Vessel name transshipment to
- Product destination
- Registered Buyer name and number
- IFQ/CDQ permit numbers
- Species and Product type codes and product weight of transshipment
- Request date and time
- Requestor’s name, telephone number and fax number

Transshipment Authorization were issued as follows: 1999, 20; 2000, 26; 2001, 26; 2002, 19; 2003, 11; 2004, 5; 2005, 7; 2006, 11; and 2007, 15. The rounded-up average of the last four years is used in the analysis, 10.

<b>Transshipment Authorization, Respondent</b>	
<b>Estimated number of respondents</b>	<b>10</b>
<b>Total annual responses</b>	<b>10</b>
Number of responses per year = 1	
<b>Total Time burden</b> (10 x 0.2)	<b>2 hr</b>
Time per response = 0.2 hr	
<b>Total personnel cost</b> (2 x \$25)	<b>\$50</b>
<b>Total miscellaneous cost</b>	<b>0</b>

<b>Transshipment Authorization, Federal Government</b>	
<b>Total annual responses</b>	<b>10</b>
<b>Total Time burden</b> (10 x 0.2)	<b>2 hr</b>
Time per response = 0.2 hr	
<b>Total personnel cost</b> (2 x \$25)	<b>\$50</b>
<b>Total miscellaneous cost</b>	<b>0</b>

### s. Dockside sales receipt

A person holding a valid IFQ permit, IFQ hired master permit, and Registered Buyer (RB) permit may conduct a dockside sale of IFQ halibut or IFQ sablefish to a person who has not been issued a Registered Buyer permit and must issue a dockside sales receipt in lieu of a shipment report. The purpose of reporting the amount of IFQ fish involved in a dockside sale is to provide OLE with the ability to monitor and inspect the shipment of IFQ fish to determine whether there was proper accounting for all IFQ fish landed.

#### Dockside sales receipt

- Date of sale or transfer
- Registered buyer permit number
- Fish product weight of the IFQ sablefish or IFQ/CDQ halibut transferred to each individual
- Species code
- Product type
- Number of shipping units
- Name of shipper
- Details of the shipping means and route
- Confirmation number issued by the credit card transaction

The estimated number of dockside Sales Receipts in 2007 is 235, based on a count of IFQ landings and CDQ halibut landings received from RB permit holders as catcher-sellers.

<b>Dockside Sales Receipt, Respondent</b>	
<b>Estimated number of respondents</b>	<b>235</b>
<b>Total annual responses</b>	<b>1175</b>
Number of responses per year = 5	
<b>Total Time burden</b> (1175 x 0.1 = 117.50)	<b>118 hr</b>
Time per response = 0.1 hr	
<b>Total personnel cost</b> (118 x \$25)	<b>\$2,950</b>
<b>Total miscellaneous cost</b>	<b>0</b>

<b>Dockside Sales Receipt, Federal Government</b>	
<b>Total annual responses</b>	<b>0</b>
<b>Total Time burden</b>	<b>0</b>
<b>Total personnel cost</b>	<b>0</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**t. CQE Annual Report**

Each CQE must submit an annual report by January 31 summarizing halibut and sablefish IFQ activities for the prior fishing year, for each community represented by the CQE to NMFS and to the governing body. This report will provide NMFS and the community with a means of assessing the efficacy of the program on an annual basis and during the 5 year review scheduled for this program. Much of the information on this report will be available for participants through a review of the CQE records and should not require extensive new data collection or gathering. A complete annual report must contain the following information:

**CQE Annual Report**

- Identification of the eligible community, or communities, being represented by the CQE (optional);
- Total amount of halibut QS and sablefish QS held by the CQE at the start of the calendar year and at the end of the calendar year (optional);
- Total amount of halibut QS and sablefish QS held by the CQE at the start of the calendar year and at the end of the calendar year (optional)
- Total amount of halibut and sablefish IFQ leased from the CQE (optional);
- Name, business addresses, and amount of halibut and sablefish IFQ received by each individual to whom the CQE leased IFQ (optional).
- Name, ADF&G vessel registration number, USCG documentation number, length overall, and homeport of each vessel from which the IFQ leased from community owned QS was fished.
- Name and business addresses of those individuals employed as crew members when fishing the IFQ derived from the QS held by the CQE.
- Detailed description of the criteria used by the CQE to distribute IFQ leases among eligible community residents;
- Description of efforts made to employ crew members who are eligible community residents of the eligible community aboard vessels on which IFQ derived from QS held by a CQE is being fished;
- Description of the process used to solicit lease applications from eligible community residents of the eligible community on whose behalf the CQE is holding QS;
- Names and business addresses and amount of IFQ requested by each individual applying to receive IFQ from the CQE
- Any changes in the bylaws of the CQE, board of directors, or other key management personnel
- Copies of minutes and other relevant decision making documents from CQE board meetings
- The number of vessels that fished for IFQ derived from QS held by a CQE (optional)

The current number of CQEs is 20, down from the previous estimate of 42.

<b>CQE Annual Report, Respondent</b>	
<b>Estimated number of respondents</b>	<b>20</b>
<b>Total annual responses</b>	<b>20</b>
Number of responses per respondent = 1	
<b>Total Time burden (20 x 40)</b>	<b>800 hr</b>
Time per response = 40 hr	
<b>Total personnel cost (800 x \$50)</b>	<b>\$40,000</b>
<b>Total miscellaneous cost</b>	<b>\$120</b>
Postage (\$5 x 20 = 100)	
Photocopy (0.10 x 20 x 10 = 20)	



<b>CQE Annual Report, Federal Government</b>	
<b>Total annual responses</b>	<b>20</b>
<b>Total Time burden</b> (20 x 20) Time per response = 20 hr	<b>400 hr</b>
<b>Total personnel cost</b> (400 x \$25)	<b>\$10,000</b>
<b>Total miscellaneous cost</b>	<b>0</b>

**u. Approval of Transfer from governing body of the eligible community**

As part of the transfer application, the governing body of the eligible community must provide an authorization for the transfer (see 2i, above). This authorization is intended to ensure that the community is fully aware of the transfer. Certain restrictions apply to future transfers if the transfer of QS is for a reason other than to sustain, improve, or expand the program (i.e., the CQE would be prohibited from holding QS on behalf of that community for a period of three years, and the CQE must divest itself of all QS held on behalf of that community).

<b>Approval of Transfer from Governing Body, Respondent</b>	
<b>Estimated number of respondents</b>	<b>20</b>
<b>Total annual responses</b> Number of responses per respondent = 2	<b>40</b>
<b>Total Time burden</b> (40x 0.5) Time per response = 0.5 hr	<b>20 hrs</b>
<b>Total personnel cost</b> (20 x \$25)	<b>\$500</b>
<b>Total miscellaneous cost</b> Postage (\$0.41 x 40 = 16.40) Photocopy (.10 x 2 x 20 = 4)	<b>\$20</b>

<b>Approval of Transfer from Governing Body, Federal Government</b>	
<b>Total annual responses</b>	<b>40</b>
<b>Total Time burden</b> Time per response = 0.25 hr	<b>10 hr</b>
<b>Total personnel cost</b> (10 x \$25)	<b>\$250</b>
<b>Total miscellaneous cost</b>	<b>0</b>

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with National Oceanic and Atmospheric Administration (NOAA) standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

Forms and applications are “fillable” on the computer screen at the NMFS Alaska Region Home Page at [www.alaskafisheries.noaa.gov](http://www.alaskafisheries.noaa.gov), except for those forms completed by OLE officers.

These forms and applications may be completed on the computer screen by the participant, downloaded, printed, and faxed to NMFS.

**4. Describe efforts to identify duplication.**

None of the information collected as part of this information collection duplicates other collections. This information collection is part of a specialized and technical program that is not like any other.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

This collection of information does not impose a significant impact on small entities.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

Without the specified reporting scheme described in this Support Statement, the IFQ Program would be unable to proceed.

The lack of adequate information to manage the IFQ program would result in the fishery management decision-making process being less objective, more political, and potentially less equitable. This would decrease the credibility of the fishery management process and result in an unnecessarily costly and ineffective management system. The cost of making decisions based on inadequate information would adversely affect the viability of the IFQ fishing industry.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

Information is required annually or as frequently as vessels choose to transfer IFQ halibut, IFQ sablefish, or CDQ halibut.

**8. Provide information on the PRA Federal Register Notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A Federal Register notice, published November 8, 2007 (72 FR 63166), solicited public comments on the information collection. No comments were received.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payment or gift will be provided under this program.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

The information collected is confidential under section 303(d) of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*); and also under NOAA Administrative Order (AO) 216-100, which sets forth procedures to protect confidentiality of fishery statistics. Assurance of confidentiality under these authorities is stated on all forms.

A Privacy Act System of Records Notice, COMMERCE/NOAA System-17, Permits and Registrations for Fisheries of the Exclusive Economic Zone (EEZ) off the Coast of Alaska was published in the Federal Register on March 3, 2005 (72 FR 10362).

A new Privacy Act System of Records Notice, COMMERCE/NOAA System-19, Permits and Registrations for United States Federally Regulated Fisheries, was published for comment on April 17, 2008 (73 FR 20914). If no comments need to be addressed, it is expected that the system will become effective by the end of May, 2008. At that time, this System of Records will supersede COMMERCE/NOAA System-17.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

This information collection does not involve information of a sensitive nature.

**12. Provide an estimate in hours of the burden of the collection of information.**

Estimated total respondents: 2,470, down from 2,877. Estimated total responses: 49,538, up from 38,273. Estimated total burden hours: 20,364, up from 15,750. Estimated total personnel costs: \$704,100, up from \$393,750. Personnel labor costs are estimated to the average wage equivalent to a GS-9 employee in Alaska, including COLA, at \$25 per hour.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).**

Estimated total miscellaneous costs: \$38,727, down from \$44,491.

**14. Provide estimates of annualized cost to the Federal government.**

Estimated total burden hours: 8,164, up from 7,258 hours. Estimated total personnel costs: \$204,750, up from \$181,450. Personnel labor costs are estimated to the average wage equivalent to a GS-9 employee in Alaska, including COLA, at \$25 per hour.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

Adjustments are necessary as follows due to differences in numbers of respondents and in costs:

Request for Application for Quota Share (Forms A through D) [REMOVED]

- a decrease of 6 respondents and responses, 0 instead of 6
- a decrease of 6 hr burden, 0 instead of 6 hr
- a decrease of \$150 personnel costs, \$0 instead of \$150
- a decrease of \$3 miscellaneous costs, \$0 instead of \$3

Request for Automated Transaction Terminal/Printer (ATM) [REMOVED]

- a decrease of 10 respondents and responses, 0 instead of 10
- a decrease of 2 hr burden, 0 instead of 2 hr
- a decrease of \$50 personnel costs, \$0 instead of \$50
- a decrease of \$5 miscellaneous costs, \$0 instead of \$5

IFQ/CDQ hired master permit (formerly IFQ/CDQ landing card) application

- a decrease of 250 respondents and responses, 750 instead of 1,000
- a decrease of 125 hr burden, 375 instead of 500 hr
- a decrease of \$3,125 personnel costs, \$9,375 instead of \$12,500
- a decrease of \$1,337 miscellaneous costs, \$4,133 instead of \$5,470

Registered buyer application

- a decrease of 1,100 respondents and responses, 500 instead of 1,600
- a decrease of 550 hr burden, 250 instead of 800 hr
- a decrease of \$13,750 personnel costs, \$6,250 instead of \$20,000
- a decrease of \$4,438 miscellaneous costs, \$255 instead of \$4,693

Application for Eligibility to receive QS/IFQ (TEC)

- an increase of 1,000 respondents and responses, 1200 instead of 200
- an increase of 2,000 hr burden, 2400 instead of 400 hr
- an increase of \$50,000 personnel costs, \$60,000 instead of \$10,000
- an increase of \$5,518 miscellaneous costs, \$6612 instead of \$1094

Application for Transfer of QS/IFQ

- an increase of 10 respondents and responses, 1,010 instead of 1,000
- an increase of 20 hr burden, 2,020 instead of 2,000 hr
- an increase of \$500 personnel costs, \$50,500 instead of \$50,000
- an increase of \$98 miscellaneous costs, \$5,868 instead of \$5,770

Application of Transfer from Governing Body

- A decrease of \$11 miscellaneous costs, \$20 instead of \$31

Application for replacement of certificates, permits, or licenses

- a decrease of 500 respondents and responses, 550 instead of 1,050
- a decrease of 240 hr burden, 275 instead of 515 hr

a decrease of \$6,000 personnel costs, \$6,875 instead of \$12,875  
a decrease of \$2,758 miscellaneous costs, \$3,031 instead of \$5,789

#### Application to become a CQE

a decrease of 35 respondents, 7 instead of 42  
a decrease of 192 responses, 8 instead of 200  
a decrease of 280 hr burden, 1,400 instead of 1,680 hr  
a decrease of \$42,000 personnel costs, \$210,000 instead of \$252,000  
an increase of \$30 miscellaneous costs, \$44 instead of \$14

#### Application for Transfer of QS/IFQ to or from a CQE

a decrease of 22 respondents, 20 instead of 42  
a decrease of 44 responses, 40 instead of 84  
a decrease of 88 hr burden, 80 instead of 168 hr  
a decrease of \$2,200 personnel costs, \$2,000 instead of \$4,200  
a decrease of \$261 miscellaneous costs, \$224 instead of \$485

#### CQE Annual Report

a decrease of 22 respondents and responses, 20 instead of 42  
a decrease of 880 hr burden, 800 instead of 1,680 hr  
a decrease of \$44,000 personnel costs, \$40,000 instead of \$84,000  
a decrease of \$300 miscellaneous costs, \$120 instead of \$420

#### Letter of Appeal

Corrected multiplication error in respondent calculation  
Corrected error in cost per hour for Federal government calculation  
an increase of \$100 personnel costs, \$200 instead of \$100  
an increase of \$1 miscellaneous costs, \$1 instead of \$0

#### QS/IFQ Designated Beneficiary Form

an increase of \$20 miscellaneous costs, \$305 instead of \$285

#### QS holder form: Identification of Ownership Interest and Status Update

an increase of 150 respondents and responses, 175 instead of 25  
an increase of 300 hr burden, 350 instead of 50 hr  
an increase of \$7,500 personnel costs, \$8,750 instead of \$1,250  
an increase of \$827 miscellaneous costs, \$964 instead of \$137

#### Annual Updates on the Status of Corporations and Partnerships QS [REMOVED]

a decrease of 500 respondents and responses, 0 instead of 500  
a decrease of 250 hr burden, 0 instead of 250 hr  
a decrease of \$1,250 personnel costs, \$0 instead of \$1,250  
a decrease of \$360 miscellaneous costs, \$0 instead of \$361

#### IFQ Administrative Waiver

a decrease of 267 respondents and responses, 745 instead of 1,012  
a decrease of 27 hr burden, 75 instead of 103 hr  
a decrease of \$675 personnel costs, \$1875 instead of \$2550

IFQ Electronic Landing Report

an increase of 1,208 respondents, 2,250 instead of 1,042  
an increase of 18,120 responses, 33,750 instead of 15,630  
an increase of 5,436 hr burden, 10,125 instead of 4,689 hr  
an increase of \$135,900 personnel costs, \$253,125 instead of \$117,225  
a decrease of \$1,630 miscellaneous costs, \$17,150 instead of \$18,780

IFQ Prior Notice of Landing (PNOL)

an increase of 1,208 respondents, 2,250 instead of 1,042  
a decrease of 1,420 responses, 9,000 instead of 10,420  
a decrease of 284 hr burden, 1,800 instead of 2,084 hr  
a decrease of \$7,100 personnel costs, \$45,000 instead of \$52,100

Departure Report

A decrease of 7 respondents and responses, 63 instead of 70  
A decrease of 2 hr burden, 16 instead of 18 hr  
A decrease of \$50 personnel costs, \$400 instead of \$450

Transshipment Authorization

a decrease of 20 respondents and responses, 10 instead of 30  
a decrease of 4 hr burden, 2 hr instead of 6 hr  
a decrease of \$100 personnel costs, \$50 instead of \$150

Dockside Sales Receipt

a decrease of 765 respondents, 235 instead of 1,000  
a decrease of 3,825 responses, 1,175 instead of 5,000  
a decrease of 382 hr burden, 118 hr instead of 500 hr  
a decrease of \$9,550 personnel costs, \$2,950 instead of \$12,500

The above changes account for all but 24 responses and 22 hours of the differences from current responses and hours. This discrepancy is attributed to cumulative small errors.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

The information collected will not be published, and no statistical sampling of the information is planned.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

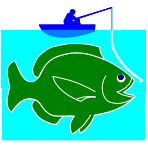

In accordance with OMB requirements, the control number and the expiration date of OMB approval are shown on the application forms. They are not found, however, on the Administrative Waiver, PNOL, Departure Report, Transshipment Authorization, and Dockside Sales Receipt which are submitted by telephone. The CQE Annual Report also does not have the expiration date because it is not a form.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

No exceptions.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.

	<p><b>APPLICATION FOR                  ELIGIBILITY                  TO RECEIVE QS/IFQ</b></p>	U.S. Dept. of Commerce NOAA/National Marine Fisheries Service (NMFS) Restricted Access Management (RAM) P.O. Box 21668 Juneau, AK 99802-1668 (800) 304-4846 toll free / 586-7202 in Juneau (907) 586-7354 fax	
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This is a TWO-PAGE APPLICATION. The first page is for the applicant's personal information and notarized signature. Page two is for the applicant's fishing history. Please make copies of page two if more space is needed to document the applicant's participation of at least 150 days in U.S. commercial fisheries.

<b>BLOCK A - APPLICANT INFORMATION (TYPE OR PRINT)</b>			
1. Name (full name):	2. NMFS Person ID:		
	3. Taxpayer ID No. (Employer ID No. or SSN):		
4. Permanent Business Address:	5. Temporary Business Mailing Address (see instructions):		
6. Business Telephone Number:	7. Business Fax Number	8. e-mail Address (if available)	
<p><b>Note: The Applicant must be a U.S. citizen or U.S. corporation, partnership, or other business entity to receive QS/IFQ by transfer.</b></p>			
<p>9. Are you a U.S. citizen?                      <input type="checkbox"/> YES    <input type="checkbox"/> NO                      If YES, enter Date of Birth _____</p>			
<p>10. Are you a U.S. corporation, partnership, association or other business Entity?                      <input type="checkbox"/> YES    <input type="checkbox"/> NO                      If YES, enter Date of Incorporation _____</p>			

<b>BLOCK B-- FREEZER SHARES</b>
<p>Is this TEC intended for an Entity that wishes to buy or lease Category A Quota Shares only?</p> <p>Check One:      Yes <input type="checkbox"/>      No <input type="checkbox"/></p> <p>If YES, and you are a corporation, partnership, association, or other non-individual entity, please complete a <b>QS Holder: Identification of Ownership Interest</b> form.</p>



**BLOCK C - NOTARY CERTIFICATION**

I am a duly authorized representative of the applicant; by my signature below, I declare that I have examined this application in its entirety, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.

1. Signature of Applicant (or Authorized Agent):		2. Date:	
3. Printed Name of Applicant (or Authorized Agent) ( <b>Note:</b> If this is completed by an agent, attach agent authorization.):			
4. Notary Public Signature:		<b>ATTEST</b>	6. Affix Notary Stamp or Seal Here:
5. Commission Expires:			

**BLOCK D - COMMERCIAL FISHING EXPERIENCE**

1. Species ( <b>one per block</b> ):	2. Gear Type:	3. Location:
4. Date From: (MMYY)	5. Date To: (MMYY)	6. Number of <b>Actual</b> Days Spent Harvesting Fish:
7. Duties Performed While <b>Directly Involved</b> in the Harvesting of Fish ( <b>BE SPECIFIC</b> ):		
8. Vessel Name:		9. ADF&G or U.S. Coast Guard Number:
10. Vessel Owner:		11. Vessel Operator:
12. Reference Name (person other than yourself):		13. Reference's Relationship to You:
14. Reference's Business Mailing Address:		15. Reference's Business Telephone No.:

**BLOCK E - COMMERCIAL FISHING EXPERIENCE – CONTINUED**

1. Species (one per block):	2. Gear:	3. Location:
4. Date From: (MMYY)	5. Date To: (MMYY)	
6. Number of <b>Actual</b> Days Spent Harvesting Fish:		
7. Duties Performed While <b>Directly Involved</b> in the Harvesting of Fish ( <b>BE SPECIFIC</b> ):		
8. Vessel Name:	9. ADF&G or U.S. Coast Guard Number:	
10. Vessel Owner:	11. Vessel Operator:	
12. Reference Name (person other than yourself):	13. Reference's Relationship to You:	
14. Reference's Business Mailing Address:		15. Reference's Business Telephone No.:

This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal permits. The primary purpose for requesting the SSN/TIN is for the collection and reporting on any delinquent amounts arising out of such person's relationship with the government pursuant to the Debt Collection Improvement Act of 1996 (Public Law 104-134). Personal information is confidential and protected under the Privacy Act (5 U.S.C. 552a). Business information may be disclosed to the public.

**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 2 hours per response, including time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

**ADDITIONAL INFORMATION**

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act as amended in 2006. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

## INSTRUCTIONS

### Application For Eligibility To Receive QS/IFQ

Those who wish to receive QS/IFQ by transfer but did not have QS initially awarded to them must submit this application for approval. Only those who have 150 or more days of experience working as part of a harvesting crew in any U.S. commercial fishery are eligible to receive a Transfer Eligibility Certificate (**TEC**). Work in support of harvesting but not directly related to it is not considered harvesting crew work. For example, experience as an engineer, cook, or preparing a vessel for a fishing trip does not satisfy the requirement.

Type or print legibly in ink and retain a copy of completed application for your records. **Please allow at least 10 working days for your application to be processed.** Items will be sent by first class mail, unless you provide alternate instructions *and* include a prepaid mailer with appropriate postage or corporate account number for express delivery.

When completed, mail the original application form to:

**NMFS Alaska Region  
Restricted Access Management  
P.O. Box 21668  
Juneau, AK 99802-1668**

or deliver to:

**Room 713, Federal Building  
709 West 9th Street**

Items will be sent to you by first class mail, unless you provide alternate instructions and include a prepaid mailer with appropriate postage or corporate account number for express delivery

If you need additional information, call Restricted Access Management (RAM) at **(800) 304-4846 (#2)** or **(907) 586-7202 (#2)**.

### ***BLOCK A - APPLICANT INFORMATION***

1. Name: Full name as it should appear on the TEC.
2. NMFS Person ID: NMFS will supply this number, if you do not already have one.
3. TAX ID No. (Employer ID No. or SSN): Enter social security number (SSN) if applicant is an individual. Enter employer identification number if applicant is a corporation, partnership, association or other business entity.
4. Permanent Business Address: Enter permanent mailing address, including street or P.O. Box, city, state, and zip code.
5. Temporary Mailing Address: Enter the address you want the TEC documentation sent to if somewhere other than your permanent address. Include street or P.O. Box, city, state, and zip code.

6-7. Business Telephone Number and Fax Number: Enter the numbers including the area codes.

8. E-mail address (if available): Enter the e-mail address, if available.

9. Indicate whether you are a U.S. citizen. If YES, enter Date of Birth

Indicate whether you are a U.S. corporation, partnership, association or other business Entity.  
If YES, enter Date of Incorporation.

If YES, please complete a **Quota Share Holder: Identification of Ownership** form. You can download this form from our Internet web site at <http://www.alaskafisheries.noaa.gov>, or you may call RAM at one of the numbers listed above and request the form be mailed or faxed to you.

### ***BLOCK B - FREEZER SHARES***

Indicate whether you are a person wishing to lease or purchase Freezer Vessel (Category A) Quota Shares ONLY, check "Yes."

If YES and you are a U.S. corporation, partnership, association or other non-individual entity, please complete a **Quota Share Holder: Identification of Ownership** form. You can download this form from our Internet web site at <http://www.alaskafisheries.noaa.gov>, or you may call RAM at one of the numbers listed above and request the form be mailed or faxed to you.

*Note: You may be required to submit further evidence of eligibility, i.e., that you are the type of entity that would have been eligible to document a vessel under U.S. laws in effect in 1988, 1989, and 1990.*

### ***BLOCK C - NOTARY CERTIFICATION***

Complete the appropriate Certification, following the guidance set out on the form; note that all information provided on the application is submitted under penalty of perjury.

RAM will not process an application that does not bear original signatures (faxed applications will be returned); all signatures must be witnessed by a Notary Public (or, in some remote areas, the community Postmaster or Postmistress).



An application submitted and signed by an agent for a party to the transfer will not be processed unless clear and unambiguous certification of the agent's authority to do so is provided

### ***BLOCKS D & E - COMMERCIAL FISHING EXPERIENCE***

*Note: If you need additional space to provide your commercial fishing experience, copy the second page of the application prior to completing these blocks.*

1. Species: Enter any targeted species in a U.S. commercial fishery (enter **only one fishery per block**).
2. Gear Type: Enter any gear type used to legally harvest in a U.S. commercial fishery.
3. Location: Enter actual regulatory, statistical, or geographic harvesting location.
4. Date From: Enter starting date (including Month and Year)
5. Date To: Enter ending date (including Month and Year)

6. Number of Actual Days Spent Harvesting Fish: Enter **total days actually spent doing harvesting work during the claimed period in questions 4 and 5**.
7. Duties Performed While Directly Involved in the Harvesting of Fish: List or describe your duties as a member of a harvesting crew for the claimed period in questions 4 and 5.
8. Vessel Name: Enter the registered name of the vessel upon which above duties were performed.
9. ADF&G or USCG Number: Enter the State of Alaska, Department of Fish & Game (ADF&G) vessel registration number or the U.S. Coast Guard (USCG) documentation number of the vessel listed in number 8.
10. Vessel Owner: Enter the name of the individual(s) or corporation(s) whose name is listed on the vessel ownership papers.
11. Vessel Operator: Enter the name of the person (may be yourself) in charge of operating the vessel.
12. Reference Name: Enter the name of a person (other than yourself) who is able to verify the above experience.
13. Reference's Relationship to You: Enter your reference's relationship to you.
14. Reference's Business Mailing Address: Enter your reference's business mailing address, including street or P.O. Box number, city, state, and zip code.
15. Reference's Business Telephone Number: Enter your reference's business telephone number, including the area code.

	<p><b>APPLICATION FOR                  IFQ/CDQ HIRED MASTER                  PERMIT</b></p>	U.S. Dept. of Commerce/NOAA National Marine Fisheries Service (NMFS) Restricted Access Management Program (RAM) P.O. Box 21668 Juneau, AK 99802-1668 (800) 304-4846 toll free / 586-7202 in Juneau (907) 586-7354 fax	
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<b>BLOCK A -- PURPOSE OF APPLICATION</b>	
Add Permit Holder <input type="checkbox"/> Delete Permit Holder <input type="checkbox"/> Indicate permit(s) to which this action applies:	
Sablefish Permit Number _____ Category    A    B    C    D	Halibut Permit Number _____ Category    A    B    C    D

<b>BLOCK B – PERMIT HOLDER INFORMATION</b>		
1. Name of IFQ Permit Holder:	2. NMFS Person ID:	
3. Business Mailing Address:    Permanent <input type="checkbox"/> Temporary <input type="checkbox"/>		
4. Business Telephone No.:	5. Business Fax No.:	6. E-mail address (if available):

<b>BLOCK C -- IDENTIFICATION OF VESSEL                  UPON WHICH IFQ/CDQ HALIBUT OR SABLEFISH WILL BE FISHED</b>			
1. Vessel Name:	2. LOA:	3. ADF&G No.:	4. USCG No.:
5. Does the IFQ Permit Holder hold an ownership interest of at least 20% in the named vessel? YES <input type="checkbox"/> NO <input type="checkbox"/>			
If YES, to demonstrate percent of vessel ownership by IFQ permit holder, a copy of the USCG <i>Abstract of Title or Certificate of Documentation</i> <b><u>must be included</u></b> with this application			

**BLOCK D – HIRED MASTER INFORMATION**

*(If you have more than one hired master permit holder, use the additional permit holder sections below)*

1. Full name of Hired Master Permit Holder:		2. NMFS Person ID:
3. Business Mailing Address: Permanent [ ] Temporary [ ]		
4. Business Telephone No.:	5. Business Fax No.:	6. E-mail address (if available)

**HIRED MASTER INFORMATION (CONTINUED)**

*(If you have more than one hired master permit holder, use the additional permit holder sections below)*

1. Full name of Hired Master Permit Holder:		2. NMFS Person ID:
3. Business Mailing Address: Permanent [ ] Temporary [ ]		
4. Business Telephone No.:	5. Business Fax No.:	6. E-mail address (if available)

**HIRED MASTER INFORMATION (CONTINUED)**

*(If you have more than one hired master permit holder, use the additional permit holder sections below)*

1. Full name of Permit Holder:		2. NMFS Person ID:
3. Business Mailing Address: Permanent [ ] Temporary [ ]		
4. Business Telephone No.:	5. Business Fax No.:	6. E-mail address (if available)

**BLOCK E – CERTIFICATION OF PERMIT HOLDER & NOTARY**

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.

1. Signature of Applicant (or Authorized Agent):

2. Date:

3. Printed Name of Applicant (or Authorized Agent): If agent, attach authorization.

4. Notary Public Signature:

**ATTEST**

6. Affix Notary Stamp or Seal Here:

5. Commission Expires:

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**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden estimate or any other aspect of this collection of information, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

**ADDITIONAL INFORMATION**

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act as amended in 2006. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

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**INSTRUCTIONS**  
**Application for IFQ/CDQ Hired Master Permit**

This application must be used to obtain Pacific halibut and sablefish Individual Fishing Quota (IFQ) and Western Alaska Community Development Quota (CDQ) hired masters (hired skippers) where authorized under regulations at 50 CFR Part 679; and to obtain permits for halibut CDQ fishing. IFQ permit holders who are not individuals **MUST** designate a skipper to fish their IFQ or obtain a hired master permit to access their account. RAM will not automatically send a permit to the representative or the agent of non-individual quota share (QS) holders. A separate application must be completed for **each vessel and IFQ or CDQ permit number**.

- Type or print information legibly in ink and retain a copy of completed application for your records.
- Mail original application and proof of vessel ownership to:

**NMFS Alaska Region**  
**Restricted Access Management**  
**P.O. Box 21668**  
**Juneau, AK 99802-1668**

**Or deliver to:**

**709 West 9<sup>th</sup> Street, Room 713**  
**Juneau, AK 99801**

- If you need additional information, call Restricted Access Management (RAM) at (800) 304-4846 (#2) or (907) 586-7202 (#2).
- **Please allow at least 10 working days for your application to be processed. Items will be sent by first class mail to the hired skipper's permanent address, unless you provide alternate instructions and include a prepaid mailer with appropriate postage or corporate account number for express delivery.**

***BLOCK A - PURPOSE OF APPLICATION***

- Check the appropriate box to designate your purpose for submitting this application.
- Sablefish or Halibut Permit Number & Category - Use the appropriate box to designate the species for which you wish to hire a skipper and circle the QS Vessel Category. Halibut and Sablefish permit numbers appear on IFQ fishing permits.

### ***BLOCK B - PERMIT HOLDER INFORMATION***

1. Name of IFQ Permit Holder - Name as it appears on your QS certificate or IFQ permit.
2. NMFS Person ID - The number assigned to the permit holder by RAM.
3. Business Mailing Address - Include street or P.O. Box, city, state, and zip code. If you choose Permanent Address, we will update the official RAM database. If you choose Temporary Address, we will use it for this one application and we will not make any changes to the RAM database.
- 4-6. Business Telephone No. Fax No., and E-mail Address - Enter business telephone number, fax number, and E-mail address where the permit holder or the authorized representative can be reached, including area codes.

### ***BLOCK C - IDENTIFICATION OF VESSEL UPON WHICH IFQ/CDQ HALIBUT WILL BE FISHED***

1. Name of the vessel on which the hired skipper will be fishing your IFQs.
2. Length overall (LOA) of the vessel.
3. Alaska Department of Fish & Game (ADF&G) vessel registration number of the vessel.
4. Official United States Coast Guard (USCG) documentation number of the vessel.
5. State whether you own 20 percent of the vessel identified in this block. With few exceptions, a minimum of 20 percent ownership in the vessel is required in order to hire a skipper to fish your IFQ.

Proof of Ownership – Except for Category A permit holders and C DQ permit holders, you must submit a current copy of USCG Abstract of Title or Documentation demonstrating the percentage of the permit holder's ownership interest in the named vessel. Category "A" (freezer vessel) permit holders and CDQ permit holders do not need to send proof of vessel ownership but MUST provide the vessel information requested in Block C. A current copy of the USCG Abstract of Title or Documentation can be obtained by contacting the USCG National Vessel Documentation Center at 2039 Stonewall Jackson Drive, Falling Waters, WV 25419 or by telephone at (800) 799-8362 or (304) 271-2400.

### ***BLOCK D – HIRED MASTER PERMIT HOLDER INFORMATION***

Complete this section for each hired master permit holder you are requesting to have an IFQ Hired Master Permit.

**NOTE: CDQ permit holders may attach to this application a list of requested hired master permit holders.** The list **MUST** include the full name, address, and date of birth of each of the individuals listed.

1. Name of Hired Master Permit Holder - Name of the hired master as you wish it to appear on the IFQ hired master permit. Individual IFQ holders may not designate a skipper to harvest IFQ in Regulatory Areas 2C (for halibut) or SE (for sablefish).
2. NMFS Person ID - The identification number assigned to you by RAM.
3. Business Mailing Address - Include street or P.O. Box, city, state, and zip code. If you check Permanent Address, we will update the official RAM database. If you choose Temporary Address, we will use it for this one application and there will not be any changes to the RAM database. **Items will be sent by first class mail to the IFQ hired master permit holder's permanent address** unless you provide alternate instructions. **CDQ hired master permits** will be sent to the CDQ corporation.
- 4-6. Business Telephone No., Fax No. and E-mail Address - Business telephone number, fax number, and E-mail address where the permit holder can be reached, including area code.

### ***BLOCK E - CERTIFICATION OF PERMIT HOLDER AND NOTARY***

Complete the Certification, following the guidance set out on the form; note that all information provided on the application is submitted under penalty of perjury.

RAM will not process an application that does not bear original signatures (faxed applications will be returned); all signatures must be witnessed by a Notary Public (or, in some remote areas, the community Postmaster or Postmistress).

An application submitted and signed by a representative of the permit holder will not be processed unless clear and unambiguous certification of the representative's authority to do so is provided.

**APPLICATION FOR  
 IFQ/CDQ  
 REGISTERED BUYER PERMIT**

U.S. Dept. of Commerce/NOAA  
 National Marine Fisheries Service (NMFS)  
 Restricted Access Management (RAM)  
 P.O. Box 21668  
 Juneau, AK 99802-1668  
 (800) 304-4846 toll free / 586-7202 in Juneau  
 (907) 586-7354 fax



Is this application a renewal?     YES         NO

If YES, enter Registered Buyer Number \_\_\_\_\_

***BLOCK A - APPLICANT IDENTIFICATION***

1. Name of Registered Buyer:		2. NMFS Person ID:	
3. Name of Contact Person:			
4. Business Mailing Address: Permanent <input type="checkbox"/> Temporary <input type="checkbox"/>		5. Physical Location of Facility:	
6. Business Telephone No.:	7. Business Fax No.:	8. E-mail Address (if available):	

***BLOCK B - TYPE OF ACTIVITY***

*(Check ALL that apply)*

1.  Hired Master making dockside sales (catcher-seller)

or

2.  Hired Master transferring IFQ/CDQ fish outside Alaska (permit holder or vessel operator)

or

3.  Person receiving fish from harvester as a (check all that apply):

<input type="checkbox"/> Buyer-Broker	<input type="checkbox"/> Catcher/Processor	<input type="checkbox"/> Retail Operation
<input type="checkbox"/> Restaurant	<input type="checkbox"/> Mothership	<input type="checkbox"/> Tender
<input type="checkbox"/> Shore plant/Stationary Floating Processor <input type="checkbox"/> Other (please describe)		

***BLOCK C - PASSWORD***

Do you currently have a Password to report landings on-line?     YES         NO

If YES, supply password (must be eight characters long, and will be case sensitive).

**BLOCK D - SIGNATURE**

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.

1. Signature of Applicant or Authorized Agent:

2. Date:

3. Printed Name of Applicant or Authorized Agent (Note: If this is completed by an agent, attach authorization.):

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**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

**ADDITIONAL INFORMATION**

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

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**INSTRUCTIONS**  
**Application for IFQ/CDQ Registered Buyer Permit**

Use this application to apply for or renew a Registered Buyer permit under federal regulations governing the Individual Fishing Quota (IFQ) Program and the Western Alaska Community Development Quota (CDQ) Program (50 CFR part 679).

This Registered Buyer Permit is required for:

- Each person who receives IFQ Pacific halibut, IFQ sablefish, or CDQ Pacific halibut from the harvester within Alaska.
- Each IFQ/CDQ permit holder who harvests IFQ/CDQ fish and then transfers those fish in dockside sales to individuals for personal consumption, outside an IFQ regulatory area, or outside the State of Alaska.
- Each vessel operator when IFQ Pacific halibut, IFQ sablefish, or CDQ Pacific halibut are transferred outside the State of Alaska.
- Each facility (i.e., tender, mothership, shoreplant, etc.) that receives IFQ Pacific halibut, IFQ sablefish, or CDQ Pacific halibut in Alaska is required to have its own Registered Buyer permit number.

**NOTE:** entities receiving IFQ Pacific halibut, IFQ sablefish, or CDQ Pacific halibut at locations outside Alaska do not need these permits and will not be issued them. In such cases the vessel operator must be a Registered Buyer.

Type or print legibly in ink; retain a copy of completed application for your records.

When completed, mail the original application form to:

**NMFS Alaska Region**  
**Restricted Access Management (RAM)**  
**P.O. Box 21668**  
**Juneau, AK 99802-1668**

or fax to:

**Fax No.: (907) 586-7354**

or deliver to:

**Room 713, Federal Building**  
**709 West 9th Street**

If you need additional information, contact RAM at (800) 304-4846 (#2) or (907) 586-7202 (#2).

Please allow at least 10 working days for your application to be processed. Items will be sent by first class mail, unless you provide alternate instructions and include a prepaid mailer with appropriate postage or corporate account number for express delivery.

## **BLOCK A - APPLICANT IDENTIFICATION**

1. Name of Registered Buyer - Name of the IFQ or CDQ hired master (see above listings for additional information).
2. NMFS Person ID - NMFS will supply this number, if you do not already have one.
3. Name of Contact Person - Name of a person we may contact regarding this application, such as the business owner, or manager.
4. Business Mailing Address - Including state and zip code. If you check "Permanent Address," we will update the official RAM database. If you check "Temporary Address," we will use it for this one application and we will not change the RAM database.
5. Physical Location of Facility - If there is no fixed location facility (as with some buyers), or if the activity occurs at multiple locations (as with some motherships), indicate the most frequently used location. Enter the physical location of the facility where the registered buyer operation occurs.
- 6-8. Business Telephone No., Fax No., and e-mail Address - Include area codes as appropriate.

## **BLOCK B - TYPE OF ACTIVITY**

Select all of the activities that best describe your anticipated Registered Buyer activity.

## **BLOCK C – PASSWORD**

Indicate whether or not you have a Password. A Password is required to make on-line IFQ/CDQ halibut and sablefish landings.

If YES, provide password

If you do not have a Password and you need one, NMFS will assign one or you can request a customized one. The password you select must be at least eight (8) characters and will be case sensitive. When selecting password choose something that you can easily remember.

## **BLOCK D - SIGNATURE**

- 1-2. Signature of Applicant or Authorized Agent - The applicant or authorized agent must sign and date the application certifying all information set forth in the application is true, correct, and complete to the best of the applicant's knowledge and belief. The application will not be considered without the applicant's or authorized agent's signature. **Note:** If a representative or agent is acting on behalf of the applicant, written authorization signed by the applicant must be submitted with the application.
3. Printed name of the Applicant or Authorized Agent - Print or type the full name of the applicant or authorized agent signing on behalf of the applicant.



## QS/IFQ BENEFICIARY DESIGNATION FORM

U.S. Dept. of Commerce/NOAA  
 National Marine Fisheries Service  
 Restricted Access Management Program  
 P.O. Box 21668  
 Juneau, AK 99802-1668  
 (800) 304-4846 toll free / 586-7202 in Juneau  
 (907) 586-7354 fax



### ***BLOCK A - INSTRUCTIONS***

- QS holders may provide NMFS with the name of a designated beneficiary to receive survivorship transfer privileges in the event of the QS holder's death.
- If the QS holder **does not** leave a surviving spouse, he/she may name an **immediate family member** to be the beneficiary.
- NMFS will allow the transfer of IFQ only (lease) of any QS/IFQ transferred to the beneficiary by right of survivorship, for a period of 3 years following the death of the original QS holder.
- Use this form to designate the surviving spouse, or in the absence of a surviving spouse, an immediate family member to be the beneficiary for these purposes.
- **QS/IFQ can only be held by a U.S. citizen.**

### ***BLOCK B - IDENTIFICATION OF QS HOLDER***

1. Name:	2. NMFS Person ID:	
3. Business Mailing Address:		
4. Business Telephone Number:	5. Business Fax Number:	6. Business E-mail Address:

### ***BLOCK C - NAME OF BENEFICIARY***

1. Name:	2. NMFS Person ID:	
3. Business Mailing Address:		
4. Business Telephone Number:	5. Business Fax Number:	6. Business E-mail Address:

### ***BLOCK D - RELATIONSHIP OF BENEFICIARY TO QS HOLDER***

Is the beneficiary named on this form the spouse of the QS holder? YES [ ] NO [ ]

If NO, what is the immediate relationship of the beneficiary to the QS holder:

### ***BLOCK E -- SIGNATURE***



Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented here is true, correct and complete.	
Signature of QS holder:	Date:
Printed Name of QS Holder ( <b>Note:</b> If this is completed by an agent, attach agent authorization):	
Notary Public: <b>ATTEST</b>	Affix Notary Stamp or Seal Here:
Commission Expires:	

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**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden estimate or any other aspect of this collection of information, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

**ADDITIONAL INFORMATION**

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

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**QUOTA SHARE (QS)  
 HOLDER: IDENTIFICATION  
 OF OWNERSHIP INTEREST**

U.S. Dept. of Commerce/NOAA  
 National Marine Fisheries Service (NMFS)  
 Restricted Access Management (RAM)  
 P.O. Box 21668  
 Juneau, AK 99802-1668



**Name of QS holder:**

**BLOCK A -- IDENTIFICATION OF QUOTA SHARE HOLDER**

1. Is this business a publicly held corporation?             Yes    No  
     If yes, proceed to Block C.
  
2. Is this a corporation, association, or partnership?        Yes    No  
     If yes, is this entity still active?                                  Yes    No
  
3. Is this an estate that has been probated?                     Yes    No  
     If yes, on what date was probate finalized:                    \_\_\_\_\_

**BLOCK B -- IDENTIFICATION OF MEMBERS  
 SHAREHOLDERS, PARTNERS, JOINT VENTURERS, SUCCESSOR-IN-INTERESTS**

**NOTE: if ownership consists of separate/additional corporations or partnerships the individual owners of those entities and the percentage of interest those individuals hold in their respective corporations or partnerships must also be listed.**

Name	% Interest Held

Do these ownership percentages represent the addition of any new owners since QS was initially issued?  
 YES                                  NO

<b>TOTAL OWNERSHIP:</b>	<b>100 %</b>
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**BLOCK C – CERTIFICATION**

Under penalty of perjury, I declare that I have examined this form, and to the best of my knowledge and belief, the information I have presented here is true, correct, and complete.

1. Signature	2. Date
3. Printed Name	4. Title
5. Signature of Notary Public	6. Affix Notary Stamp or Seal Below
7. Commission Expires	

**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

**ADDITIONAL INFORMATION**

Before completing this form please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act as amended in 2006. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

## Instructions

### QS HOLDER: IDENTIFICATION OF OWNERSHIP INTEREST

This form must be submitted by corporations, partnerships, associations, and other non-individual entities that hold quota share (QS) under the Pacific halibut and sablefish Individual Fishing Quota (IFQ) Program (50 CFR part 679).

Please type or print legibly in ink; you may photocopy and attach additional sheets as necessary. Please sign in ink, have your signature notarized, retain a copy for your records.

When complete, mail the original form to:

**NMFS Alaska Region,  
Restricted Access Management (RAM),  
P.O. Box 21668,  
Juneau, AK 99802-1668.**

or deliver to:

**Room 713, Federal Building  
709 West 9th Street**

For information, contact RAM at 800-304-4846 or 907-586-7202.

#### ***GENERAL INFORMATION***

The information requested herein is needed by RAM to determine compliance with two IFQ program requirements, including:

- 1) **Limitations On Use of QS and IFQ.** This information is needed to determine if persons who hold QS have exceeded their allowable use limits under the “individually and collectively” language set out in the IFQ regulations at 50 CFR 679.42(e) and (f); and,
- 2) **Changes in corporations or partnerships.** This information is also needed to determine if a Corporation or Partnership has changed. Under Sec. 679.42(j)(1) - (4), upon a “change” (i.e., the addition of a new member) to a corporation or partnership that holds catcher vessel QS, the entity may no longer hire a master to fish the IFQ resulting from the QS it holds; further, such an entity must notify NMFS of the change within 15 days of its effective date and must then transfer its QS to a qualified individual.

#### ***BLOCK A - IDENTIFICATION OF QS HOLDER***

1. Indicate whether the QS Holder is a publicly held corporation.  
If YES, sign the certification in Block C and return the form to RAM.
2. Indicate whether the QS Holder is a corporation, association, partnership, or other non-individual entity.  
If YES, indicate whether the entity is still active.  
If YES, go to Block “B”.  
If NO, sign the certification in Block C and return the form to RAM.



3. Indicate whether the QS Holder is an estate that has been probated. You must answer YES if the non-individual QS Holder is an estate and all estate matters with regard to the disposition of the assets, including QS, have been finalized. Provide the date the estate was settled.

***BLOCK B - IDENTIFICATION OF MEMBERS***

1. If ownership consists of separate or additional shareholders, partners, joint venturers, successors-in-interest, associations, corporations, partnerships, or other non-individual entities, list the individual owners of those entities and the percentage of interest those individuals hold in their respective entities.
2. Enter the percentage of ownership interest that each constituent member holds; for example, if there are three equal owners, enter "33-1/3" for each. The total interest of all members should equal 100 percent.
3. Indicate whether the ownership percentages represent the addition of any new owners since QS initially was issued. If any of the owners listed have been added since QS were issued, you must answer "yes"

***BLOCK C - CERTIFICATION***

- 1-3. Sign and date the application in the presence of Notary Public, and print your name.
4. Authorized representatives must submit proof of authorization from QS owner and state title.
- 5-7. Signature, commission expiration date, and stamp of notary public. Not to be completed by the person submitting this application.

	<b>Application                  for a Non-profit Corporation                  to be Designated as a                  Community Quota Entity (CQE)</b>	U.S. Dept. of Commerce/NOAA National Marine Fisheries Service (NMFS) Restricted Access Management (RAM) P.O. Box 21668 Juneau, AK 99802-1668	
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***BLOCK A - IDENTIFICATION OF APPLICANT***

1. Name of Non-Profit Organization:		2. Name of Contact Person:	
3. Permanent Business Mailing Address:			
4. Business Telephone No:	5. Business Fax No:	6. E-mail address (if available)	
7. Name of Community Represented by Non-Profit:		8. Name of Contact Person for Community Governing Body	

***BLOCK B - REQUIRED INFORMATION***

The following information must be included as attachments to this application. The application will not be processed unless appropriate information and documentation is provided.

- The applicant's Articles of Incorporation
- The applicant's Corporate By-laws
- A list of the applicant's key personnel, including its Board of Directors and Officers
- The applicant's Organizational Chart or, at a minimum, a written explanation that fully reveals the applicant's line and staff responsibilities and relationships
- A statement designating the eligible Gulf of Alaska coastal community(ies) that the entity seeks to represent
- An explanation of how the applicant will manage QS/IFQ on behalf of the community(ies) it seeks to represent
- A statement that explains the procedures that will be used to solicit requests from community residents to use (lease) annual IFQ held by the applicant and that sets out the criteria and procedures to be used to select from among those who have expressed a desire to use the IFQ
- Formal resolution from the community governing body (i.e., the city council if a municipality, the tribal governing body if not a municipality, or the non-profit community association if neither a municipality or a tribe) that unambiguously designates the applicant as the community's representative and CQE

**BLOCK C - NOTARY CERTIFICATION**

I am a duly authorized representative of the applicant; by my signature below, I declare that I have examined this application in its entirety, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.

1. Signature of Applicant (or Authorized Agent):

2. Date:

3. Printed Name of Applicant (or Authorized Agent): If agent, attach authorization.

4. Notary Public Signature:

**ATTEST**

6. Affix Notary Stamp or Seal Here:

5. Commission Expires:

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**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 200 hours per response, including time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

**ADDITIONAL INFORMATION**

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act as amended in 2006. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

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## **INSTRUCTIONS**

### Application To Become A Community Quota Entity (CQE)

A non-profit organization that wishes to represent an eligible Gulf of Alaska (GOA) community in the acquisition and use of quota share (QS) and individual fishing quota (IFQ) must complete this application for approval. Only those non-profit organizations approved by NMFS will be eligible to purchase QS and/or transfer IFQ on behalf of an eligible GOA community.

Type or print legibly in ink and retain a copy of completed application for your records. **Please allow at least 10 working days for your application to be processed.** Items will be sent by first class mail, unless you provide alternate instructions *and* include a prepaid mailer with appropriate postage or corporate account number for express delivery.

Mail the original completed application form to:

**NMFS Alaska Region  
Restricted Access Management (RAM)  
P.O. Box 21668  
Juneau, AK 99802-1668**

or deliver to:

**Room 713, Federal Building  
709 West 9th Street**

If you need additional information, call RAM at (800) 304-4846 (#2) or (907) 586-7202 (#2).

#### ***BLOCK A - IDENTIFICATION OF APPLICANT***

1. Name of Non-Profit Organization: Please provide the name of the non-profit entity seeking to become a CQE.
2. Permanent Business Mailing Address: Enter permanent mailing address, including street or P.O. Box, city, state, and zip code.
3. Name of Contact Person: Name of the contact person for the non-profit organization applying to become a CQE.
- 4-6. Business Telephone No. and Fax No.: Enter the numbers including the area codes.
7. Business e-mail address (if available).
8. Name of Community Represented by Non-Profit: Enter the name of the eligible GOA community being represented by the non-profit.
9. Name of Contact Person for Community Governing Body: List the name of the contact person for the governing body of the community.





### ***BLOCK B - REQUIRED INFORMATION***

The non-profit organization applying to become a CQE must provide all of the documentation listed in this section. Failure to provide any of the required documentation will result in a denial of this application. This information is used both to evaluate the ability of the non-profit applicant to represent an Eligible GOA community and to ensure the non-profit has the support of the community's government body.

### ***BLOCK C - NOTARY CERTIFICATION***

- 1-3. Enter printed name, signature, and date of application in the presence of a Notary Public. As a result of this requirement, **we cannot process faxed applications**. Representatives acting on behalf of an applicant must supply proof of agent authorization to submit this application on the applicant's behalf.
- 4-6. A Notary Public must Attest (sign), indicate date when commission expires, and affix his/her Notary Stamp. The Notary Public cannot be completed by the person submitting this application.

	<b>APPLICATION FOR TRANSFER                  OF QS/IFQ TO OR FROM A                  COMMUNITY QUOTA ENTITY</b>	U.S. Dept. of Commerce/NOAA National Marine Fisheries Service (NMFS) Restricted Access Management (RAM) P.O. Box 21668 Juneau, AK 99802-1668	
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***BLOCK A – GENERAL REQUIREMENTS***

This form is only used if a Community Quota Entity (CQE) is the proposed transferor (“seller”) or the proposed transferee (“buyer”) of the Quota Share (QS) or Individual Fishing Quota (IFQ); if not, a different form must be used. The party to whom a CQE is seeking to transfer the QS/IFQ must hold a Transfer Eligibility Certificate (TEC). If the CQE is applying to permanently transfer QS, a representative of the community on whose behalf the QS is held must sign the application.

***BLOCK B – IDENTIFICATION OF PROPOSED TRANSFEROR (“SELLER” OR “LESSOR”)***

1. Name:	2. NMFS Person ID:	
3. Name of Community represented by the CQE:		
4. Permanent Business Mailing Address:	5. Temporary Business Mailing Address (see instructions):	
6. Business Telephone No.:	7. Business Fax No.:	8. E-mail address (if available):

***BLOCK C – IDENTIFICATION OF PROPOSED TRANSFEREE (“BUYER” OR “LESSEE”)***

1. Name:	2. NMFS Person ID:	
3. Name of Community represented by the CQE:		
4. Permanent Business Mailing Address:	5. Temporary Business Mailing Address (see instructions):	
6. Business Telephone No.:	7. Business Fax No.:	8. E-mail Address (if available):

**BLOCK D -- QUESTIONS FOR TRANSFEREE ("BUYER" OR "LESSEE")**

1. Do you request that this QS be included in a **sweep up**, if possible? YES [ ] NO [ ]

If **YES**, list the identifier on the QS Certificate into which this new piece should be combined  
(Example H-2C-B-B-123,456,789 through H-2C-B-B-123,458,789)

From: \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_\_\_ to \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_\_\_

(**Reminder:** For sweep-up, attach the original QS Certificates of both the transferor and the transferee)

2. If this is a transfer of Catcher Vessel CDQ Compensation QS and the vessel category has never been declared, check the Catcher Vessel Category in which you would like to have your QS issued.

[ ] **"D"** (0' to 35' Length Over All) [ ] **"C"** (35' to 60' Length Over All) [ ] **"B"** (greater than 60' Length Overall)

**BLOCK E -- IDENTIFICATION OF QS/IFQ TO BE TRANSFERRED**

(Complete Block E if QS and IFQ are to be transferred together or if you are applying to transfer QS only)

1. Quota Share to be transferred: Total QS Units: \_\_\_\_\_

Designation of QS, as shown on the QS Certificate:

From: \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_\_\_ to \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_ - \_\_\_\_\_

2. Are all remaining pounds for the current fishing year to be transferred? Yes [ ] No [ ]

If **NO**, specify the number of pounds to be transferred: \_\_\_\_\_

**Notes:**

- **Pounds transferred includes a pro-rata share of any overage based on the QS units held or transferred and is non-negotiable.**
- **Pounds transferred includes a pro-rata share of any underage based on the QS held or transferred UNLESS OTHERWISE INSTRUCTED**

**BLOCK F -- TRANSFER OF IFQ ONLY ("LEASE" OF IFQ)**

(Pertains only to proposed transfers from CQEs to qualifying community members)

1. Identification of IFQ to be transferred: Permit Number: \_\_\_\_\_ Year: 20\_\_\_\_.

2. Identification of IFQ to be transferred: Permit Number: \_\_\_\_\_ Year: 20\_\_\_\_.

3. Community to which QS are currently assigned:

**BLOCK G - REQUIRED SUPPLEMENTAL INFORMATION**

*(To be completed by proposed transferor , if a CQE)*

Indicate the reason(s) you are proposing this transfer (check all that apply and provide a brief explanation on a separate sheet).

- |                                   |                          |                                       |                          |
|-----------------------------------|--------------------------|---------------------------------------|--------------------------|
| CQE Management and Administration | <input type="checkbox"/> | Participation by Community residents  | <input type="checkbox"/> |
| Fund additional QS purchase       | <input type="checkbox"/> | Dissolution of Community Quota Entity | <input type="checkbox"/> |
| Other (specify)                   | <input type="checkbox"/> |                                       |                          |

**BLOCK H - REQUIRED SUPPLEMENTAL INFORMATION**

*(To be completed by proposed transferor , if a CQE)*

1. Give the price per pound (including leases) \$ \_\_\_\_\_ /# of IFQ (Price divided by IFQ pounds) including fees

Give the price per unit of QS \$ \_\_\_\_\_ /Unit of QS (Price divided by QS Units)

2. What is the **total amount** being paid for the QS/IFQ in this transaction, including all fees? \$ \_\_\_\_\_

3. Is there a broker being used for this transaction?  Yes  No

If **yes**, how much is being paid in brokerage fees? \$ \_\_\_\_\_ or \_\_\_\_\_ % of total price.

4. What are your reasons for transferring the QS/IFQ? (check all that apply)

- |                               |                          |                          |                          |                         |                          |
|-------------------------------|--------------------------|--------------------------|--------------------------|-------------------------|--------------------------|
| Retirement from fisheries     | <input type="checkbox"/> | Shares too small to fish | <input type="checkbox"/> | Consolidation of shares | <input type="checkbox"/> |
| Pursue non-fishing activities | <input type="checkbox"/> | Trading shares           | <input type="checkbox"/> | Other (please explain)  | <input type="checkbox"/> |
| Health problems               | <input type="checkbox"/> | Enter other fisheries    | <input type="checkbox"/> |                         |                          |

**BLOCK I -- REQUIRED SUPPLEMENTAL INFORMATION**

*(To be completed by proposed transferee)*

1. Will the QS/IFQ being purchased have a lien attached?  Yes  No

2. If YES, please identify the person who will hold the lien:

3. What is the primary source of financing for this transfer (check one)?

- |                           |                          |                           |                          |                    |                          |
|---------------------------|--------------------------|---------------------------|--------------------------|--------------------|--------------------------|
| Personal resources (cash) | <input type="checkbox"/> | AK Com. Fish & Ag. Bank   | <input type="checkbox"/> | Received as a gift | <input type="checkbox"/> |
| Private bank/credit union | <input type="checkbox"/> | Transferor/seller         | <input type="checkbox"/> | NMFS loan program  | <input type="checkbox"/> |
| Alaska Dept. Of Commerce  | <input type="checkbox"/> | Processor/fishing company | <input type="checkbox"/> | Other (explain)    | <input type="checkbox"/> |

4. How was the QS/IFQ located (check all that apply)?	
Relative <input type="checkbox"/>	Advertisement/public notice <input type="checkbox"/> Broker <input type="checkbox"/>
Personal friend <input type="checkbox"/>	Other (explain) <input type="checkbox"/>
5. What is your relationship to the Transferor (check all that apply)?	
No relationship <input type="checkbox"/>	Business partner <input type="checkbox"/> CQE Community Member <input type="checkbox"/>
Other (please explain) <input type="checkbox"/>	
6. Is there an agreement to return the QS or IFQ to the Transferor (seller), or any other person, or a condition placed on resale?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If "Yes," please explain:	
<b><i>CERTIFICATION OF PROPOSED TRANSFEROR ("SELLER" OR "LESSOR")</i></b>	
Under penalty of perjury, I swear, or affirm, that I have examined this application and, to the best of my knowledge and belief, the information presented hereon is true, correct, and complete.	
1. Signature of proposed transferor or authorized agent:	2. Date:
3. Printed name of proposed transferor or authorized agent <b>(Note: If an agent, authorization must be attached):</b>	
4. <b>ATTEST</b> (Signature of Notary Public):	6. Affix Notary Stamp or Seal Here:
5. Commission Expires:	
<b><i>CERTIFICATION OF PROPOSED TRANSFEREE ("BUYER" OR "LESSEE")</i></b>	
Under penalty of perjury, I swear, or affirm, that I have examined this application and, to the best of my knowledge and belief, the information presented hereon is true, correct, and complete. Also, if I am only receiving IFQ, I further swear, or affirm, that I am a permanent resident of the community (listed in Block F) on whose behalf the CQE is proposing to transfer the IFQ, that I have been a resident for at least 12 months, and that I intend to remain a resident.	
1. Signature of proposed transferee or authorized agent:	2. Date:
3. Printed name of proposed transferee or authorized agent <b>(Note: If an agent, authorization must be attached):</b>	
4. <b>ATTEST</b> (Signature of Notary Public):	6. Affix Notary Stamp or Seal Here:
5. Commission Expires:	

**ADDITIONAL CERTIFICATION -- CQE COMMUNITY REPRESENTATIVE**  
*(Required only when CQE proposes to permanently transfer Quota Share)*

I am a duly authorized representative of the community (listed in Block C or Block D) on whose behalf the CQE is proposing to transfer QS; by my signature below, I attest that the applicant CQE has the approval of our community to complete this permanent QS transfer, for the reasons set out on this application.

1. Signature of Community Representative:

2. Date:

3. Printed name and title Community Representative

4. **ATTEST** (Signature of Notary Public):

6. Affix Notary Stamp or Seal Here:

5. Commission Expires:

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**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting for this collection of information is estimated to average 2 hours per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

**ADDITIONAL INFORMATION**

Before completing this form please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) The information collected is confidential under section 402(b) of the Magnuson-Stevens Act, as amended in 2006. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

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**Instructions**  
**APPLICATION TO TRANSFER QS/IFQ TO, OR FROM, A  
COMMUNITY QUOTA ENTITY (CQE)**

**GENERAL INFORMATION**

The halibut and sablefish IFQ Program is administered by the Restricted Access Management (RAM) Program of the Alaska Region, National Marine Fisheries Service (NMFS). Transfers of all Quota Share (QS) and its associated annual individual fishing quota (IFQ) must be approved, in advance, by RAM.

The IFQ Program provides opportunities for small communities located on the coast of the Gulf of Alaska to hold, and to fish, QS and IFQ. Such communities are represented by CQEs, who must use a special application form to provide for transfers of QS/IFQ to and from (and between) CQEs. These instructions are designed to help you to use that special transfer application form. Some general rules pertain, as follows:

- ✓ Please submit a separate application for each proposed QS or IFQ permit transfer.
- ✓ Please complete the entire application, including all attachments; failure to do so could result in delays in the processing of your application.
- ✓ Please submit an original application only -- a photocopy of an application, or an application submitted by facsimile will not be processed.
- ✓ Please insure that signatures on the application are original and are notarized; because of the legal importance of these documents, RAM will not otherwise process the application.
- ✓ Please allow at least ten working days for your application to be processed. Without exception, RAM processes applications in the order in which they are received.

When completed, mail the original application to:

**Alaska Region, National Marine Fisheries Service  
Restricted Access Management (RAM)  
P.O. Box 21668  
Juneau, AK 99802-1668**

or deliver to:

**Room 713, Federal Building  
709 West 9th Street**

Items will be sent to you by first class mail, unless you provide alternate instructions and include a prepaid mailer with appropriate postage or corporate account number for express delivery.

If you have any questions, or if you need any assistance in completing the application, please contact RAM as follows:

**Telephone (toll Free): 1-800-304-4846 (press "2")**

**Telephone (Juneau): 907-586-7202**

**E-Mail Address: RAM.Alaska@noaa.gov**

**Web Site: [www.fakr.noaa.gov/ram](http://www.fakr.noaa.gov/ram)**

RAM will not process an application that does not bear original signatures (faxed applications will be returned); all signatures must be witnessed by a Notary Public (or, in some remote areas, the community Postmaster or Postmistress).

An application submitted and signed by an agent for a party to the transfer will not be processed unless clear and unambiguous certification of the agent's authority to do so is provided.

## **COMPLETING THE APPLICATION**

### **BLOCK A – GENERAL REQUIREMENTS**

Note that this application form is only to be used to apply for a transfer of QS or IFQ to or from a CQE; if a CQE is not a party to the proposed transfer, another application form should be used.

Note, as well, that any party to whom the QS/IFQ is proposed to be transferred must hold a Transfer Eligibility Certificate (TEC) and that, if the application is to permanently transfer QS from a CQE to another party, the application must be signed by a representative of the community for whom the CQE holds the QS.

### **BLOCK B – IDENTIFICATION OF PROPOSED TRANSFEROR**

1. Legibly print or type the name of the party proposing to transfer the QS/IFQ; this should be the party's full name as it appears on the QS Certificate or the TEC.
2. Enter the "NMFS Person ID" (as set out on the QS Certificate or the TEC)
3. If the proposed transferor is a CQE, enter the name of the community on whose behalf the CQE is applying.
4. Enter the permanent business mailing address.
5. If appropriate, enter the temporary business mailing address (the address to which the transfer documentation should be sent, if different from the permanent address).
- 6-8. Enter business telephone number, business fax number, and e-mail address (if available).

### **BLOCK C – IDENTIFICATION OF THE PROPOSED TRANSFEREE**

1. Legibly print or type the name of the party proposing to receive by transfer the QS/IFQ.

Application for Transfer of QS/IFQ To or From a CQE



2. Enter the “NMFS Person ID” (as set out on the QS Certificate or the TEC)
  3. If the proposed transferee is a CQE, enter the name of the community represented by the CQE.
  4. Enter the permanent business mailing address.
  5. If appropriate, enter the temporary business mailing address (the address to which the transfer documentation should be sent, if different from the permanent address).
- 6-8. Enter business telephone number, business fax number, and e-mail address (if available).

**BLOCK D – QUESTIONS FOR TRANSFEREE (“BUYER” OR “LESSEE”)**

1. Indicate if you wish to combine (“sweep up”) the transferred QS with a block that is currently held. Blocked QS may be combined into one block if the resulting total amount of QS is less than or equal to the following amounts of QS units:

Halibut		Sablefish	
Area	Units	Area	Units
2C	19,992	SE	33,270
3A	27,912	WY	43,390
3B	22,947	CG	46,055
4A	22,947	WG	48,410
4B	15,087	AI	99,210
4C	30,930	BS	91,275
4D	26,082		

**NOTE:** if you wish to sweep up the QS into an existing block, you must fully identify the QS block into which you wish to combine the transferred QS; to do so, complete the blanks by entering the letters and numbers as set out on your QS certificate.

2. If this is a transfer of Catcher Vessel “CDQ compensation QS” that has not yet been assigned a catcher vessel length category, you may designate the category. To do so, check the appropriate box (indicating vessel length) to which you wish the QS assigned (note that this will be a permanent assignment of vessel length category).

**BLOCK E – IDENTIFICATION OF QS/IFQ TO BE TRANSFERRED**

**Complete Block E if QS and IFQ are to be transferred together or to transfer QS only.**

1. Enter the total QS units to be transferred and the designation of those QS units (as set out on the QS Certificate).
2. Indicate whether all remaining IFQ pounds from the current fishing year are to be transferred with the QS; if not, indicate the number of pounds that are to be transferred.

## **BLOCK F – TRANSFER OF IFQ ONLY (“LEASE” OF IFQ)**

This block should only be completed if the CQE is applying to transfer IFQ to a permanent resident of the community on whose behalf the CQE holds the QS.

1. Identify the IFQ to be transferred by entering the IFQ Permit Number and Year
2. Enter the name of the community to which QS are currently assigned.

## **BLOCK G – REQUIRED SUPPLEMENTAL INFORMATION**

If the proposed transferor is a CQE, indicate the reason(s) transfer is being proposed. Check all that applies and provide a brief explanation on a separate sheet.

## **BLOCK H – REQUIRED SUPPLEMENTAL INFORMATION**

**To be completed by proposed transferor, if a CQE.**

1. Provide the price per unit of QS and the price per pound of IFQ.
2. Indicate total amount paid for the QS/IFQ in this transactions, including all fees.
3. Indicate YES or NO whether a broker is used for this transaction.  
If YES, indicate amount paid in brokerage fees or percentage of total price.
4. Indicate reason applying to transfer QS/IFQ (check all that apply)

## **BLOCK I – REQUIRED SUPPLEMENTAL INFORMATION**

**To be completed by proposed transferee**

1. Indicate YES or NO whether the QS/IFQ will have a lien attached  
If YES, identify the person who will hold the lien
2. Indicate primary source of financing for this transfer (check one)
3. Indicate how the QS/IFQ was located (check all that apply)
4. Indicate relationship to the transferor (check all that apply)
5. Indicate YES or NO whether an agreement exists to return the QS or IFQ to the transferor or any other person or a condition place on resale.  
If YES, explain

**CERTIFICATION OF TRANSFEROR (SELLER)**

1. Enter printed name and signature of Transferor and date signed  
If completed by an authorized agent, attach authorization
2. Signature, commission expiration date, and stamp of notary public


**CERTIFICATION OF TRANSFEREE (BUYER)**

1. Enter printed name and signature of Transferor and date signed  
If completed by an authorized agent, attach authorization
2. Signature, commission expiration date, and stamp of notary public

**CERTIFICATION OF CQE COMMUNITY REPRESENTATIVE**

**Required when CQE proposes to permanently transfer QS**

1. Enter printed name of Community Representative and date signed
2. Enter printed name and title of Community Representative
3. Signature, commission expiration date, and stamp of notary public

 <p style="font-size: 1.2em; font-weight: bold; margin-top: 10px;">APPLICATION FOR TRANSFER OF QS/IFQ</p>	U.S. Dept. of Commerce/NOAA National Marine Fisheries Service (NMFS) Restricted Access Management (RAM) P.O. Box 21668 Juneau, AK 99802-1668 (800) 304-4846 toll free / 586-7202 in Juneau (907) 586-7354 fax
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**NOTE: A separate application must be submitted for each Quota Share (QS) or IFQ Transfer.  
 If you want to do a self sweep-up, please use the self sweep-up form.**

*BLOCK A -- TEC*

Does the Transferee (Buyer) hold a Transfer Eligibility Certificate (TEC)?      YES [ ]      NO [ ]

*BLOCK B -- CHECKLIST*

USE THIS LIST TO ENSURE YOUR APPLICATION IS COMPLETE. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED. NOTE: Faxed Applications Are Not Acceptable. Please Submit Originals.

Completed, signed, and notarized application  
 Copy of signed & notarized sales or gift agreement  
 QS/IFQ Transfer: Seller's original QS Certificate  
 Documentation for Authorized Agent (if applicable)  
 Sweep Up Transfer: Buyer's and seller's original QS Certificate  
 Transfer of IFQ (Category "A" Shares, Surviving Spouse Lease): Copy of permit or QS Certificate

*BLOCK C - TRANSFEROR (SELLER)*

1. Name:	2. NMFS Person ID:	
	3. Date of Birth:	
4. Permanent Business Mailing Address:	5. Temporary Business Mailing Address (see instructions):	
6. Business Telephone No.:	7. Business Fax No.:	8. E-mail address (if available):

**BLOCK D - TRANSFEREE (BUYER)**

1. Name:		2. NMFS Person ID:	
		3. Date of Birth:	
4. Permanent Business Mailing Address:		5. Temporary Business Mailing Address (see instructions):	
6. Business Telephone No.:	7. Business Fax No.:	8. E-mail address (if available):	

**BLOCK E - QUESTIONS FOR TRANSFEREE (BUYER)**

1. Do you request that this QS be included in a **sweep up**, if possible?      YES [  ]      NO [  ]

2. If YES, list the identifier on the QS Certificate into which this new piece should be combined  
(Example H-2C-B-B-123,456,789      through      H-2C-B-B-123,458,789):  
\_\_\_\_\_

**Reminder:** For Sweep Up, attach **both the buyer's and seller's original QS Certificates to this application.**

3. If this is Catcher Vessel CDQ Compensation QS and the vessel category has never been declared, check the one Catcher Vessel Category in which you would like to have your QS issued.

Length Overall:      0' to 35'      or      36' to 60'      or      greater than 60'

Vessel Category:      **D** [  ]      **C** [  ]      **B** [  ]

**BLOCK F - IDENTIFICATION OF QS AND IFQ TO BE TRANSFERRED**

*Complete Block F if QS and IFQ are to be transferred together or if you want to transfer QS only.*

1. Halibut [ <input type="checkbox"/> ] or Sablefish [ <input type="checkbox"/> ]		2. IFQ Regulatory Area:	
3. Vessel Category:	4. Number of QS Units to be Transferred:	5. Transferor (Seller) IFQ Permit Number:	
6. Numbered To and From (Serial Numbers are shown on the QS Certificate):			
7. Do you want all remaining pounds for the current fishing year transferred?      Yes [ <input type="checkbox"/> ]      No [ <input type="checkbox"/> ]			
If <b>no</b> , specify the number of pounds to be transferred:			
<b>-Pounds transferred includes a pro-rata share of any overage based on the QS units held or transferred and is non-negotiable.</b>			
<b>-Pounds transferred includes a pro-rata share of any underage based on the QS held and transferred UNLESS OTHERWISE INSTRUCTED</b>			

<b>BLOCK G - TRANSFER OF IFQ ONLY</b> <i>Complete this Block if you want to Transfer IFQ Only (Applies only to Category "A" &amp; Surviving Spouse IFQ)</i>		
1. Halibut <input type="checkbox"/> or Sablefish <input type="checkbox"/>	2. IFQ Regulatory Area:	3. Number of Units:
4. Numbered To and From (Serial Numbers are shown on the QS Certificate):		
5. Actual Number of IFQ Pounds:	6. Transferor (Seller) IFQ Permit No.	7. Fishing Year: 20_____

**REQUIRED SUPPLEMENTAL INFORMATION**  
**YOUR APPLICATION WILL NOT BE PROCESSED UNLESS YOU PROVIDE THE FOLLOWING INFORMATION**

<b>BLOCK H - TO BE COMPLETED BY THE TRANSFEROR</b>
1. Give the price per pound (including leases) \$ _____/#IFQ (Price divided by IFQ pounds) Including fees Give the price per unit of QS \$ _____/Unit of QS (Price divided by QS Units)
2. What is the <b>total amount</b> being paid for the QS/IFQ in this transaction, including all fees? _____
3. What are your reasons for transferring the QS/IFQ? (check all that apply) Retirement from fisheries <input type="checkbox"/> Shares too small to fish <input type="checkbox"/> Consolidation of shares <input type="checkbox"/> Pursue non-fishing activities <input type="checkbox"/> Trading shares <input type="checkbox"/> Other (explain) <input type="checkbox"/> Health problems <input type="checkbox"/> Enter other fisheries <input type="checkbox"/>
4. Is there a broker being used for this transaction? <input type="checkbox"/> Yes <input type="checkbox"/> No If <b>yes</b> , how much is being paid in brokerage fees? \$ _____ or _____ % of total price.

<b>BLOCK I - TO BE COMPLETED BY THE TRANSFEREE</b>
1. Will the QS/IFQ being purchased have a lien attached? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of lien holder _____
2. What is the primary source of financing for this transfer ( <i>check one</i> )? Personal resources (cash) <input type="checkbox"/> AK Com. Fish & Ag. Bank <input type="checkbox"/> Received as a gift <input type="checkbox"/> Private bank/credit union <input type="checkbox"/> Transferor/seller <input type="checkbox"/> NMFS loan program <input type="checkbox"/> Alaska Dept. Of Commerce <input type="checkbox"/> Processor/fishing company <input type="checkbox"/> Other (explain) <input type="checkbox"/>
3. How was the QS/IFQ located ( <i>check all that applies</i> )? Relative <input type="checkbox"/> Advertisement/public notice <input type="checkbox"/> Broker <input type="checkbox"/> Personal friend <input type="checkbox"/> Other (explain) <input type="checkbox"/>

4. What is the Buyer's relationship to the QS/IFQ Holder (*check all that applies*)?

Unrelated                        Family member                        Business partner                   

Friend                            Other (explain)                   

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5. Is there an agreement to return the QS or IFQ to the Transferor (seller), or any other person, or a condition placed on resale?

Yes                     No

If yes, please explain:

**NOTE:** *This application for transfer must be completed, signed, and notarized by both parties. Failure to have signatures properly notarized will result in delays in the processing of this application.*

<b>BLOCK J - TRANSFEROR (SELLER)</b>	
Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.	
1. Signature of Transferor (Seller) or Authorized Agent:	2. Date:
3. Printed Name Transferor (Seller) or Authorized Agent <b>Note:</b> If this is completed by an agent, attach authorization:	
4. Notary Public Signature: <b>ATTEST</b>	5. Affix Notary Stamp or Seal Here:
6. Commission Expires:	

<b>BLOCK K - TRANSFEREE (BUYER)</b>	
Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.	
1. Signature Transferee (Buyer) or Authorized Agent:	2. Date:
3. Printed Name Transferee (Buyer) or Authorized Agent <b>Note:</b> If this is completed by an agent, attach authorization:	
4. Notary Public Signature: <b>ATTEST</b>	5. Affix Notary Stamp or Seal Here:
5. Commission Expires:	

**INSTRUCTIONS**  
**Application for Transfer of QS/IFQ**

**Submit a separate application for each Quota Share (QS) or Individual Fishing Quota (IFQ) Transfer. If you want to apply for a “self sweep-up,” please use the *Self Sweep-Up Form*.**

The original application must be submitted — an application sent by fax will **not** be processed.

When completed, mail the original application form to:

**NMFS Alaska Region**  
**Restricted Access Management (RAM)**  
**P.O. Box 21668**  
**Juneau, AK 99802-1668**

or deliver to:

**Room 713, Federal Building**  
**709 West 9th Street**

**Please allow at least ten working days for your application to be processed.** Items will be sent by first class mail, unless you provide alternate instructions *and* include a prepaid mailer with appropriate postage or corporate account number for express delivery.

If you need assistance in completing this application or need additional information, call Restricted Access Management at **(800) 304-4846 (#2)** or **(907) 586-7202 (#2)**.

**Note: It is important that all blocks are completed and all necessary documents are attached. Failure to answer any of the questions, provide attachments, or to have signatures notarized could result in delays in the processing of your application.**

***BLOCK A -- TEC***

Any person that received QS/IFQ as an Initial Issuee or that holds a Transfer Eligibility Certificate (TEC) is eligible to receive QS/IFQ by transfer. If you answer "No," the transferee (buyer) will need to contact RAM for instructions on eligibility procedures and a TEC application form.

***BLOCK B -- CHECKLIST***

Use this list as a guide to make sure you have included all the necessary items in the mailing of your application. This will ensure timely processing of your transfer application. If you have lost your original QS certificate, you will need to complete an Application for Replacement of Certificates, Cards, or Permits.



**BLOCK C -- TRANSFEROR (SELLER)**

1. Name: Full name as it appears on QS Certificate and/or TEC.
2. NMFS Person ID: As found on QS Certificate or TEC.
3. Permanent Business Mailing Address: Include street or P.O. Box number, city, state, and zip code.
4. Temporary Business Mailing Address: Address you want the transfer documentation sent if somewhere other than to the permanent address. Include street or P.O. Box number, city, state, and zip code.
- 5-7. Business Telephone No., Business Fax No., and Business e-mail address (if available): Include the area codes.

**BLOCK D -- TRANSFEREE (BUYER)**

1. Name: Full name as it appears on QS Certificate and/or TEC.
2. NMFS Person ID: As found on QS Certificate or TEC.
3. Permanent Business Mailing Address: Include street or P.O. Box number, city, state, and zip code.
4. Temporary Business Mailing Address: Address you want the transfer documentation sent if somewhere other than to the permanent address. Include street or P.O. Box number, city, state, and zip code.
- 5-7. Business Telephone No., Business Fax No., and Business e-mail address (if available): Include the area codes.

**BLOCK E - QUESTIONS FOR TRANSFEREE (BUYER)**

1. Indicate if you wish to combine (“sweep up”) the transferred block together with a block you already hold. Blocked QS’s may be swept up into one block if the total amount of QS being combined is less than or equal to the following amounts of QS units per area.

<b>Halibut</b>		<b>Sablefish</b>	
<b><u>Area</u></b>	<b><u>Units</u></b>	<b><u>Area</u></b>	<b><u>Units</u></b>
2C	19,992	SE	33,270
3A	27,912	WY	43,390
3B	22,947	CG	46,055
4A	22,947	WG	48,410
4B	15,087	AI	99,210
4C	30,930	BS	91,275
4D	26,082		

2. Starting and ending serial numbers to be swept up.
3. If this is a transfer of Catcher Vessel CDQ compensation QS, there is a **one time** opportunity at the time of the first transfer to **permanently** designate the catcher vessel category of the QS being transferred.

### ***BLOCK F - IDENTIFICATION OF QS AND IFQ TO BE TRANSFERRED***

**This block should only be completed if you are transferring QS and the IFQ resulting from these shares. Persons wishing to transfer IFQ only (Category “A” shares, lease), should fill out Block G.**

1. Species: halibut or sablefish.
2. IFQ Regulatory Area.
3. Vessel Category.
4. Number of units to be transferred.
5. Transferor (seller) IFQ permit number.
6. Starting and ending serial number of shares to be transferred [For example, **H-2C-C-B-123,456 THROUGH H-2C-C-B-789,493**]
7. A **specific number of pounds** must be indicated for each transfer. A pro-rata amount of IFQ (**overage pounds**) will be debited from any IFQ transferred based on the QS unit held or transferred. The current QS holder may retain **underage pounds**. However, unless otherwise specified, the underage associated with the QS will be transferred. Please indicate your specific intention.

### ***BLOCK G - TRANSFER OF IFQ ONLY***

**This box should be completed if IFQ pounds only are being transferred (leased) and the QS will remain with the current holder of those shares. Only Category “A” or those shares received as a Surviving Spouse under the provisions in 50 CFR 679 may be transferred in this manner.**

1. Species: halibut or sablefish.
2. IFQ Regulatory Area.
3. Number of units to be transferred.
4. Starting serial number of shares to be transferred to the ending serial number of shares to be transferred.
5. Specific number of pounds being transferred.
6. Transferor's (seller's) IFQ permit number.
7. The fishing year is the current year or year in which IFQ should be transferred. A transfer of IFQ only cannot be completed until the IFQ has been awarded for that year.

### ***BLOCK H - REQUIRED SUPPLEMENTAL INFORMATION (Completed by Transferor)***

1. The price per pound of IFQ must be entered, including IFQs **only** “leased”. (To derive the number of dollars per unit of QS or pound of IFQ, divide the total amount paid, including fees, by the number of QS units **or** the number of IFQ pounds being transferred.)
2. The total amount entered should include **any and all** monies collected on behalf of the seller for the shares involved, including any fees that will be paid out to other parties for the expenses of brokering or assisting in the sale of these shares.

3. Please check all boxes that apply to this transaction.
4. Are you paying a third party to assist with this transaction? If **No**, go to question #2. If **Yes**, put the total price paid to the broker or calculate how much was paid to the third party as a percentage of the total sale price. (The percentage can be derived by using this formula: divide the brokerage fee by the total price paid for the QS/IFQ, then multiply the result by 100.)

***BLOCK I - REQUIRED SUPPLEMENTAL INFORMATION***  
***(Completed by Transferee)***

1. Indicate if the QS will be used as collateral. List the name of entity or person(s) who will hold the Security interest lien. This name will appear on the QS Certificate.
- 2-4. Please check any and all boxes that apply to this transaction.
5. Regulations governing the IFQ program do not permit transfer of QS subject to any conditions of repossession or resale to the transferor except by court order, operation of law, or security agreement.

***BLOCKS J & K***  
***CERTIFICATION OF TRANSFEROR, TRANSFEREE, AND NOTARY PUBLIC***

1. Sign and print your name and date the application in the presence of a Notary Public. Application forms submitted to RAM must bear the **original signatures** of the parties — **RAM will not process faxed applications**.
2. Representatives signing for a Transferor or Transferee must submit proof of authorization to submit this application on their behalf.
3. A Notary Public must Attest and affix Notary Stamp. The Notary Public cannot be the person(s) submitting this application.

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**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

**ADDITIONAL INFORMATION**

Before completing this form please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) Responses to this information request are confidential under section 104(b) of the Magnuson-Stevens Act as amended in 2006. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

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 <p><b>APPLICATION FOR                  REPLACEMENT OF                  CERTIFICATES, PERMITS,                  OR CARDS</b></p>	U.S. Dept. of Commerce/NOAA National Marine Fisheries Service (NMFS) Restricted Access Management (RAM) P.O. Box 21668 Juneau, Alaska 99802-1668	
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**BLOCK A - IDENTIFICATION OF APPLICANT**

1. Name:	2. NMFS Person ID:
	3. Date of Birth or Date of Incorporation:
5. Business Mailing Address: <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary	6. Business Telephone No:
	7. Business Fax No:
	8. E-mail Address (if available)

**BLOCK B - REPLACEMENT REQUEST**  
*[Check Only the Items that Apply]*

**Part I – BSAI Crab Permits and Scallop Permits**

**Crab QS Reports:** Units \_\_\_\_\_ Fishery \_\_\_\_\_  
 Is this QS Report requested for a pending QS/IFQ transfer?     Yes     No

**Crab PQS Report:** Units \_\_\_\_\_ Fishery \_\_\_\_\_  
 Is this QS Report requested for a pending QS/IFQ transfer?     Yes     No

**Crab Annual IFQ Fishing Permit:** Permit No. \_\_\_\_\_

**Crab Annual IPQ Fishing Permit:** Permit No. \_\_\_\_\_

**Registered Crab Receiver:** Permit No. \_\_\_\_\_

**Crab Federal Vessel Permit:** Permit No. \_\_\_\_\_ Vessel ADF&G No. \_\_\_\_\_

**Crab IFQ Hired Master Permit:** Permit No. \_\_\_\_\_  
 Skipper Name \_\_\_\_\_  
 Skipper NMFS \_\_\_\_\_ (Application to be completed and signed by permit holder)

**Crab QS or PQS Transfer Eligibility Certificate (TEC)**

**Crab License Limitation License (LLP):** License No. \_\_\_\_\_

**Scallop License Limitation License (SLLP):** License No. \_\_\_\_\_

**PART II – Pacific Halibut and Sablefish IFQ Program Permits**

- Halibut/Sablefish QS Certificate:**  
Units \_\_\_\_\_ Area \_\_\_\_\_ Species \_\_\_\_\_  
Is this QS Certificate requested for pending QS/IFQ transfer?     Yes     No
- Halibut/Sablefish IFQ Fishing Permit:** Permit No. \_\_\_\_\_
- Halibut/Sablefish IFQ/CDQ Hired Master Permit** for individual permit holder:  
Permit No. \_\_\_\_\_ Species \_\_\_\_\_
- Halibut/Sablefish Transfer Eligibility Certificate (TEC):** NMFS Person ID \_\_\_\_\_
- Registered Buyer Permit:** Permit No. \_\_\_\_\_

**PART III – Federal Groundfish Permits**

- Federal Fisheries Permit (FFP):** Permit No. \_\_\_\_\_
- Federal Processor Permit (FPP):** Permit No. \_\_\_\_\_  
Vessel ADF&G No. (if stationary floating processor) \_\_\_\_\_
- Groundfish License Limitation License (LLP):** \_\_\_\_\_
- American Fisheries Act (AFA) Inshore Cooperative:** Permit No. \_\_\_\_\_
- AFA Catcher Vessel Permit:** Permit No. \_\_\_\_\_  
Vessel Name \_\_\_\_\_ USCG No. \_\_\_\_\_ ADF&G No. \_\_\_\_\_
- AFA Catcher/Processor Permit:** Permit No. \_\_\_\_\_  
Vessel Name \_\_\_\_\_ USCG No. \_\_\_\_\_ ADF&G No. \_\_\_\_\_
- AFA Inshore Processor:** Permit No. \_\_\_\_\_
- AFA Mothership:** Permit No. \_\_\_\_\_  
Vessel Name \_\_\_\_\_ USCG No. \_\_\_\_\_ ADF&G No. \_\_\_\_\_

**PART IV – Halibut Subsistence**

- Subsistence Halibut Registration Certificate (SHARC):**  
Tribal SHARC No. \_\_\_\_\_ Rural Resident SHARC No. \_\_\_\_\_
- Subsistence Halibut Ceremonial Permit:** Permit No. \_\_\_\_\_

**BLOCK C - REASON FOR REPLACEMENT REQUEST**

Lost       Destroyed       Stolen       Other  (explain)

**BLOCK D – SIGNATURE OF APPLICANT**

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information is true, correct, and complete.

1. Signature of Applicant or Authorized Agent:

2. Date:

3. Printed Name of Applicant or Authorized Agent (**Note:** If this is completed by an agent, attach authorization):

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**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

**ADDITIONAL INFORMATION**

Before completing this form please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act as amended in 2006. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

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**INSTRUCTIONS**  
**Application for Replacement of Certificates, Permits, or Cards**

This application will be used to request a replacement for a certificate, permit, or card that was previously issued by NMFS and that subsequently was lost, destroyed, or stolen.

Please type or print legibly in ink and retain a copy of the completed application for your records.

When completed, mail application to:

**NMFS Alaska Region**  
**Restricted Access Management (RAM)**  
**P.O. Box 21668**  
**Juneau, Alaska 99802-1668**

or fax to:

**Fax No.: (907) 586-7354**

or deliver to:

**709 West 9<sup>th</sup> Street, Room 713**  
**Juneau, AK 99801**

**Allow at least 10 business days for your application to be processed.**

Items will be sent by first-class mail, unless alternative mailing instructions are provided with RAM's receipt of the application *and* include a prepaid mailer with the appropriate postage or a corporate account number for express delivery.

If you have any questions about this application or need additional information, call RAM at **(800) 304-4846 (#2)** or **(907) 586-7202 (#2)**.

Provide the information requested below regarding the replacement of the item(s) requested.

***BLOCK A - IDENTIFICATION OF APPLICANT***

1. Name: The full name of the applicant that is the holder of the permit, certificate, or license being replaced.
2. NMFS Person ID: The identification number assigned to the applicant by NMFS, RAM.
3. Business Mailing Address: Enter the business mailing address, including street or P.O. Box number, state, and zip code, where the item(s) should be sent. Check whether the address provided is a permanent or temporary address. If you check "Permanent Address," we will update the official RAM database. If you choose "Temporary Address," we will use it for this one application only and we will not change the RAM database.
- 6-7. Business Telephone Number, Business Fax Number, and business e-mail Address: Enter the business telephone and fax numbers including the area codes, and the e-mail address.

**Note:** It is important to provide a number where a message can be left to avoid delay in processing the application if any questions arise.

***BLOCK B - REPLACEMENT REQUEST (Parts I through IV)***

Check the block for each of the items you are requesting to be replaced. Fill out **only** the information that pertains to the items that have been checked.

***BLOCK C - REASON FOR REPLACEMENT REQUEST***



Indicate the reason(s) for replacement of the items checked in Block B.

***BLOCK D – SIGNATURE OF APPLICANT***

Signature of Applicant or Authorized Agent: The applicant or authorized agent must sign and date the application certifying all information set forth in the application is true, correct, and complete to the best of the applicant's knowledge and belief. The application will not be considered without the applicant's or authorized agent's signature. **Note**: If a representative is acting on behalf of the applicant, written authorization signed by the applicant must be submitted with the application.

Printed Name of Applicant or Authorized Agent: Print or type the full name of the applicant or authorized agent signing on behalf of the applicant.



	<p><b>APPLICATION FOR                  TRANSFER OF QS/IFQ BY                  SELF SWEEP-UP</b></p>	U.S. Dept. of Commerce/NOAA National Marine Fisheries Service (NMFS) Restricted Access Management (RAM) P.O. Box 21668 Juneau, AK 99802-1668 (800) 304-4846 toll free / 586-7202 in Juneau (907) 586-7354 fax	
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<i><b>BLOCK A - INSTRUCTIONS</b></i>	<i><b>BLOCK B - SWEEP UP LIMITS</b></i>			
To complete a "Self Sweep-Up" (i.e., to combine two blocks that you currently hold), use this form instead of the standard Application for Transfer of QS/IFQ form. In the space provided, identify yourself and the blocks of Quota Share (QS) you wish to combine; sign and date the application in the presence of a Notary Public; <b>attach both original QS certificates</b> ; and submit all to RAM at the address above. <b>NOTE:</b> To be combined, QS must be in the same <b>Vessel Category</b> , and the resulting block size must not exceed the <b>Sweep Up Limits</b> (see Block B).	<b>Halibut</b>  <u>Area</u> 2C 3A 3B 4A 4B 4C 4D	<b>Quota Share</b>  <u>Units</u> 19,992 27,912 44,193 22,947 15,087 30,930 26,082	<b>Sablefish</b>  <u>Area</u> SE WY CG WG AI BS	<b>Quota Share</b>  <u>Units</u> 33,270 43,390 46,055 48,410 99,210 91,275

<i><b>BLOCK C - APPLICANT INFORMATION</b></i> (Type or Print legibly)		
1. Name(full name):	2. NMFS Person ID:	
4. Business Mailing Address: [ ] Permanent [ ] Temporary	3. Date of Birth:	
5. Business Telephone No.:	6. Business Fax No.:	7. E-mail address (if available):

<i><b>BLOCK D - FIRST QUOTA SHARE BLOCK</b></i>	
1. Halibut [ ] or Sablefish [ ]	2. IFQ Regulatory Area:
3. Vessel Category:	4. Number of QS Units to be Swept up:
5. Numbered To and From (Serial Numbers are shown on the QS Certificate):	

<b>BLOCK E - SECOND QUOTA SHARE BLOCK</b>	
1. Halibut [ ] or Sablefish [ ]	2. IFQ Regulatory Area:
3. Vessel Category:	4. Number of QS Units to be Swept up:
5. Numbered To and From (Serial Numbers are shown on the QS Certificate):	

<b>BLOCK F - CERTIFICATION OF NOTARY AND APPLICANT</b>	
I am a duly authorized representative of the applicant; by my signature below, I declare that I have examined this application in its entirety, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.	
1. Signature of QS holder or Authorized Agent:	2. Date:
3. Printed Name of QS Holder or Authorized Agent: <b>Note:</b> If this is completed by an agent, attach authorization:	
4. Notary Public (Signature): <b>ATTEST</b>	6. Affix Notary Stamp or Seal Here:
5. Commission Expires:	

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**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99801.

**ADDITIONAL INFORMATION**

Before completing this form please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act as amended in 2006. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

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Instructions  
**APPLICATION FOR TRANSFER OF QS/IFQ  
BY SELF SWEEP-UP**

To complete a "**Self Sweep-Up**" (i.e., to combine two blocks that you currently hold), use this form instead of the standard Application for Transfer of QS/IFQ form.

**NOTE:** To be combined, QS must be in the same **Vessel Category**, and the resulting block size must not exceed the **Sweep Up Limits** (see Block B).

**Attach both original QS certificates** and submit by U.S. mail or courier with completed application. **RAM will not process faxed applications.** Submit to Restricted Access Management (RAM) at:

**NMFS Alaska Region  
Restricted Access Management  
P.O. Box 21668  
Juneau, AK 99802-1668.**

**Please allow at least ten working days for your application to be processed.** Items will be sent by first class mail, unless you provide alternate instructions *and* include a prepaid mailer with appropriate postage or corporate account number for express delivery.

**Note: It is important that all blocks are completed and all necessary documents are attached. Failure to answer any of the questions, provide attachments, or to have signatures notarized could result in delays in the processing of your application.**

If you need additional information, call RAM at (800) 304-4846 (#2) or (907) 586-7202 (#2).

**BLOCK C - APPLICANT INFORMATION**

1. Enter full name
2. Enter NMFS Person ID
3. Date of Birth
4. Enter Business Mailing Address and indicate whether permanent or temporary
5. Business Telephone Number, business fax number, and business e-mail address

**BLOCK D - FIRST QUOTA SHARE BLOCK**

1. Identify the blocks of Quota Share (QS) you wish to combine – Halibut or Sablefish
2. Enter IFQ Regulatory Area.
3. Enter Vessel Category.
4. Number of QS Units to be Swept up.

5. Starting and ending serial number of shares to be transferred  
[For example, H-2C-C-B-123,456 THROUGH H-2C-C-B-789,493]

#### **BLOCK E -- SECOND QUOTA SHARE BLOCK**

1. Identify the blocks of Quota Share (QS) you wish to combine – Halibut or Sablefish
2. Enter IFQ Regulatory Area.
3. Enter Vessel Category.
4. Number of QS Units to be Swept up.
5. Starting and ending serial number of shares to be transferred  
[For example, H-2C-C-B-123,456 THROUGH H-2C-C-B-789,493]

#### **BLOCK F - CERTIFICATION OF NOTARY AND APPLICANT**

1. Sign and print your name and date the application in the presence of a Notary Public. Application forms submitted to RAM must bear the original signatures of the parties — RAM will not process faxed applications.
2. Representatives signing for an Applicant must submit proof of authorization to submit this application on their behalf.
3. A Notary Public must Attest and affix Notary Stamp. The Notary Public cannot be the person(s) submitting this application.

# IFQ/CDQ ADMINISTRATIVE WAIVER

NOAA Office for Enforcement

(This form to be completed **only** by a NOAA Clearing Officer)

Date & Time of Waiver	
Vessel Name	ADF&G No.
All IFQ Permit #'s	
IF APPLICABLE Confirmation #s	
Registered Buyer & Permit #	

CHECK THE REASON(S) THAT APPLY:	
<input type="checkbox"/>	<b>A. Prelanding Waiver</b> (Vessel lands IFQ fish less than 3 hours after making the Prior Notice of Landing notification). <i>{50 CFR 679.5(l)(1)(i)(A)}</i>
<input type="checkbox"/>	<b>B. After-hours Waiver</b> (Vessel lands fish after 1800 and before 0600 A.L.T.). <i>{50 CFR 679.5(l)(2)(ii)(A)}</i>
<input type="checkbox"/>	<b>C. Electronic Reporting Waiver</b> (Internet Reporting requirement not met. Manual Landing Report authorized). <i>{50 CFR 679.5(l)(2)(iv)(C)}</i>
<input type="checkbox"/>	<b>D. Waiver for the IFQ cardholder to not be on board in extreme personal emergencies.</b> <i>{50 CFR 679.42(d)}</i>

Comments:	
Clearing Officer Name	Office

***PUBLIC REPORTING BURDEN STATEMENT***

Public reporting burden for this collection of information is estimated to average 6 minutes per response, including the time to reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802.

***ADDITIONAL INFORMATION***

Before completing this form please note the following: 1) Notwithstanding any other provision of the law, no person is required to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory, is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.).

**IFQ/CDQ PRIOR NOTICE OF LANDING  
MANUAL REPORT**(This form to be completed only by NOAA Fisheries Office for Enforcement Personnel)

Vessel Name:	ADF&G Number:

**LANDING INFORMATION**

Port of landing:
Exact location of landing within the port (dock name, harbor name, facility name, or geographical coordinates)

Date of Landing:	Time of Landing:
------------------	------------------

Estimated Halibut Weight:
Estimated Sablefish Weight:
IFQ Regulatory Area(s):
IFQ or CDQ Permit Number(s):

Name of Caller:	Contact telephone number:
Date of Call:	Time of call:
Data Clerk:	

***PUBLIC REPORTING BURDEN STATEMENT***

Public reporting burden for this collection of information is estimated to average 12 minutes per response, including the time to reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802.

***ADDITIONAL INFORMATION***

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# MANUAL LANDING REPORT HALIBUT & SABLEFISH IFQ/CDQ

NOAA Office For Law Enforcement  
P.O. Box 21767, Juneau, AK 99802  
Data Clerk: (800) 304-4846 or (907) 586-7163

REVISION\*  ORIGINAL

\*All Revisions must have written approval from a clearing officer.  
FAX: 907-586-7313

Landing Information \_\_\_\_\_  
Date \_\_\_\_\_ Time of Report \_\_\_\_\_ Location (latitude / longitude if at sea) \_\_\_\_\_

IFQ Cardholder Name	Halibut IFQ/CDQ Permit No.
	Sablefish IFQ/CDQ Permit No.
Registered Buyer Name	Registered Buyer Permit No.
Vessel Name	ADF&G No.

Gear Code  5 - Hand Troll  15 - Power Gurdy Troll  25 - Dinglebar Troll  26 - Jigs  61 - Hook and Line  91 - Pot Gear  
(Check only one)

Use a separate line for each area, species, and product code. Use a second page if necessary.

ADF&G Statistical Area (6 digit)	Is Ice and Slime Present?	Is Halibut Incidental?*	Fish Ticket Number	Species Code	Product Code	Product Weight Sold (lb.)	Product Weight Retained (lb.)

\* Is Halibut Incidental to Salmon or Lingcod Harvested with Dinglebar Gear?

\_\_\_\_\_  
Registered Buyer Signature

\_\_\_\_\_  
IFQ/CDQ Card Holder Signature

FAX # \_\_\_\_\_

Contact # \_\_\_\_\_

\_\_\_\_\_  
NOAA Enforcement Signature

**Instructions:** This form must be accurately completed by the Registered Buyer. This form will constitute receipt by NOAA Office For Enforcement of the IFQ/CDQ Landing Report and that the cardholder's account was properly debited **ONLY** when all three of the above signatures are included. The landing report is not complete without all three signatures.

**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 12 minutes per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

**ADDITIONAL INFORMATION**

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# IFQ DEPARTURE REPORT

NOAA Fisheries Office for Enforcement

(This form to be completed only by NOAA Office for Enforcement Personnel)

Date Received	Time Received
Vessel Name	ADF&G Number
Vessel Operators Name	
Vessel Operators Registered Buyer or Registered Crab Receiver Permit number	
Intended Location of Landing	
Intended Date & Time (Alaska Local Time) of Landing	
IFQ or CDQ <b>Halibut</b> Permit Number(s), Estimated Total Weight (lb/kg/mt) and Regulatory Area of Harvest	
IFQ <b>Sablefish</b> Permit Number(s), Estimated Total Weight (lb/kg/mt) and Regulatory Area of Harvest	
CR <b>Crab</b> Permit Number(s), Estimated Total Weight (lb/kg/mt) and Crab Rationalization Fishery Code	
Additional (optional) Information:	

### **PUBLIC REPORTING BURDEN STATEMENT**

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### **ADDITIONAL INFORMATION**

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# RECORD OF IFQ/CDQ TRANSSHIPMENT AUTHORIZATION

NOAA Office for Enforcement

(This form to be completed **only** by NOAA Enforcement Personnel)

FAX TO: DATA CLERKS @ FAX: 907-586-7313
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FAXED FROM:	TELEPHONE:
-------------	------------

Transshipment Date	Time
--------------------	------

Transshipment Location
------------------------

Vessels:	ADF&G NO.
From:	
To:	
Product Destination:	

Registered Buyer Number & Name
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IFQ/CDQ Permit Number(s)
--------------------------

Species Code	Product Type & Code	Product Weight

Request Date	Request Time
--------------	--------------

Requestor's Name
------------------

Requestor's Telephone & Fax
-----------------------------

Clearing Officer	Date
------------------	------

Transshipment: Authorized \_\_\_\_\_ Not Authorized \_\_\_\_\_

**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting burden for this collection of information is estimated to average 12 minutes per response, including the time to reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802.

**ADDITIONAL INFORMATION**

Before completing this form please note the following: 1) Notwithstanding any other provision of the law, no person is required to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory, is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

United States Code  
TITLE 16 - CONSERVATION  
CHAPTER 10 - NORTHERN PACIFIC HALIBUT FISHING  
SUBCHAPTER IV - NORTHERN PACIFIC HALIBUT ACT OF 1982

**Section 773i. Administration and enforcement**

(a) Secretary of Commerce and Secretary of department in which Coast Guard is operating  
The Convention, this subchapter, and any regulation adopted under this subchapter, shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, and of any State agency, in the performance of such duties.

(b) Arrest, search and inspection, seizure; execution of warrants or other process

Any officer who is authorized by the Secretary, the Secretary of the department in which the Coast Guard is operating, or the head of any Federal or State agency which has entered into an agreement with such Secretaries under subsection (a) of this section to enforce the Convention, this subchapter or any regulation adopted under this subchapter may -

(1) with or without a warrant or other process -

(A) arrest any person, if he has reasonable cause to believe that such person has committed an act prohibited by section 773e of this title;

(B) board, and search or inspect, any fishing vessel which is subject to this subchapter;

(C) at reasonable times enter, and search or inspect, shoreside facilities in which fish taken subject to this subchapter are processed, packed or held;

(D) seize any fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, an act prohibited by section 773e of this title;

(E) seize any fish (wherever found) taken or retained in the course of an act prohibited by section 773e of this title, or the proceeds of the sale of such fish; and

(F) seize any other evidence related to an act prohibited by section 773e of this title;

(2) execute any warrant or other process issued by any court of competent jurisdiction; and

(3) exercise any other lawful authority.

(c) Citation of owner or operator of offending vessel

If any officer authorized to enforce this subchapter (as provided for in this section) finds that a fishing vessel is operating or has been operated in the commission of an act prohibited by section 773e of this title, such officer may, in accordance with regulations issued jointly by the Secretary and the Secretary of the department in which the Coast Guard is operating, issue a citation to the owner or operator of such vessel in lieu of proceeding under subsection (b) of this section. If a permit has been issued pursuant to this subchapter for such vessel, such officer shall note the issuance of any citation under this subsection, including the date thereof and the reason therefor, on the permit. The Secretary shall maintain a record of all citations issued pursuant to this subsection.

(d) United States district court jurisdiction

The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this subchapter. Any such court may, at any time -

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interest of justice.

(e) Witnesses; records and files

When requested by the appropriate authorities of Canada, officers or employees of the Coast Guard, the National Oceanic and Atmospheric Administration or any other agency of the United States may be directed to attend as a witness, and to produce such available records and files or duly certified copies thereof as may be necessary for the prosecution in Canada of any violation of the Convention or any Canadian law relating to the enforcement thereof.

(f) Investigations by Secretary of Commerce; powers; process

(1) In cooperation with such other agencies as may be appropriate, the Secretary may conduct or cause to be conducted such law enforcement investigations as are deemed necessary to carry out the purposes of this subchapter.

(2) For the purpose of all investigations which, in the opinion of the Secretary, are necessary and proper for the enforcement of this subchapter, the Secretary or any officer designated by him is empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers, or other documents which the Secretary deems relevant or material to the inquiry. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place or hearing.

(3) Process of the Secretary may be served by anyone duly authorized by him either -

(A) by delivering a copy thereof to the individual to be served, or to a member of the partnership to be served, or the president, secretary, or other executive officer or a director of the corporation to be served; or the agent designated for service of process;

(B) by leaving a copy thereof at the residence or the principal office or place of business of such individual, partnership, or corporation; or by mailing a copy thereof by registered or certified mail addressed to such individual, partnership, or corporation at his or its residence or principal office or place of business. The verified return by the individual so serving such complaint, order, or other process setting forth the manner of service shall be proof of same, and the returned post office receipt for such complaint, order, or other process mailed by registered or certified mail shall be proof of the service of the same.

**104-297**

(9) Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.

**104-297**

(10) Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

**97-453**

(b) GUIDELINES.—The Secretary shall establish advisory guidelines (which shall not have the force and effect of law), based on the national standards, to assist in the development of fishery management plans.

**SEC. 302. REGIONAL FISHERY MANAGEMENT COUNCILS****16 U.S.C. 1852****97-453, 101-627, 104-297**

(a) ESTABLISHMENT.—

(1) There shall be established, within 120 days after the date of the enactment of this Act, eight Regional Fishery Management Councils, as follows:

(A) NEW ENGLAND COUNCIL.—The New England Fishery Management Council shall consist of the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut and shall have authority over the fisheries in the Atlantic Ocean seaward of such States (except as provided in paragraph (3)). The New England Council shall have 17 voting members, including 11 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(B) MID-ATLANTIC COUNCIL.—The Mid-Atlantic Fishery Management Council shall consist of the States of New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and North Carolina and shall have authority over the fisheries in the Atlantic Ocean seaward of such States (except North Carolina, and as provided in paragraph (3)). The Mid-Atlantic Council shall have 21 voting members, including 13 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(C) SOUTH ATLANTIC COUNCIL.—The South Atlantic Fishery Management Council shall consist of the States of North Carolina, South Carolina, Georgia, and Florida and shall have authority over the fisheries in the Atlantic Ocean seaward of such States (except as provided in paragraph (3)). The South Atlantic Council shall have 13 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

**109-479**

(D) CARIBBEAN COUNCIL.—The Caribbean Fishery Management Council shall consist of the Virgin Islands and the Commonwealth of Puerto Rico and shall have authority over the fisheries in the Caribbean Sea and Atlantic Ocean seaward of such States and of commonwealths, territories, and possessions of the United States in the Caribbean Sea (except as provided in paragraph (3)). The Caribbean Council shall have 7 voting members, including 4 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(E) GULF COUNCIL.—The Gulf of Mexico Fishery Management Council shall consist of the States of Texas, Louisiana, Mississippi, Alabama, and Florida and shall have authority over the fisheries in the Gulf of Mexico seaward of such States (except as provided in paragraph (3)). The Gulf Council shall have 17 voting members, including 11 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State).

(F) PACIFIC COUNCIL.—The Pacific Fishery Management Council shall consist of the States of California, Oregon, Washington, and Idaho and shall have authority over the fisheries in the Pacific Ocean seaward of such States. The Pacific Council shall have 14 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each such State), and including one appointed from an Indian tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho in accordance with subsection (b)(5).

(G) NORTH PACIFIC COUNCIL.—The North Pacific Fishery Management Council shall consist of the States of Alaska, Washington, and Oregon and shall have authority over the fisheries in the Arctic Ocean, Bering Sea, and Pacific Ocean seaward of Alaska. The North Pacific Council shall have 11 voting members, including 7 appointed by the Secretary in accordance with subsection (b)(2) (5 of whom shall be appointed from the State of Alaska and 2 of whom shall be appointed from the State of Washington).

(H) WESTERN PACIFIC COUNCIL.—The Western Pacific Fishery Management Council shall consist of the States of Hawaii, American Samoa, Guam, and the Northern Mariana Islands and shall have authority over the fisheries in the Pacific Ocean seaward of such States and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean area. The Western Pacific Council shall have 13 voting members, including 8 appointed by the Secretary in accordance with subsection (b)(2) (at least one of whom shall be appointed from each of the following States: Hawaii, American Samoa, Guam, and the Northern Mariana Islands).

(2) Each Council shall reflect the expertise and interest of the several constituent States in the ocean area over which such Council is granted authority.

(3) The Secretary shall have authority over any highly migratory species fishery that is within the geographical area of authority of more than one of the following Councils: New England Council, Mid-Atlantic Council, South Atlantic Council, Gulf Council, and Caribbean Council.

**97-453, 99-659, 101-627, 102-582, 104-297**

(b) VOTING MEMBERS.—

(1) The voting members of each Council shall be:

(A) The principal State official with marine fishery management responsibility and expertise in each constituent State, who is designated as such by the Governor of the State, so long as the official continues to hold such position, or the designee of such official.

(B) The regional director of the National Marine Fisheries Service for the geographic area concerned, or his designee, except that if two such directors are within such geographical area, the Secretary shall designate which of such directors shall be the voting member.

(C) The members required to be appointed by the Secretary in accordance with paragraphs (2) and (5).

(2) (A) The members of each Council required to be appointed by the Secretary must be individuals who, by reason of their occupational or other experience, scientific expertise, or training, are knowledgeable regarding the conservation and management, or the commercial or recreational harvest, of the fishery resources of the geographical area concerned. Within nine months after the date of enactment of the Fishery Conservation Amendments of 1990, the Secretary shall, by regulation, prescribe criteria for determining whether an individual satisfies the requirements of this subparagraph.

(B) The Secretary, in making appointments under this section, shall, to the extent practicable, ensure a fair and balanced apportionment, on a rotating or other basis, of the active participants (or their representatives) in the commercial and recreational fisheries under the jurisdiction of the Council. On January 31, 1991, and each year thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a report on the actions taken by the Secretary to ensure that such fair and balanced apportionment is achieved. The report shall—

(i) list the fisheries under the jurisdiction of each Council, outlining for each fishery the type and quantity of fish harvested, fishing and processing methods employed, the number of participants, the duration and range of the fishery, and other distinguishing characteristics;

(ii) assess the membership of each Council in terms of the apportionment of the active participants in each such fishery; and

(iii) state the Secretary's plans and schedule for actions to achieve a fair and balanced apportionment on the Council for the active participants in any such fishery.

(C) The Secretary shall appoint the members of each Council from a list of individuals submitted by the Governor of each applicable constituent State. A Governor may not submit the names of individuals to the Secretary for appointment unless the Governor has determined that each such individual is qualified under the requirements of subparagraph (A) and unless the Governor has, to the extent practicable, first consulted with representatives of the commercial and recreational fishing interests of the State regarding those individuals. Each such list shall include the names and pertinent biographical data of not less than three individuals for each applicable vacancy and shall be accompanied by a statement by the Governor explaining how each such individual meets the requirements of subparagraph (A). The Secretary shall review each list submitted by a Governor to ascertain if the individuals on the list are qualified for the vacancy on the basis of such requirements. If the Secretary determines that any individual is not qualified, the Secretary shall notify the appropriate Governor of that determination. The Governor shall then submit a revised list or resubmit the original list with an additional explanation of the qualifications of the individual in question. An individual is not eligible for appointment by the Secretary until that individual complies with the applicable financial disclosure requirements under subsection (k).

**109-479**

(D)(i) The Governor of a State submitting a list of names of individuals for appointment by the Secretary of Commerce to the Gulf of Mexico Fisheries Management Council under subparagraph (C) shall include—

- (I) at least 1 nominee each from the commercial, recreational, and charter fishing sectors; and
  - (II) at least 1 other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.
- (ii) Notwithstanding the requirements of subparagraph (C), if the Secretary determines that the list of names submitted by the Governor does not meet the requirements of clause (i) the Secretary shall—
- (I) publish a notice in the Federal Register asking the residents of that State to submit the names and pertinent biographical data of individuals who would meet the requirement not met for appointment to the Council; and
  - (II) add the name of any qualified individual submitted by the public who meets the unmet requirement to the list of names submitted by the Governor.
- (iii) For purposes of clause (i) an individual who owns or operates a fish farm outside of the United States shall not be considered to be a representative of the commercial or recreational fishing sector.
- (iv) The requirements of this subparagraph shall expire at the end of fiscal year 2012.
- (E) Whenever the Secretary makes an appointment to a Council, the Secretary shall make a public announcement of such appointment not less than 45 days before the first day on which the individual is to take office as a member of the Council.

(3) Each voting member appointed to a Council by the Secretary in accordance with paragraphs (2) and (5) shall serve for a term of 3 years; except that the Secretary may designate a shorter term if necessary to provide for balanced expiration to terms of office. No member appointed after January 1, 1986, may serve more than three consecutive terms. Any term in which an individual was appointed to replace a member who left office during the term shall not be counted in determining the number of consecutive terms served by that Council member.

(4) Successors to the voting members of any Council shall be appointed in the same manner as the original voting members. Any individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term.

**109-479**

(5) (A) The Secretary shall appoint to the Pacific Council one representative of an Indian tribe with Federally recognized fishing rights from California, Oregon, Washington, or Idaho from a list of not less than 3 individuals submitted by the tribal governments. The Secretary, in consultation with the Secretary of the Interior and tribal governments, shall establish by regulation the procedure for submitting a list under this subparagraph.

(B) Representation shall be rotated among the tribes taking into consideration—

- (i) the qualifications of the individuals on the list referred to in subparagraph (A),
- (ii) the various rights of the Indian tribes involved and judicial cases that set forth how those rights are to be exercised, and
- (iii) the geographic area in which the tribe of the representative is located.

(C) A vacancy occurring prior to the expiration of any term shall be filled in the same manner as set out in subparagraphs (A) and (B), except that the Secretary may use the list from which the vacating representative was chosen.

(D) The tribal representative appointed under subparagraph (A) may designate as an alternate, during the period of the representative's term, an individual knowledgeable concerning tribal rights, tribal law, and the fishery resources of the geographical area concerned.

(6) The Secretary may remove for cause any member of a Council required to be appointed by the Secretary in accordance with paragraphs (2) or (5) if—

(A) the Council concerned first recommends removal by not less than two-thirds of the members who are voting members and submits such removal recommendation to the Secretary in writing together with a statement of the basis for the recommendation; or

(B) the member is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 307(1)(O).

(c) NONVOTING MEMBERS.—

(1) The nonvoting members of each Council shall be:

- (A) The regional or area director of the United States Fish and Wildlife Service for the geographical area concerned, or his designee.
- (B) The commander of the Coast Guard district for the geographical area concerned, or his designee; except that, if two

Coast Guard districts are within such geographical area, the commander designated for such purpose by the commandant of the Coast Guard.

(C) The Executive Director of the Marine Fisheries Commission for the geographical area concerned, if any, or his designee.

(D) One representative of the Department of State designated for such purpose by the Secretary of State, or his designee.

(2) The Pacific Council shall have one additional nonvoting member who shall be appointed by, and serve at the pleasure of, the Governor of Alaska.

**96-561, 101-627, 104-297**

(d) COMPENSATION AND EXPENSES.—The voting members of each Council who are required to be appointed by the Secretary and who are not employed by the Federal Government or any State or local government, shall receive compensation at the daily rate for GS-15, step 7 of the General Schedule, when engaged in the actual performance of duties for such Council. The voting members of each Council, any nonvoting member described in subsection (c)(1)(C), and the nonvoting member appointed pursuant to subsection (c)(2) shall be reimbursed for actual expenses incurred in the performance of such duties, and other nonvoting members and Council staff members may be reimbursed for actual expenses.

**101-627**

(e) TRANSACTION OF BUSINESS.—

(1) A majority of the voting members of any Council shall constitute a quorum, but one or more such members designated by the Council may hold hearings. All decisions of any Council shall be by majority vote of the voting members present and voting.

(2) The voting members of each Council shall select a Chairman for such Council from among the voting members.

(3) Each Council shall meet at appropriate times and places in any of the constituent States of the Council at the call of the Chairman or upon the request of a majority of its voting members.

(4) If any voting member of a Council disagrees with respect to any matter which is transmitted to the Secretary by such Council, such member may submit a statement to the Secretary setting forth the reasons for such disagreement. The regional director of the National Marine Fisheries Service serving on the Council, or the regional director's designee, shall submit such a statement, which shall be made available to the public upon request, if the regional director disagrees with any such matter.

(B) If any meeting or portion is closed, the Council concerned shall provide notice by any means that will result in wide publicity in the major fishing ports of the region (and in other major fishing ports having a direct interest in the affected fishery), except that email notification and website postings alone are not sufficient, including in that notification the time and place of the meeting. This subparagraph does not require notification regarding any brief closure of a portion of a meeting in order to discuss employment or other internal administrative matters. Subparagraphs (D) and (F) of paragraph (2) shall not apply to any meeting or portion thereof that is so closed.

(4) Each Council shall establish appropriate procedures applicable to it and to its committee and advisory panels for ensuring confidentiality of the statistics that may be submitted to it by Federal or State authorities, and may be voluntarily submitted to it by private persons; including, but not limited to, procedures for the restriction of Council employee access and the prevention of conflicts of interest; except that such procedures, in the case of statistics submitted to the Council by a State or by the Secretary under section 402(b), must be consistent with the laws and regulations of that State, or with the procedures of the Secretary, as the case may be, concerning the confidentiality of the statistics.

(5) Each Council shall specify those procedures that are necessary or appropriate to ensure that the committees and advisory panels established under subsection (g) are involved, on a continuing basis, in the development and amendment of fishery management plans.

(6) At any time when a Council determines it appropriate to consider new information from a State or Federal agency or from a Council advisory body, the Council shall give comparable consideration to new information offered at that time by interested members of the public. Interested parties shall have a reasonable opportunity to respond to new data or information before the Council takes final action on conservation and management measures.

**99-659, 104-297**

(j) DISCLOSURE OF FINANCIAL INTEREST AND RECUSAL.—

**104-297**

(1) For the purposes of this subsection—

(A) the term “affected individual” means an individual who—

(i) is nominated by the Governor of a State for appointment as a voting member of a Council in accordance with subsection (b)(2); or

(ii) is a voting member of a Council appointed—

(I) under subsection (b)(2); or

(II) under subsection (b)(5) who is not subject to disclosure and recusal requirements under the laws of an Indian tribal government; and

(B) the term “designated official” means a person with expertise in Federal conflict-of-interest requirements who is designated by the Secretary, in consultation with the Council, to attend Council meetings and make determinations under paragraph (7)(B).

**109-479**

(2) Each affected individual must disclose any financial interest held by—

(A) that individual;

(B) the spouse, minor child, or partner of that individual; and

(C) any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee;

in any harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within any fishery over which the Council concerned has jurisdiction, or with respect to an individual or organization with a financial interest in such activity.

**104-297**

(3) The disclosure required under paragraph (2) shall be made—

(A) in the case of an affected individual referred to in paragraph (1)(A)(i), before appointment by the Secretary; and

(B) in the case of an affected individual referred to in paragraph (1)(A)(ii), within 45 days of taking office.

**104-297**

(4) An affected individual referred to in paragraph (1)(A)(ii) must update his or her disclosure form at any time any such financial interest is acquired, or substantially changed, by any person referred to in paragraph (2)(A), (B), or (C).

**104-297, 109-479**

(5) The financial interest disclosures required by this subsection shall—

(A) be made on such forms, in accordance with such procedures, and at such times, as the Secretary shall by regulation prescribe;

(B) be kept on file by the Council and made available on the Internet and for public inspection at the Council offices during reasonable hours; and

(C) be kept on file by the Secretary for use in reviewing determinations under paragraph 7(B) and made available for public inspection at reasonable hours.

**104-297**

(6) The participation by an affected individual referred to in paragraph (1)(A)(ii) in

an action by a Council during any time in which that individual is not in compliance with

the regulations prescribed under paragraph (5) may not be treated as cause for the invalidation of that action.

**104-297**

(7) (A) After the effective date of regulations promulgated under subparagraph (F) of this paragraph, an affected individual required to disclose a financial interest under paragraph (2) shall not vote on a Council decision which would have a significant and predictable effect on such financial interest. A Council decision shall be considered to have a significant and

predictable effect on a financial interest if there is a close causal link between the Council decision and an expected and substantially disproportionate benefit to the financial interest of the affected individual relative to the financial interests of other participants in the same gear type or sector of the fishery. An affected individual who may not vote may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

(B) At the request of an affected individual, or upon the initiative of the appropriate designated official, the designated official shall make a determination for the record whether a Council decision would have a significant and predictable effect on a financial interest.

(C) Any Council member may submit a written request to the Secretary to review any determination by the designated official under subparagraph (B) within 10 days of such determination. Such review shall be completed within 30 days of receipt of the request.

(D) Any affected individual who does not vote in a Council decision in accordance with this subsection may state for the record how he or she would have voted on such decision if he or she had voted.

(E) If the Council makes a decision before the Secretary has reviewed a determination under subparagraph (C), the eventual ruling may not be treated as cause for the invalidation or reconsideration by the Secretary of such decision.

(F) The Secretary, in consultation with the Councils and by not later than one year from the date of enactment of the Sustainable Fisheries Act, shall promulgate regulations which prohibit an affected individual from voting in accordance with subparagraph (A), and which allow for the making of determinations under subparagraphs (B) and (C).

**104-297**

(8) Section 208 of title 18, United States Code, does not apply to an affected individual referred to in paragraph (1)(A)(ii) during any time in which that individual is in compliance with the regulations prescribed under paragraph (5).

**109-479**

(9) On January 1, 2008, and annually thereafter, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on action taken by the Secretary and the Councils to implement the disclosure of financial interest and recusal requirements of this subsection, including identification of any conflict of interest problems with respect to the Councils and scientific and statistical committees and recommendations for addressing any such problems.



104-297

**SEC. 402. INFORMATION COLLECTION**

16 U.S.C. 1881a

109-479

(a) COLLECTION PROGRAMS.—

(1) COUNCIL REQUESTS.—If a Council determines that additional information would be beneficial for developing, implementing, or revising a fishery management plan or for determining whether a fishery is in need of management, the Council may request that the Secretary implement an information collection program for the fishery which would provide the types of information specified by the Council. The Secretary shall undertake such an information collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such determination is made. If the Secretary determines that the need for an information collection program is not justified, the Secretary shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this paragraph regarding a Council request shall be made within a reasonable period of time after receipt of that request.

(2) SECRETARIAL INITIATION.—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.

109-479

(b) CONFIDENTIALITY OF INFORMATION.—

(1) Any information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act shall be confidential and shall not be disclosed except—

(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of the identity of business of any person;

(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

(D) when required by court order;

(E) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

(G) when such information is required to be submitted to the Secretary for any determination under a limited access program; or

(H) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).

(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (H) of paragraph (1), or—

(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

(B) when such information is necessary in proceedings to adjudicate observer certifications; or

(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

(ii) to validate the accuracy of the observer information collected.

(3) The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary, or with the approval of the Secretary, the Council, of any information submitted in compliance with any requirement or regulation under this Act or the use, release, or publication of bycatch information pursuant to paragraph (2)(A).

**(c) RESTRICTION ON USE OF CERTAIN INFORMATION.—**

(1) The Secretary shall promulgate regulations to restrict the use, in civil enforcement or criminal proceedings under this Act, the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et seq.), of information collected by voluntary fishery data collectors, including sea samplers, while aboard any vessel for conservation and management purposes if the presence of such a fishery data collector aboard is not required by any of such Acts or regulations thereunder.

(2) The Secretary may not require the submission of a Federal or State income tax return or statement as a prerequisite for issuance of a permit until such time as the Secretary has promulgated regulations to ensure the confidentiality of information contained in such return or statement, to limit the information submitted to that necessary to achieve a demonstrated conservation and management purpose, and to provide appropriate penalties for violation of such regulations.

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TITLE 31--MONEY AND FINANCE

SUBTITLE V--GENERAL ASSISTANCE ADMINISTRATION CHAPTER 77--ACCESS TO

INFORMATION FOR DEBT COLLECTION Sec. 7701. Taxpayer identifying number

(a) In this section--

(1) ``included Federal loan program '' has the same meaning given that term in section 6103(1)(3)(C) of the Internal Revenue Code of 1986 (26 U.S.C. 6103 (1) (3) (C) ) .

(2) ``taxpayer identifying number '' means the identifying number required under section 6109 of the Internal Revenue Code of 1986 (26 U.S.C. 6109).

(b) The head of an agency administering an included Federal loan program shall require a person applying for a loan under the program to provide that person's taxpayer identifying number.

(c)(1) The head of each Federal agency shall require each person doing business with that agency to furnish to that agency such person's taxpayer identifying number.

(2) For purposes of this subsection, a person shall be considered to be doing business with a Federal agency if the person is--

(A) a lender or servicer in a Federal guaranteed or insured loan program administered by the agency;

(B) an applicant for, or recipient of, a Federal license, permit, right-of-way, grant, or benefit payment administered by the agency or insurance administered by the agency;

(C) a contractor of the agency;

(D) assessed a fine, fee, royalty or penalty by the agency; and

(E) in a relationship with the agency that may give rise to a receivable due to that agency, such as a partner of a borrower in or a guarantor of a Federal direct or insured loan administered by the agency.

(3) Each agency shall disclose to a person required to furnish a taxpayer identifying number under this subsection its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such person's relationship with the Government.

(4) For purposes of this subsection, a person shall not be treated as doing business with a Federal agency solely by reason of being a debtor under third party claims of the United States. The preceding sentence shall not apply to a debtor owing claims resulting from petroleum pricing violations or owing claims resulting from Federal loan or loan guarantee/insurance programs.

(d) Notwithstanding section 552a(b) of title 5, United States Code, creditor agencies to which a delinquent claim is owed, and their agents, may match their debtor records with Department of Health and Human Services, and Department of Labor records to obtain names (including names of employees), name controls, names of employers, taxpayer identifying numbers, addresses (including addresses of employers), and dates of birth. The preceding sentence shall apply to the disclosure of taxpayer identifying numbers only if such disclosure is not otherwise prohibited by section 6103 of the Internal Revenue Code of 1986. The Department of Health and Human Services, and the Department of Labor shall release that information to creditor agencies and may charge reasonable fees sufficient to pay the costs associated with that release.

(Added Pub. L. 103-272, Sec. 4(f)(1)(Y)(i), July 5, 1994, 108 Stat. 1363; amended Pub. L. 104-134, title III, Sec. 31001(i)(1), Apr. 26, 1996, 110 Stat. 1321-364.)

References in Text

Section 6103 of the Internal Revenue Code of 1986, referred to in subsecs. (a)(1) and (d), is classified to section 6103 of Title 26, Internal Revenue Code.

Amendments

1996--Subsecs. (c), (d). Pub. L. 104-134 added subsecs. (c) and (d).

**Title 50: Wildlife and Fisheries**  
PART 300—INTERNATIONAL FISHERIES REGULATIONS

**Subpart E—Pacific Halibut Fisheries**

**Authority:** 16 U.S.C. 773–773k.

**§ 300.60 Purpose and scope.**

This subpart implements the North Pacific Halibut Act of 1982 (Act) and is intended to supplement, not conflict with, the annual fishery management measures adopted by the International Pacific Halibut Commission (Commission) under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention).

**§ 300.61 Definitions.**

In addition to the terms defined in §300.2 and those in the Act and the Convention, the terms used in this subpart have the following meanings. If a term is defined differently in §300.2, the Act, or the Convention, the definition in this section shall apply.

*Alaska Native tribe* means, for purposes of the subsistence fishery for Pacific halibut in waters in and off Alaska, a Federally recognized Alaska Native tribe that has customary and traditional use of halibut and that is listed in §300.65(g)(2) of this part.

*Area 2A* includes all waters off the States of California, Oregon, and Washington.

*Area 2C* includes all waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58° 11' 54" N. lat., 136° 38' 24" W. long.) and south and east of a line running 205° true from said light.

*Charter vessel* means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator.

*Commercial fishing* means fishing, the resulting catch of which either is, or is intended to be, sold or bartered but does not include subsistence fishing.

*Commission* means the International Pacific Halibut Commission.

*Commission regulatory area* means an area defined by the Commission for purposes of the Convention identified in 50 CFR 300.60 and prescribed in the annual management measures published pursuant to 50 CFR 300.62.

*Customary trade* means, for purposes of the subsistence fishery for Pacific halibut in waters in and off Alaska, the non-commercial exchange of subsistence halibut for anything other than items of significant value.

*Fishing* means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of setline gear anywhere in the maritime area.

*Guideline harvest level (GHL)* means a level of allowable halibut harvest by the charter vessel fishery.

*Halibut harvest* means the catching and retaining of any halibut.

*Head-on length* means a straight line measurement passing over the pectoral fin from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail.

*Individual Fishing Quota (IFQ)*, for purposes of this subpart, means the annual catch limit of halibut that may be harvested by a person who is lawfully allocated a harvest privilege for a specific portion of the TAC of halibut.

*IFQ fishing trip*, for purposes of the subpart, means the period beginning when a vessel operator commences harvesting IFQ halibut and ending when the vessel operator lands any species.

*IFQ halibut* means any halibut that is harvested with setline or other hook and line gear while commercial fishing in any IFQ regulatory area defined at §679.2 of this title.

*Overall length* of a vessel means the horizontal distance, rounded to the nearest ft/meter, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments).

*Person* includes an individual, corporation, firm, or association.

*Rural* means, for purposes of the subsistence fishery for Pacific halibut in waters in and off Alaska, a community or area of Alaska in which the non-commercial, customary and traditional use of fish and game for personal or family consumption is a principal characteristic of the economy or area and in which there is a long-term, customary and traditional use of halibut, and that is listed in §300.65(g)(1).

*Rural resident* means, for purposes of the subsistence fishery for Pacific halibut in waters in and off Alaska, a person domiciled in a rural community listed in the table in §300.65(g)(1) of this part and who has maintained a domicile in a rural community listed in the table in §300.65(g)(1) for the 12 consecutive months immediately preceding the time when the assertion of residence is made, and who is not claiming residency in another state, territory, or country.

*Setline gear* means one or more stationary, buoyed, and anchored lines with hooks attached.

*Sport fishing* means:

- (1) In regulatory area 2A, all fishing other than commercial fishing and treaty Indian ceremonial and subsistence fishing; and
- (2) In waters in and off Alaska, all fishing other than commercial fishing and subsistence fishing.

*Subarea 2A-1* includes all U.S. waters off the coast of Washington that are north of 46°53'18" N. lat. and east of 125°44'00" W. long., and all inland marine waters of Washington.

*Subsistence* means, with respect to waters in and off Alaska, the non-commercial, long-term, customary and traditional use of halibut.

*Subsistence halibut* means halibut caught by a rural resident or a member of an Alaska Native tribe for direct personal or family consumption as food, sharing for personal or family consumption as food, or customary trade.

*Treaty Indian tribes* means the Hoh, Jamestown S'Klallam, Lower Elwha S'Klallam, Lummi, Makah, Port Gamble S'Klallam, Quileute, Quinault, Skokomish, Suquamish, Swinomish, and Tulalip tribes.

[61 FR 35550, July 5, 1996, as amended at 64 FR 52469, Sept. 29, 1999; 68 FR 18156, Apr. 15, 2003; 68 FR 47264, Aug. 8, 2003; 72 FR 30727, June 4, 2007; 72 FR 67669, Nov. 30, 2007]

#### **§ 300.62 Annual management measures.**

Annual management measures may be added and modified through adoption by the Commission and publication in the Federal Register by the Assistant Administrator, with immediate regulatory effect. Such measures may include, *inter alia*, provisions governing: Licensing of vessels, inseason actions, regulatory areas, fishing periods, closed periods, closed areas, catch limits (quotas), fishing period limits, size limits, careful release of halibut, vessel clearances, logs, receipt and possession of halibut, fishing gear, retention of tagged halibut, supervision of unloading and weighing, and sport fishing for halibut. The Assistant Administrator will publish the Commission's regulations setting forth annual management measures in the Federal Register by March 15 each year. Annual management measures may be adjusted inseason by the Commission.

#### **§ 300.63 Catch sharing plan and domestic management measures in Area 2A.**

(a) A catch sharing plan (CSP) may be developed by the Pacific Fishery Management Council and approved by NMFS for portions of the fishery. Any approved CSP may be obtained from the Administrator, Northwest Region, NMFS.

(b)(1) Each year, before January 1, NMFS will publish a proposal to govern the recreational fishery under the CSP for the following year and will seek public comment. The comment period will extend until after the Commission's annual meeting, so the public will have the opportunity to consider the final area 2A total allowable catch (TAC) before submitting comments. After the Commission's annual meeting and review of public comments, NMFS will publish in the Federal Register the final rule governing sport fishing in area 2A. Annual management measures may be adjusted inseason by NMFS.

(2) A portion of the commercial TAC is allocated as incidental catch in the salmon troll fishery in Area 2A. Each year the landing restrictions necessary to keep the fishery within its allocation will be recommended by the Pacific Fishery Management Council at its spring meetings, and will be published in the Federal Register along with the annual salmon management measures.

(3) A portion of the Area 2A Washington recreational TAC is allocated as incidental catch in the primary directed longline sablefish fishery north of 46°53.30' N. lat. (Pt. Chehalis, Washington), which is regulated under 50 CFR 660.372. This fishing opportunity is only available in years in which the Area 2A TAC is greater than 900,000 lb (408.2 mt,) provided that a minimum of 10,000 lb (4.5 mt) is available above a Washington recreational TAC of 214,100 lb (97.1 mt). Each year that this harvest is available, the landing restrictions necessary to keep this fishery within its allocation will be recommended by the Pacific Fishery Management Council at its spring meetings, and will be published in the Federal Register. These restrictions will be designed to ensure the halibut harvest is incidental to the sablefish harvest and will be based on the amounts of halibut and sablefish available to this fishery, and other pertinent factors. The restrictions may include catch or landing ratios, landing limits, or other means to control the rate of halibut landings.

(i) In years when this incidental harvest of halibut in the directed sablefish fishery north of 46°53.30' N. lat. is allowed, it is allowed

only for vessels using longline gear that are registered to groundfish limited entry permits with sablefish endorsements and that possess the appropriate incidental halibut harvest license issued by the Commission.

(ii) It is unlawful for any person to possess, land or purchase halibut south of 46°53.30' N. lat. that were taken and retained as incidental catch authorized by this section in the directed longline sablefish fishery.

(4) The commercial longline fishery in area 2A is governed by the annual management measures published pursuant to §§300.62 and 300.63.

(5) The treaty Indian fishery is governed by §300.64 and tribal regulations. The annual quota for the fishery will be announced with the Commission regulations under §300.62

(c) *Flexible Inseason Management Provisions for Sport Halibut Fisheries in Area 2A.*

(1) The Regional Administrator, NMFS Northwest Region, after consultation with the Chairman of the Pacific Fishery Management Council, the Commission Executive Director, and the Fisheries Director(s) of the affected state(s), or their designees, is authorized to modify regulations during the season after making the following determinations:

(i) The action is necessary to allow allocation objectives to be met.

(ii) The action will not result in exceeding the catch limit for the area.

(iii) If any of the sport fishery subareas north of Cape Falcon, Oregon are not projected to utilize their respective quotas by September 30, NMFS may take inseason action to transfer any projected unused quota to another Washington sport subarea.

(iv) If any of the sport fishery subareas south of Leadbetter Point, Washington, are not projected to utilize their respective quotas by their season ending dates, NMFS may take inseason action to transfer any projected unused quota to another Oregon sport subarea.

(2) Flexible inseason management provisions include, but are not limited to, the following:

(i) Modification of sport fishing periods;

(ii) Modification of sport fishing bag limits;

(iii) Modification of sport fishing size limits;

(iv) Modification of sport fishing days per calendar week; and

(v) Modification of subarea quotas north of Cape Falcon, Oregon.

(3) Notice procedures. (i) Actions taken under this section will be published in the Federal Register.

(ii) Actual notice of inseason management actions will be provided by a telephone hotline administered by the Northwest Region, NMFS, at 206-526-6667 or 800-662-9825 (May through October) and by U.S. Coast Guard broadcasts. These broadcasts are announced on Channel 16 VHF-FM and 2182 kHz at frequent intervals. The announcements designate the channel or frequency over which the notice to mariners will be immediately broadcast. Since provisions of these regulations may be altered by inseason actions, sport fishers should monitor either the telephone hotline or U.S. Coast Guard broadcasts for current information for the area in which they are fishing.

(4) Effective dates. (i) Any action issued under this section is effective on the date specified in the publication or at the time that the action is filed for public inspection with the Office of the Federal Register, whichever is later.

(ii) If time allows, NMFS will invite public comment prior to the effective date of any inseason action filed with the Federal Register. If the Regional Administrator determines, for good cause, that an inseason action must be filed without affording a prior opportunity for public comment, public comments will be received for a period of 15 days after publication of the action in the Federal Register.

(iii) Any inseason action issued under this section will remain in effect until the stated expiration date or until rescinded, modified, or superseded. However, no inseason action has any effect beyond the end of the calendar year in which it is issued.

(5) Availability of data. The Regional Administrator will compile, in aggregate form, all data and other information relevant to the action being taken and will make them available for public review during normal office hours at the Northwest Regional Office, NMFS, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, Washington.

(d) *Fishery Election in Area 2A.* (1) A vessel that fishes in Area 2A may participate in only one of the following three fisheries in Area 2A:

(i) The sport fishery under Section 24 of the annual domestic management measures and IPHC regulations;

(ii) The commercial directed fishery for halibut during the fishing period(s) established in section 8 of the annual domestic management measures and IPHC regulations and/or the incidental retention of halibut during the primary sablefish fishery described at 50 CFR 660.372; or

(iii) The incidental catch fishery during the salmon troll fishery as authorized in section 8 of the annual domestic management measures and IPHC regulations.

(2) No person shall fish for halibut in the sport fishery in Area 2A under section 24 of the annual domestic management measures and IPHC regulations from a vessel that has been used during the same calendar year for commercial halibut fishing in Area 2A or that has been issued a permit for the same calendar year for the commercial halibut fishery in Area 2A.

(3) No person shall fish for halibut in the directed commercial halibut fishery during the fishing periods established in section 8 of the annual domestic management measures and IPHC regulations and/or retain halibut incidentally taken in the primary sablefish fishery in Area 2A from a vessel that has been used during the same calendar year for the incidental catch fishery during the salmon troll fishery as authorized in Section 8 of the annual domestic management measures and IPHC regulations.

(4) No person shall fish for halibut in the directed commercial halibut fishery and/or retain halibut incidentally taken in the primary sablefish fishery in Area 2A from a vessel that, during the same calendar year, has been used in the sport halibut fishery in Area 2A or that is licensed for the sport charter halibut fishery in Area 2A.

(5) No person shall retain halibut in the salmon troll fishery in Area 2A as authorized under section 8 of the annual domestic management measures and IPHC regulations taken on a vessel that, during the same calendar year, has been used in the sport halibut fishery in Area 2A, or that is licensed for the sport charter halibut fishery in Area 2A.

(6) No person shall retain halibut in the salmon troll fishery in Area 2A as authorized under section 8 of the annual domestic management measures and IPHC regulations taken on a vessel that, during the same calendar year, has been used in the directed commercial halibut fishery during the fishing periods established in Section 8 of the annual domestic management measures and IPHC regulations and/or retained halibut incidentally taken in the primary sablefish fishery for Area 2A or that is licensed to participate in these commercial fisheries during the fishing periods established in Section 8 of the annual domestic management measures and IPHC regulations in Area 2A.

(e) *Area 2A Non-Treaty Commercial Fishery Closed Areas.* (1) Non-treaty commercial vessels operating in the directed commercial fishery for halibut in Area 2A are required to fish outside of a closed area, known as the Rockfish Conservation Area (RCA), that extends along the coast from the U.S./Canada border south to 40°10' N. lat. Between the U.S./Canada border and 46°16' N. lat., the eastern boundary of the RCA is the shoreline. Between 46°16' N. lat. and 40°10' N. lat., the RCA is defined along an eastern boundary approximating the 30–fm (55–m) depth contour. Coordinates for the 30–fm (55–m) boundary are listed at §300.63 (f). Between the U.S./Canada border and 40°10' N. lat., the RCA is defined along a western boundary approximating the 100–fm (183–m) depth contour. Coordinates for the 100–fm (183–m) boundary are listed at §300.63 (g).

(2) Non-treaty commercial vessels operating in the incidental catch fishery during the sablefish fishery north of Pt. Chehalis, Washington, in Area 2A are required to fish outside of a closed area. Under Pacific Coast groundfish regulations at 50 CFR 660.382, fishing with limited entry fixed gear is prohibited within the North Coast Commercial Yelloweye Rockfish Conservation Area (YRCA). It is unlawful to take and retain, possess, or land halibut taken with limited entry fixed gear within the North Coast Commercial YRCA. The North Coast Commercial YRCA is an area off the northern Washington coast, overlapping the northern part of North Coast Recreational YRCA, and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the North Coast Commercial YRCA are specified in groundfish regulations at 50 CFR 660.390.

(3) Non-treaty commercial vessels operating in the incidental catch fishery during the salmon troll fishery in Area 2A are required to fish outside of a closed area. Under the Pacific Coast groundfish regulations at 50 CFR 660.383, fishing with salmon troll gear is prohibited within the Salmon Troll YRCA. It is unlawful for commercial salmon troll vessels to take and retain, possess, or land fish within the Salmon Troll YRCA. The Salmon Troll YRCA is an area off the northern Washington coast and is defined by straight lines connecting latitude and longitude coordinates. Coordinates for the Salmon Troll YRCA are specified in groundfish regulations at 50 CFR 660.390 and in salmon regulations at 50 CFR 660.405.

(f) The 30–fm (55–m) depth contour between 46°16' N. lat. and 40°10' N. lat. is defined by straight lines connecting all of the following points in the order stated:

- (1) 46°16.00' N. lat., 124°13.05' W. long.;
- (2) 46°16.00' N. lat., 124°13.04' W. long.;
- (2) 46°07.00' N. lat., 124°07.01' W. long.;
- (3) 45°55.95' N. lat., 124°02.23' W. long.;
- (4) 45°54.53' N. lat., 124°02.57' W. long.;
- (5) 45°50.65' N. lat., 124°01.62' W. long.;

- (6) 45°48.20' N. lat., 124°02.16' W. long.;
- (7) 45°46.00' N. lat., 124°01.86' W. long.;
- (8) 45°43.46' N. lat., 124°01.28' W. long.;
- (9) 45°40.48' N. lat., 124°01.03' W. long.;
- (10) 45°39.04' N. lat., 124°01.68' W. long.;
- (11) 45°35.48' N. lat., 124°01.90' W. long.;
- (12) 45°29.81' N. lat., 124°02.45' W. long.;
- (13) 45°27.97' N. lat., 124°01.90' W. long.;
- (14) 45°27.22' N. lat., 124°02.66' W. long.;
- (15) 45°24.20' N. lat., 124°02.94' W. long.;
- (16) 45°20.60' N. lat., 124°01.74' W. long.;
- (17) 45°20.25' N. lat., 124°01.85' W. long.;
- (18) 45°16.44' N. lat., 124°03.22' W. long.;
- (19) 45°13.63' N. lat., 124°02.69' W. long.;
- (20) 45°11.05' N. lat., 124°03.59' W. long.;
- (21) 45°08.55' N. lat., 124°03.47' W. long.;
- (22) 45°02.81' N. lat., 124°04.64' W. long.;
- (23) 44°58.06' N. lat., 124°05.03' W. long.;
- (24) 44°53.97' N. lat., 124°06.92' W. long.;
- (25) 44°48.89' N. lat., 124°07.04' W. long.;
- (26) 44°46.94' N. lat., 124°08.25' W. long.;
- (27) 44°42.72' N. lat., 124°08.98' W. long.;
- (28) 44°38.16' N. lat., 124°11.48' W. long.;
- (29) 44°33.38' N. lat., 124°11.54' W. long.;
- (31) 44°28.51' N. lat., 124°12.04' W. long.;
- (32) 44°27.65' N. lat., 124°12.56' W. long.;
- (33) 44°19.67' N. lat., 124°12.37' W. long.;
- (34) 44°10.79' N. lat., 124°12.22' W. long.;
- (35) 44°09.22' N. lat., 124°12.28' W. long.;
- (36) 44°08.30' N. lat., 124°12.30' W. long.;
- (37) 44°00.22' N. lat., 124°12.80' W. long.;
- (38) 43°51.56' N. lat., 124°13.18' W. long.;
- (39) 43°44.26' N. lat., 124°14.50' W. long.;
- (40) 43°33.82' N. lat., 124°16.28' W. long.;
- (41) 43°28.66' N. lat., 124°18.72' W. long.;
- (42) 43°23.12' N. lat., 124°24.04' W. long.;
- (43) 43°20.83' N. lat., 124°25.67' W. long.;
- (44) 43°20.48' N. lat., 124°25.90' W. long.;
- (45) 43°16.41' N. lat., 124°27.52' W. long.;
- (46) 43°14.23' N. lat., 124°29.28' W. long.;
- (47) 43°14.03' N. lat., 124°28.31' W. long.;
- (48) 43°11.92' N. lat., 124°28.26' W. long.;
- (49) 43°11.02' N. lat., 124°29.11' W. long.;
- (50) 43°10.13' N. lat., 124°29.15' W. long.;
- (51) 43°09.26' N. lat., 124°31.03' W. long.;
- (52) 43°07.73' N. lat., 124°30.92' W. long.;
- (53) 43°05.93' N. lat., 124°29.64' W. long.;
- (54) 43°01.59' N. lat., 124°30.64' W. long.;
- (55) 42°59.72' N. lat., 124°31.16' W. long.;
- (56) 42°53.75' N. lat., 124°36.09' W. long.;
- (57) 42°50.00' N. lat., 124°38.39' W. long.;
- (58) 42°49.37' N. lat., 124°38.81' W. long.;
- (59) 42°46.42' N. lat., 124°37.69' W. long.;
- (60) 42°46.07' N. lat., 124°38.56' W. long.;
- (61) 42°45.29' N. lat., 124°37.95' W. long.;
- (62) 42°45.61' N. lat., 124°36.87' W. long.;
- (63) 42°44.27' N. lat., 124°33.64' W. long.;
- (64) 42°42.75' N. lat., 124°31.84' W. long.;
- (65) 42°40.50' N. lat., 124°29.67' W. long.;
- (66) 42°40.04' N. lat., 124°29.20' W. long.;
- (67) 42°38.09' N. lat., 124°28.39' W. long.;
- (68) 42°36.73' N. lat., 124°27.54' W. long.;
- (69) 42°36.56' N. lat., 124°28.40' W. long.;
- (70) 42°35.77' N. lat., 124°28.79' W. long.;
- (71) 42°34.03' N. lat., 124°29.98' W. long.;
- (72) 42°34.19' N. lat., 124°30.58' W. long.;
- (73) 42°31.27' N. lat., 124°32.24' W. long.;
- (74) 42°27.07' N. lat., 124°32.53' W. long.;
- (75) 42°24.21' N. lat., 124°31.23' W. long.;
- (76) 42°20.47' N. lat., 124°28.87' W. long.;
- (77) 42°14.60' N. lat., 124°26.80' W. long.;
- (78) 42°13.67' N. lat., 124°26.25' W. long.;
- (79) 42°10.90' N. lat., 124°24.56' W. long.;
- (80) 42°07.04' N. lat., 124°23.35' W. long.;
- (81) 42°02.16' N. lat., 124°22.59' W. long.;
- (82) 42°00.00' N. lat., 124°21.81' W. long.;



- (83) 41 °55.75' N. lat., 124°20.72' W. long.;
- (84) 41 °50.93' N. lat., 124°23.76' W. long.;
- (85) 41°42.53' N. lat., 124°16.47' W. long.;
- (86) 41°37.20' N. lat., 124°17.05' W. long.;
- (87) 41°24.58' N. lat., 124°10.51' W. long.;
- (88) 41°20.73' N. lat., 124°11.73' W. long.;
- (89) 41°17.59' N. lat., 124°10.66' W. long.;
- (90) 41°04.54' N. lat., 124°14.47' W. long.;
- (91) 40°54.26' N. lat., 124°13.90' W. long.;
- (92) 40°40.31' N. lat., 124°26.24' W. long.;
- (93) 40°34.00' N. lat., 124°27.39' W. long.;
- (94) 40°30.00' N. lat., 124°31.32' W. long.;
- (95) 40°28.89' N. lat., 124°32.43' W. long.;
- (96) 40°24.77' N. lat., 124°29.51' W. long.;
- (97) 40°22.47' N. lat., 124°24.12' W. long.;
- (98) 40°19.73' N. lat., 124°23.59' W. long.;
- (99) 40°18.64' N. lat., 124°21.89' W. long.;
- (100) 40°17.67' N. lat., 124°23.07' W. long.;
- (101) 40°15.58' N. lat., 124°23.61' W. long.;
- (102) 40°13.42' N. lat., 124°22.94' W. long.; and
- (103) 40°10.00' N. lat., 124°16.65' W. long. (g) The 100–fm (183–m) depth contour used between the U.S. border with Canada and 40°10' N. lat. is defined by straight lines connecting all of the following points in the order stated:
- (1) 48°15.00' N. lat., 125°41.00' W. long.;
- (2) 48°14.00' N. lat., 125°36.00' W. long.;
- (3) 48°09.50' N. lat., 125°40.50' W. long.;
- (4) 48°08.00' N. lat., 125°38.00' W. long.;
- (5) 48°05.00' N. lat., 125°37.25' W. long.;
- (6) 48°02.60' N. lat., 125°34.70' W. long.;
- (7) 47°59.00' N. lat., 125°34.00' W. long.;
- (8) 47°57.26' N. lat., 125°29.82' W. long.;
- (9) 47°59.87' N. lat., 125°25.81' W. long.;
- (10) 48°01.80' N. lat., 125°24.53' W. long.;
- (11) 48°02.08' N. lat., 125°22.98' W. long.;
- (12) 48°02.97' N. lat., 125°22.89' W. long.;
- (13) 48°04.47' N. lat., 125°21.75' W. long.;
- (14) 48°06.11' N. lat., 125°19.33' W. long.;
- (15) 48°07.95' N. lat., 125°18.55' W. long.;
- (16) 48°09.00' N. lat., 125°18.00' W. long.;
- (17) 48°11.31' N. lat., 125°17.55' W. long.;
- (18) 48°14.60' N. lat., 125°13.46' W. long.;
- (19) 48°16.67' N. lat., 125°14.34' W. long.;
- (20) 48°18.73' N. lat., 125°14.41' W. long.;
- (21) 48°19.67' N. lat., 125°13.70' W. long.;
- (22) 48°19.70' N. lat., 125°11.13' W. long.;
- (23) 48°22.95' N. lat., 125°10.79' W. long.;
- (24) 48°21.61' N. lat., 125°02.54' W. long.;
- (25) 48°23.00' N. lat., 124°49.34' W. long.;
- (26) 48°17.00' N. lat., 124°56.50' W. long.;
- (27) 48°06.00' N. lat., 125°00.00' W. long.;
- (28) 48°04.62' N. lat., 125°01.73' W. long.;
- (29) 48°04.84' N. lat., 125°04.03' W. long.;
- (30) 48°06.41' N. lat., 125°06.51' W. long.;
- (31) 48°06.00' N. lat., 125°08.00' W. long.;
- (32) 48°07.08' N. lat., 125°09.34' W. long.;
- (33) 48°07.28' N. lat., 125°11.14' W. long.;
- (34) 48°03.45' N. lat., 125°16.66' W. long.;
- (35) 47°59.50' N. lat., 125°18.88' W. long.;
- (36) 47°58.68' N. lat., 125°16.19' W. long.;
- (37) 47°56.62' N. lat., 125°13.50' W. long.;
- (38) 47°53.71' N. lat., 125°11.96' W. long.;
- (39) 47°51.70' N. lat., 125°09.38' W. long.;
- (40) 47°49.95' N. lat., 125°06.07' W. long.;
- (41) 47°49.00' N. lat., 125°03.00' W. long.;
- (42) 47°46.95' N. lat., 125°04.00' W. long.;
- (43) 47°46.58' N. lat., 125°03.15' W. long.;
- (44) 47°44.07' N. lat., 125°04.28' W. long.;
- (45) 47°43.32' N. lat., 125°04.41' W. long.;
- (46) 47°40.95' N. lat., 125°04.14' W. long.;
- (47) 47°39.58' N. lat., 125°04.97' W. long.;
- (48) 47°36.23' N. lat., 125°02.77' W. long.;
- (49) 47°34.28' N. lat., 124°58.66' W. long.;
- (50) 47°32.17' N. lat., 124°57.77' W. long.;
- (51) 47°30.27' N. lat., 124°56.16' W. long.;
- (52) 47°30.60' N. lat., 124°54.80' W. long.;
- (53) 47°29.26' N. lat., 124°52.21' W. long.;
- (54) 47°28.21' N. lat., 124°50.65' W. long.;

(55) 47°27.38' N. lat., 124°49.34' W. long.;  
(56) 47°25.61' N. lat., 124°48.26' W. long.;  
(57) 47°23.54' N. lat., 124°46.42' W. long.;  
(58) 47°20.64' N. lat., 124°45.91' W. long.;  
(59) 47°17.99' N. lat., 124°45.59' W. long.;  
(60) 47°18.20' N. lat., 124°49.12' W. long.;  
(61) 47°15.01' N. lat., 124°51.09' W. long.;  
(62) 47°12.61' N. lat., 124°54.89' W. long.;  
(63) 47°08.22' N. lat., 124°56.53' W. long.;  
(64) 47°08.50' N. lat., 124°57.74' W. long.;  
(65) 47°01.92' N. lat., 124°54.95' W. long.;  
(66) 47°01.08' N. lat., 124°59.22' W. long.;  
(67) 46°58.48' N. lat., 124°57.81' W. long.;  
(68) 46°56.79' N. lat., 124°56.03' W. long.;  
(69) 46°58.01' N. lat., 124°55.09' W. long.;  
(70) 46°55.07' N. lat., 124°54.14' W. long.;  
(71) 46°59.60' N. lat., 124°49.79' W. long.;  
(72) 46°58.72' N. lat., 124°48.78' W. long.;  
(73) 46°54.45' N. lat., 124°48.36' W. long.;  
(74) 46°53.99' N. lat., 124°49.95' W. long.;  
(75) 46°54.38' N. lat., 124°52.73' W. long.;  
(76) 46°52.38' N. lat., 124°52.02' W. long.;  
(77) 46°48.93' N. lat., 124°49.17' W. long.;  
(78) 46°41.50' N. lat., 124°43.00' W. long.;  
(79) 46°34.50' N. lat., 124°28.50' W. long.;  
(80) 46°29.00' N. lat., 124°30.00' W. long.;  
(81) 46°20.00' N. lat., 124°36.50' W. long.;  
(82) 46°18.40' N. lat., 124°37.70' W. long.;  
(83) 46°18.03' N. lat., 124°35.46' W. long.;  
(84) 46°17.00' N. lat., 124°22.50' W. long.;  
(85) 46°16.00' N. lat., 124°20.62' W. long.;  
(86) 46°13.52' N. lat., 124°25.49' W. long.;  
(87) 46°12.17' N. lat., 124°30.74' W. long.;  
(88) 46°10.63' N. lat., 124°37.96' W. long.;  
(89) 46°09.29' N. lat., 124°39.01' W. long.;  
(90) 46°02.40' N. lat., 124°40.37' W. long.;  
(91) 45°56.45' N. lat., 124°38.00' W. long.;  
(92) 45°51.92' N. lat., 124°38.50' W. long.;  
(93) 45°47.20' N. lat., 124°35.58' W. long.;  
(94) 45°46.40' N. lat., 124°32.36' W. long.;  
(95) 45°46.00' N. lat., 124°32.10' W. long.;  
(96) 45°41.75' N. lat., 124°28.12' W. long.;  
(97) 45°36.95' N. lat., 124°24.47' W. long.;  
(98) 45°31.84' N. lat., 124°22.04' W. long.;  
(99) 45°27.10' N. lat., 124°21.74' W. long.;  
(100) 45°20.25' N. lat., 124°18.54' W. long.;  
(101) 45°18.14' N. lat., 124°17.59' W. long.;  
(102) 45°11.08' N. lat., 124°16.97' W. long.;  
(103) 45°04.39' N. lat., 124°18.35' W. long.;  
(104) 45°03.83' N. lat., 124°18.60' W. long.;  
(105) 44°58.05' N. lat., 124°21.58' W. long.;  
(106) 44°47.67' N. lat., 124°31.41' W. long.;  
(107) 44°44.54' N. lat., 124°33.58' W. long.;  
(108) 44°39.88' N. lat., 124°35.00' W. long.;  
(109) 44°32.90' N. lat., 124°36.81' W. long.;  
(110) 44°30.34' N. lat., 124°38.56' W. long.;  
(111) 44°30.04' N. lat., 124°42.31' W. long.;  
(112) 44°26.84' N. lat., 124°44.91' W. long.;  
(113) 44°17.99' N. lat., 124°51.04' W. long.;  
(114) 44°12.92' N. lat., 124°56.28' W. long.;  
(115) 44°00.14' N. lat., 124°55.25' W. long.;  
(116) 43°57.68' N. lat., 124°55.48' W. long.;  
(117) 43°56.66' N. lat., 124°55.45' W. long.;  
(118) 43°56.47' N. lat., 124°34.61' W. long.;  
(119) 43°42.73' N. lat., 124°32.41' W. long.;  
(120) 43°30.92' N. lat., 124°34.43' W. long.;  
(121) 43°20.83' N. lat., 124°39.39' W. long.;  
(122) 43°17.45' N. lat., 124°41.16' W. long.;  
(123) 43°07.04' N. lat., 124°41.25' W. long.;  
(124) 43°03.45' N. lat., 124°44.36' W. long.;  
(125) 43°03.91' N. lat., 124°50.81' W. long.;  
(126) 42°55.70' N. lat., 124°52.79' W. long.;  
(127) 42°54.12' N. lat., 124°47.36' W. long.;  
(128) 42°50.00' N. lat., 124°45.33' W. long.;  
(129) 42°44.00' N. lat., 124°42.38' W. long.;  
(130) 42°40.50' N. lat., 124°41.71' W. long.;

- (131) 42°38.23' N. lat., 124°41.25' W. long.;
- (132) 42°33.02' N. lat., 124°42.38' W. long.;
- (133) 42°31.90' N. lat., 124°42.04' W. long.;
- (134) 42°30.08' N. lat., 124°42.67' W. long.;
- (135) 42°28.28' N. lat., 124°47.08' W. long.;
- (136) 42°25.22' N. lat., 124°43.51' W. long.;
- (137) 42°19.23' N. lat., 124°37.91' W. long.;
- (138) 42°16.29' N. lat., 124°36.11' W. long.;
- (139) 42°13.67' N. lat., 124°35.81' W. long.;
- (140) 42°05.66' N. lat., 124°34.92' W. long.;
- (141) 42°00.00' N. lat., 124°35.27' W. long.;
- (142) 41 °47.04' N. lat., 124°27.64' W. long.;
- (143) 41 °32.92' N. lat., 124°28.79' W. long.;
- (144) 41 °24.17' N. lat., 124°28.46' W. long.;
- (145) 41 °10.12' N. lat., 124°20.50' W. long.;
- (146) 40°51.41' N. lat., 124°24.38' W. long.;
- (147) 40°43.71' N. lat., 124°29.89' W. long.;
- (148) 40°40.14' N. lat., 124°30.90' W. long.;
- (149) 40°37.35' N. lat., 124°29.05' W. long.;
- (150) 40°34.76' N. lat., 124°29.82' W. long.;
- (151) 40°36.78' N. lat., 124°37.06' W. long.;
- (152) 40°32.44' N. lat., 124°39.58' W. long.;
- (153) 40°30.00' N. lat., 124°38.13' W. long.;
- (154) 40°24.82' N. lat., 124°35.12' W. long.;
- (155) 40°23.30' N. lat., 124°31.60' W. long.;
- (156) 40°23.52' N. lat., 124°28.78' W. long.;
- (157) 40°22.43' N. lat., 124°25.00' W. long.;
- (158) 40°21.72' N. lat., 124°24.94' W. long.;
- (159) 40°21.87' N. lat., 124°27.96' W. long.;
- (160) 40°21.40' N. lat., 124°28.74' W. long.;
- (161) 40°19.68' N. lat., 124°28.49' W. long.;
- (162) 40°17.73' N. lat., 124°25.43' W. long.;
- (163) 40°18.37' N. lat., 124°23.35' W. long.;
- (164) 40°15.75' N. lat., 124°26.05' W. long.;
- (165) 40°16.75' N. lat., 124°33.71' W. long.;
- (166) 40°16.29' N. lat., 124°34.36' W. long.; and
- (167) 40°10.00' N. lat., 124°21.12' W. long.

[61 FR 35550, July 5, 1996, as amended at 63 FR 13009, Mar. 17, 1998; 63 FR 24752, May 5, 1998; 64 FR 52469, Sept. 29, 1999; 65 FR 67308, Nov. 9, 2000; 65 FR 8373, Jan. 31, 2001; 66 FR 36208, July 11, 2001; 66 FR 42156, Aug. 10, 2001; 68 FR 11003, Mar. 7, 2003; 68 FR 18156, Apr. 15, 2003; 69 FR 24532, May 4, 2004; 70 FR 16751, Apr. 1, 2005; 71 FR 10863, Mar. 3, 2006; 72 FR 11807, Mar. 14, 2007]

**§ 300.64 Fishing by U.S. treaty Indian tribes.**

(a) Halibut fishing in subarea 2A–1 by members of U.S. treaty Indian tribes located in the State of Washington is governed by this section.

(b) Commercial fishing for halibut by treaty Indians is permitted only in subarea 2A–1 with hook-and-line gear in conformance with the season and quota established annually by the Commission.

(c) Commercial fishing periods and management measures to implement paragraph (b) of this section will be established by treaty Indian tribal regulations.

(d) Commercial fishing for halibut by treaty Indians shall comply with the Commission's management measures governing size limits, careful release of halibut, logs, and fishing gear (published pursuant to §300.62), except that the 72-hour fishing restriction preceding the opening of a halibut fishing period shall not apply to treaty Indian fishing.

(e) Ceremonial and subsistence fishing for halibut by treaty Indians in subarea 2A–1 is permitted with hook-and-line gear from January 1 to December 31.

(f) No size or bag limits shall apply to the ceremonial and subsistence fishery, except that when commercial halibut fishing is prohibited pursuant to paragraph (b) of this section, treaty Indians may take and retain not more than two halibut per person per day.

(g) Halibut taken for ceremonial and subsistence purposes shall not be offered for sale or sold.

(h) Any member of a U.S. treaty Indian tribe who is engaged in commercial or ceremonial and subsistence fishing under this section must have on his or her person a valid treaty Indian identification card issued pursuant to 25 CFR part 249, subpart A, and must comply with the treaty Indian vessel and gear identification requirements of Final Decision No. 1 and subsequent orders in *United States v. Washington* 384 F. Supp. 312 (W.D. Wash., 1974).

(i) The following table sets forth the fishing areas of each of the 12 treaty Indian tribes fishing pursuant to this section. Within subarea 2A-1, boundaries of a tribe's fishing area may be revised as ordered by a Federal Court.

Tribe	Boundaries
HOH	Between 47°54'18" N. lat. (Quillayute River) and 47°21'00" N. lat. (Quinault River), and east of 125°44'00" W. long.
JAMESTOWN S'KLALLAM	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 626 F. Supp. 1486, to be places at which the Jamestown S'Klallam Tribe may fish under rights secured by treaties with the United States.
LOWER ELWHA S'KLALLAM	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 459 F. Supp. 1049 and 1066 and 626 F. Supp. 1443, to be places at which the Lower Elwha S'Klallam Tribe may fish under rights secured by treaties with the United States.
LUMMI	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 384 F. Supp. 360, as modified in Subproceeding No. 89-08 (W.D. Wash., February 13, 1990) (decision and order re: cross-motions for summary judgement), to be places at which the Lummi Tribe may fish under rights secured by treaties with the United States.
MAKAH	North of 48°02'15" N. lat. (Norwegian Memorial), west of 123°42'30" W. long., and east of 125°44'00" W. long.
PORT GAMBLE S'KLALLAM	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 626 F. Supp. 1442, to be places at which the Port Gamble S'Klallam Tribe may fish under rights secured by treaties with the United States.
QUILEUTE	Between 48°07'36" N. lat. (Sand Point) and 47°31'42" N. lat. (Queets River), and east of 125°44'00" W. long.
QUINAULT	Between 47°40'06" N. lat. (Destruction Island) and 46°53'18" N. lat. (Point Chehalis), and east of 125°44'00" W. long.
SKOKOMISH	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 384 F. Supp. 377, to be places at which the Skokomish Tribe may fish under rights secured by treaties with the United States.
SUQUAMISH	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 459 F. Supp. 1049, to be places at which the Suquamish Tribe may fish under rights secured by treaties with the United States.
SWINOMISH	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 459 F. Supp. 1049, to be places at which the Swinomish Tribe may fish under rights secured by treaties with the United States.
TULALIP	Those locations in the Strait of Juan de Fuca and Puget Sound as determined in or in accordance with Final Decision No. 1 and subsequent orders in <i>United States v. Washington</i> , 384 F. Supp. 312 (W.D. Wash., 1974), and particularly at 626 F. Supp. 1531-1532, to be places at which the Tulalip Tribe may fish under rights secured by treaties with the United States.

**§ 300.65 Catch sharing plan and domestic management measures in waters in and off Alaska.**

(a) A catch sharing plan (CSP) may be developed by the North Pacific Fishery Management Council and approved by NMFS for portions of the fishery. Any approved CSP may be obtained from the Administrator, Alaska Region, NMFS.

(b) The catch sharing plan for Commission regulatory area 4 allocates the annual TAC among area 4 subareas and will be implemented by the Commission in annual management measures published pursuant to 50 CFR 300.62.

(c) *Guideline harvest level.* (1) The annual GHs for regulatory areas 2C and 3A are determined as follows:

If the Annual Total Constant Exploitation Yield for Halibut in Area 2C is More Than:	Then the GH for Area 2C will be:	If the Annual Total Constant Exploitation Yield for Halibut in Area 3A is More Than:	Then the GH for Area 3A will be:
(i) 9,027,000 lbs. (4094.5 mt)	1,432,000 lbs. (649.5 mt)	21,581,000 lbs. (9,788.9 mt)	3,650,000 lbs. (1655.6 mt)
(ii) 7,965,000 lbs. (3612.9 mt)	1,217,000 lbs. (552.0 mt)	19,042,000 lbs. (8637.3 mt)	3,103,000 lbs. (1407.0 mt)
(iii) 6,903,000 lbs. (3,131.2 mt)	1,074,000 lbs. (496.7 mt)	16,504,000 lbs. (7,485.9 mt)	2,734,000 lbs. (1266.4 mt)
(iv) 5,841,000 lbs. (2,649.4 mt)	931,000 lbs. (447.2 mt)	13,964,000 lbs. (6334.0 mt)	2,373,000 lbs. (1,139.9 mt)
(v) 4,779,000 lbs. (2,167.7 mt)	788,000 lbs. (357.4 mt)	11,425,000 lbs. (5,182.3 mt)	2,008,000 lbs. (910.8 mt)

(2) NMFS will publish a notice in the Federal Register on an annual basis establishing the GHL for Area 2C and Area 3A for that calendar year within 30 days of receiving information from the Commission which establishes the constant exploitation yield for that year.

(3) If the GHL in either Area 2C or 3A is exceeded, NMFS will notify the Council in writing that the GHL has been exceeded within 30 days of receiving information that the GHL has been exceeded.

(d) In Commission Regulatory Area 2C, halibut harvest on a charter vessel is limited to no more than two halibut per person per calendar day provided that at least one of the harvested halibut has a head-on length of no more than 32 inches (81.3 cm). If a person sport fishing on a charter vessel in Area 2C retains only one halibut in a calendar day, that halibut may be of any length.

(e) The Local Area Management Plan (LAMP) for Sitka Sound provides guidelines for participation in the halibut fishery in Sitka Sound.

(1) For purposes of this section, Sitka Sound means (See Figure 1 to subpart E):

(i) With respect to paragraph (e)(2) of this section, that part of the Commission regulatory area 2C that is enclosed on the north and east:

(A) By a line from Kruzof Island at 57°20'30" N. lat., 135°45'10" W. long. to Chichagof Island at 57°22'03" N. lat., 135°43'00" W. long., and

(B) By a line from Chichagof Island at 57°22'35" N. lat., 135°41'18" W. long. to Baranof Island at 57°22'17" N. lat., 135°40'57" W. long.; and

(C) That is enclosed on the south and west by a line from Cape Edgecumbe at 56°59'54" N. lat., 135°51'27" W. long. to Vasilief Rock at 56°48'56" N. lat., 135°32'30" W. long., and

(D) To the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.

(ii) With respect to paragraphs (e)(3) and (e)(4) of this section, that part of the Commission regulatory area 2C that is enclosed on the north and east:

(A) By a line from Kruzof Island at 57°20'30" N. lat., 135°45'10" W. long. to Chichagof Island at 57°22'03" N. lat., 135°43'00" W. long., and

(B) A line from Chichagof Island at 57°22'35" N. lat., 135°41'18" W. long. to Baranof Island at 57°22'17" N. lat., 135°40'57" W. lat.; and

(C) That is enclosed on the south and west by a line from Sitka Point at 56°59'23" N. lat., 135°49'34" W. long., to Hanus Point at 56°51'55" N. lat., 135°30'30" W. long.,

(D) To the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.

(2) A person using a vessel greater than 35 ft (10.7 m) in overall length, as defined at 50 CFR 300.61, is prohibited from fishing for IFQ halibut with setline gear, as defined at 50 CFR 300.61, within Sitka Sound as defined in paragraph (e)(1)(i) of this section.

(3) A person using a vessel less than or equal to 35 ft (10.7 m) in overall length, as defined at 50 CFR 300.61:

(i) Is prohibited from fishing for IFQ halibut with setline gear within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, from June 1 through August 31; and

(ii) Is prohibited, during the remainder of the designated IFQ season, from retaining more than 2,000 lb (0.91 mt) of IFQ halibut within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, per IFQ fishing trip, as defined in 50 CFR 300.61.

(4) No charter vessel shall engage in sport fishing, as defined at §300.61, for halibut within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, from June 1 through August 31.

(i) No charter vessel shall retain halibut caught while engaged in sport fishing, as defined at §300.61, for other species, within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, from June 1 through August 31.

(ii) Notwithstanding paragraphs (e)(4) and (e)(4)(i) of this section, halibut harvested outside Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, may be retained onboard a charter vessel engaged in sport fishing, as defined in §300.61, for other species within Sitka Sound, as defined in paragraph (e)(1)(ii) of this section, from June 1 through August 31.

(f) Sitka Pinnacles Marine Reserve. (1) For purposes of this paragraph (f), the Sitka Pinnacles Marine Reserve means an area totaling 2.5 square nm off Cape Edgecumbe, defined by straight lines connecting the following points in a counterclockwise manner:

56°55.5'N lat., 135°54.0'W long;

56°57.0'N lat., 135°54.0'W long;

56°57.0'N lat., 135°57.0'W long;

56°55.5'N lat., 135°57.0'W long.

(2) No person shall engage in commercial, sport or subsistence fishing, as defined at §300.61, for halibut within the Sitka Pinnacles Marine Reserve.

(3) No person shall anchor a vessel within the Sitka Pinnacles Marine Reserve if halibut is on board.

(g) *Subsistence fishing in and off Alaska*. No person shall engage in subsistence fishing for halibut unless that person meets the requirements in paragraphs (g)(1) or (g)(2) of this section.

(1) A person is eligible to harvest subsistence halibut if he or she is a rural resident of a community with customary and traditional uses of halibut listed in the following table:

**Halibut Regulatory Area 2C**

<b>Rural Community</b>	<b>Organized Entity</b>
Angoon	Municipality
Coffman Cove	Municipality
Craig	Municipality
Edna Bay	Census Designated Place
Elfin Cove	Census Designated Place
Gustavus	Census Designated Place
Haines	Municipality
Hollis	Census Designated Place
Hoonah	Municipality
Hydaburg	Municipality
Hyder	Census Designated Place
Kake	Municipality
Kasaan	Municipality
Klawock	Municipality
Klukwan	Census Designated Place
Metlakatla	Census Designated Place
Meyers Chuck	Census Designated Place
Pelican	Municipality
Petersburg	Municipality
Point Baker	Census Designated Place
Port Alexander	Municipality

Port Protection	Census Designated Place
Saxman	Municipality
Sitka	Municipality
Skagway	Municipality
Tenakee Springs	Municipality
Thorne Bay	Municipality
Whale Pass	Census Designated Place
Wrangell	Municipality

**Halibut Regulatory Area 3A**

<b>Rural Community</b>	<b>Organized Entity</b>
Akhiok	Municipality
Chenega Bay	Census Designated Place
Cordova	Municipality
Karluk	Census Designated Place
Kodiak City	Municipality
Larsen Bay	Municipality
Nanwalek	Census Designated Place
Old Harbor	Municipality
Ouzinkie	Municipality
Port Graham	Census Designated Place
Port Lions	Municipality
Seldovia	Municipality
Tatitlek	Census Designated Place
Yakutat	Municipality

**Halibut Regulatory Area 3B**

<b>Rural Community</b>	<b>Organized Entity</b>
Chignik Bay	Municipality
Chignik Lagoon	Census Designated Place
Chignik Lake	Census Designated Place
Cold Bay	Municipality
False Pass	Municipality
Ivanof Bay	Census Designated Place
King Cove	Municipality
Nelson Lagoon	Census Designated Place
Perryville	Census Designated Place
Sand Point	Municipality

**Halibut Regulatory Area 4A**

<b>Rural Community</b>	<b>Organized Entity</b>
Akutan	Municipality
Nikolski	Census Designated Place
Unalaska	Municipality

**Halibut Regulatory Area 4B**

<b>Rural Community</b>	<b>Organized Entity</b>
Adak	Census Designated Place
Atka	Municipality

**Halibut Regulatory Area 4C**

<b>Rural Community</b>	<b>Organized Entity</b>
St. George	Municipality
St. Paul	Municipality

**Halibut Regulatory Area 4D**

<b>Rural Community</b>	<b>Organized Entity</b>
Gambell	Municipality
Savoonga	Municipality
Diomede (Inalik)	Municipality

**Halibut Regulatory Area 4E**

<b>Rural Community</b>	<b>Organized Entity</b>
Alakanuk	Municipality
Aleknegik	Municipality
Bethel	Municipality
Brevig Mission	Municipality
Chefornak	Municipality
Chevak	Municipality
Clark's Point	Municipality
Council	Census Designated Place
Dillingham	Municipality
Eek	Municipality
Egegik	Municipality
Elim	Municipality
Emmonak	Municipality
Golovin	Municipality
Goodnews Bay	Municipality
Hooper Bay	Municipality
King Salmon	Census Designated Place
Kipnuk	Census Designated Place



Kongiganak	Census Designated Place
Kotlik	Municipality
Koyuk	Municipality
Kwigillingok	Census Designated Place
Levelock	Census Designated Place
Manokotak	Municipality
Mekoryak	Municipality
Naknek	Census Designated Place
Napakiak	Municipality
Napaskiak	Municipality
Newtok	Census Designated Place
Nightmute	Municipality
Nome	Municipality
Oscarville	Census Designated Place
Pilot Point	Municipality
Platinum	Municipality
Port Heiden	Municipality
Quinhagak	Municipality
Scammon Bay	Municipality
Shaktoolik	Municipality
Sheldon Point (Nunam Iqua)	Municipality
Shishmaref	Municipality
Solomon	Census Designated Place
South Naknek	Census Designated Place
St. Michael	Municipality
Stebbins	Municipality
Teller	Municipality
Togiak	Municipality
Toksook Bay	Municipality
Tuntutuliak	Census Designated Place
Tununak	Census Designated Place
Twin Hills	Census Designated Place
Ugashik	Census Designated Place
Unalakleet	Municipality
Wales	Municipality
White Mountain	Municipality

(2) A person is eligible to harvest subsistence halibut if he or she is a member of an Alaska Native tribe with customary and traditional uses of halibut listed in the following table:

**Halibut Regulatory Area 2C**

<b>Place with Tribal Headquarters</b>	<b>Organized Tribal Entity</b>
Angoon	Angoon Community Association

Craig	Craig Community Association
Haines	Chilkoot Indian Association
Hoonah	Hoonah Indian Association
Hydaburg	Hydaburg Cooperative Association
Juneau	Aukquan Traditional Council Central Council Tlingit and Haida Indian Tribes Douglas Indian Association
Kake	Organized Village of Kake
Kasaan	Organized Village of Kasaan
Ketchikan	Ketchikan Indian Corporation
Klawock	Klawock Cooperative Association
Klukwan	Chilkat Indian Village
Metlakatla	Metlakatla Indian Community, Annette Island Reserve
Petersburg	Petersburg Indian Association
Saxman	Organized Village of Saxman
Sitka	Sitka Tribe of Alaska
Skagway	Skagway Village
Wrangell	Wrangell Cooperative Association

#### Halibut Regulatory Area 3A

Place with Tribal Headquarters	Organized Tribal Entity
Akhiok	Native Village of Akhiok
Chenega Bay	Native Village of Chanega
Cordova	Native Village of Eyak
Karluk	Native Village of Karluk
Kenai-Soldotna	Kenaitze Indian Tribe Village of Salamatoff
Kodiak City	Lesnoi Village (Woody Island) Native Village of Afognak Shoonaq' Tribe of Kodiak
Larsen Bay	Native Village of Larsen Bay
Nanwalek	Native Village of Nanwalek
Ninilchik	Ninilchik Village
Old Harbor	Village of Old Harbor
Ouzinkie	Native Village of Ouzinkie
Port Graham	Native Village of Port Graham
Port Lions	Native Village of Port Lions
Seldovia	Seldovia Village Tribe
Tatitlek	Native Village of Tatitlek
Yakutat	Yakutat Tlingit Tribe

#### Halibut Regulatory Area 3B

Place with Tribal Headquarters	Organized Tribal Entity
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Chignik Bay	Native Village of Chignik
Chignik Lagoon	Native Village of Chignik Lagoon
Chignik Lake	Chignik Lake Village
False Pass	Native Village of False Pass
Ivanof Bay	Ivanoff Bay Village
King Cove	Agdaagux Tribe of King Cove Native Village of Belkofski
Nelson Lagoon	Native Village of Nelson Lagoon
Perryville	Native Village of Perryville
Sand Point	Pauloff Harbor Village Native Village of Unga Qagan Tayagungin Tribe of Sand Point Village

#### Halibut Regulatory Area 4A

Place with Tribal Headquarters	Organized Tribal Entity
Akutan	Native Village of Akutan
Nikolski	Native Village of Nikolski
Unalaska	Qawalingin Tribe of Unalaska

#### Halibut Regulatory Area 4B

Place with Tribal Headquarters	Organized Tribal Entity
Atka	Native Village of Atka

#### Halibut Regulatory Area 4C

Place with Tribal Headquarters	Organized Tribal Entity
St. George St. Paul	Pribilof Islands Aleut Communities of St. Paul Island and St. George Island

#### Halibut Regulatory Area 4D

Place with Tribal Headquarters	Organized Tribal Entity
Gambell	Native Village of Gambell
Savoonga	Native Village of Savoonga
Diomedes (Inalik)	Native Village of Diomedes (Inalik)

#### Halibut Regulatory Area 4E

Place with Tribal Headquarters	Organized Tribal Entity
Alakanuk	Village of Alakanuk
Aleknagik	Native Village of Aleknagik
Bethel	Orutsarmuit Native Village
Brevig Mission	Native Village of Brevig Mission

Chefornak	Village of Chefornak
Chevak	Chevak Native Village
Clark's Point	Village of Clark's Point
Council	Native Village of Council
Dillingham	Native Village of Dillingham Native Village of Ekuak Native Village of Kanakanak
Eek	Native Village of Eek
Egegik	Egegik Village Village of Kanatak
Elim	Native Village of Elim
Emmonak	Chuloonawick Native Village Emmonak Village
Golovin	Chinik Eskimo Community
Goodnews Bay	Native Village of Goodnews Bay
Hooper Bay	Native Village of Hooper Bay Native Village of Paimiut
King Salmon	King Salmon Tribal Council
Kipnuk	Native Village of Kipnuk
Kongiganak	Native Village of Kongiganak
Kotlik	Native Village of Hamilton Village of Bill Moore's Slough Village of Kotlik
Koyuk	Native Village of Koyuk
Kwigillingok	Native Village of Kwigillingok
Levelock	Levelock Village
Manokotak	Manokotak Village
Mekoryak	Native Village of Mekoryak
Naknek	Naknek Native Village
Napakiak	Native Village of Napakiak
Napaskiak	Native Village of Napaskiak
Newtok	Newtok Village
Nightmute	Native Village of Nightmute Umkumiute Native Village
Nome	King Island Native Community Nome Eskimo Community
Oscarville	Oscarville Traditional Village
Pilot Point	Native Village of Pilot Point
Platinum	Platinum Traditional Village
Port Heiden	Native Village of Port Heiden
Quinhagak	Native Village of Kwinhagak
Scammon Bay	Native Village of Scammon Bay
Shaktoolik	Native Village of Shaktoolik
Sheldon Point (Nuna Iqua)	Native Village of Sheldon's Point
Shishmaref	Native Village of Shishmaref
Solomon	Village of Solomon

South Naknek	South Naknek Village
St. Michael	Native Village of Saint Michael
Stebbins	Stebbins Community Association
Teller	Native Village of Mary's Igloo Native Village of Teller
Togiak	Traditional Village of Togiak
Toksook Bay	Native Village of Toksook Bay
Tuntutuliak	Native Village of Tuntutuliak
Tununak	Native Village of Tununak
Twin Hills	Twin Hills Village
Ugashik	Ugashik Village
Unalakleet	Native Village of Unalakleet
Wales	Native Village of Wales
White Mountain	Native Village of White Mountain

(h) *Limitations on subsistence fishing.* Subsistence fishing for halibut may be conducted only by persons who qualify for such fishing pursuant to paragraph (g) of this section and who hold a valid subsistence halibut registration certificate in that person's name issued by NMFS pursuant to paragraph (i) of this section, provided that such fishing is consistent with the following limitations.

(1) Subsistence fishing is limited to setline gear and hand-held gear, including longline, handline, rod and reel, spear, jig and hand-troll gear.

(i) Subsistence fishing gear set or retrieved from a vessel when fishing under a subsistence halibut registration certificate or a Community Harvest Permit (CHP) must not have more than 30 hooks per person registered in accordance with paragraph (i) of this section and on board the vessel and shall never exceed 3 times the per-person hook limit except that:

(A) No hook limit applies in Areas 4C, 4D, and 4E;

(B) In Area 2C, subsistence fishing gear set or retrieved from a vessel when persons are fishing under a subsistence halibut registration certificate must not have more than 30 hooks per vessel;

(C) In Area 2C, subsistence fishing gear set or retrieved from a vessel when fishing under a Ceremonial or Educational Permit pursuant to paragraph (k) of this section must not have more than 30 hooks per vessel; and

(D) In Area 2C within the Sitka LAMP from June 1 to August 31, setline gear may not be used in a 4 nautical mile radius extending south from Low Island at 57°00'42" N. lat., and 135°36'34" W. long. (see Figure 1 to Subpart E).

(ii) All setline gear marker buoys carried on board or used by any vessel regulated under this section shall be marked with the following: first initial, last name, and address (street, city, and state), followed by the letter "S" to indicate that it is used to harvest subsistence halibut.

(iii) Markings on setline marker buoys shall be in characters at least 4 inches (10.16 cm) in height and 0.5 inch (1.27 cm) in width in a contrasting color visible above the water line and shall be maintained so the markings are clearly visible.

(2) The daily retention of subsistence halibut in rural areas is limited to no more than 20 fish per person eligible to conduct subsistence fishing for halibut under this paragraph (h) and on board the vessel, except that:

(i) No daily retention limit applies in Areas 4C, 4D, and 4E;

(ii) No daily retention limit applies to persons fishing under a community harvest permit (CHP) pursuant to paragraph (j) of this section;

(iii) The total allowable harvest for persons fishing under a Ceremonial or Educational Permit pursuant to paragraph (k) of this section is 25 fish per permit; and

(iv) In Area 2C the daily retention limit is 20 fish per vessel.

(3) Subsistence fishing may be conducted in any waters in and off Alaska except for the following four non-rural areas defined as follows:

(i) *Ketchikan non-subsistence marine waters area in Commission regulatory area 2C* (see Figure 2 to subpart E) is defined as those waters between a line from Caamano Point at 55°29.90' N. lat., 131°58.25' W. long. to Point Higgins at 55°27.42' N. lat., 131°50.00' W. long. and a point at 55°11.78' N. lat., 131°05.13' W. long., located on Point Sykes to a point at 55°12.22' N. lat., 131°05.70' W. long., located one-half mile northwest of Point Sykes to Point Alava at 55°11.54' N. lat., 131°11.00' W. long. and within one mile of the mainland and the Gravina and Revillagigedo Island shorelines, including within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point at 132°07.23' W. long., and north of the latitude of the southernmost tip of Mary Island at 55°02.66' N. lat.;

(ii) *Juneau non-subsistence marine waters area in Commission regulatory area 2C* (see Figure 3 to subpart E) is defined as those waters of Stephens Passage and contiguous waters north of the latitude of Midway Island Light (57°50.21' N. lat.), including the waters of Taku Inlet, Port Snettisham, Saginaw Channel, and Favorite Channel, and those waters of Lynn Canal and contiguous waters south of the latitude of the northernmost entrance of Berners Bay (58°43.07' N. lat.), including the waters of Berners Bay and Echo Cove, and those waters of Chatham Strait and contiguous waters north of the latitude of Point Marsden (58°03.42' N. lat.), and east of a line from Point Couverden at 58°11.38' N. lat., 135°03.40' W. long., to Point Augusta at 58°02.38' N. lat., 134°57.11' W. long.;

(iii) The Anchorage-Matsu-Kenai non-subsistence marine waters area in Commission Regulatory Area 3A (see Figure 4 to subpart E) is defined as:

(A) All waters of Cook Inlet north of a line extending from the westernmost point of Hesketh Island at 59°30.40' N. lat., except those waters within mean lower low tide from a point one mile south of the southern edge of the Chuitna River (61°05.00' N. lat., 151°01.00' W. long.) south to the easternmost tip of Granite Point (61°01.00' N. lat., 151°23.00' W. long.) (Tyonek subdistrict); and

(B) All waters of Alaska south of 59°30.40' N. lat. on the western shore of Cook Inlet to Cape Douglas (58°51.10' N. lat.) and in the east to Cape Fairfield (148°50.25' W. long.), except those waters of Alaska west of a line from the easternmost point of Jakolof Bay (151°31.90' W. long.), and following the shore to a line extending south from the easternmost point of Rocky Bay (151°18.41' W. long.); and

(iv) *Valdez non-subsistence marine waters area Commission regulatory area 3A* (see Figure 5 to subpart E) is defined as the waters of Port Valdez and Valdez Arm located north of 61°02.24' N. lat., and east of 146°43.80' W. long.

(4) Waters in and off Alaska that are not specifically identified as non-rural in paragraph (h)(3) of this section are rural for purposes of subsistence fishing for halibut. Subsistence fishing may be conducted in any rural area by any person with a valid subsistence halibut registration certificate in his or her name issued by NMFS under paragraph (i) of this section, except that:

(i) A person who is not a rural resident but who is a member of an Alaska Native tribe that is located in a rural area and that is listed in the table in paragraph (g)(2) of this section is limited to conducting subsistence fishing for halibut only in his or her area of tribal membership.

(ii) A person who is a resident outside the State of Alaska but who is a member of an Alaska Native tribe that is located in a rural area and that is listed in the table in paragraph (g)(2) of this section is limited to conducting subsistence fishing for halibut only in his or her area of tribal membership.

(iii) For purposes of this paragraph, "area of tribal membership" means rural areas of the Commission regulatory area or the Bering Sea closed area in which the Alaska Native tribal headquarters is located.

(i) *Subsistence registration.* A person must register as a subsistence halibut fisher and possess a valid subsistence halibut registration certificate in his or her name issued by NMFS before he or she begins subsistence fishing for halibut in waters in and off Alaska.

(1) A subsistence halibut registration certificate will be issued to any person who registers according to paragraph (i)(2) of this section and who is qualified to conduct subsistence fishing for halibut according to paragraph (g) of this section. The Alaska Region, NMFS, may enter into cooperative agreements with Alaska Native tribal governments or their representative organizations for purposes of identifying persons qualified to conduct subsistence fishing for halibut according to paragraph (g) of this section.

(2) *Registration.* To register as a subsistence halibut fisher, a person may request a cooperating Alaska Native tribal government or other entity designated by NMFS to submit an application on his or her behalf to the Alaska Region, NMFS. Alternatively, a person may apply by submitting a completed application to the Alaska Region, NMFS. Applications must be mailed to: Restricted Access Management Program, NMFS, Alaska Region, PO Box 21668, Juneau, AK 99802-1668. The following information is required to be submitted with the application:

(i) For a Rural Resident Registration, the person must submit his or her full name, date of birth, mailing address (number and street, city and state, zip code), community of residence (the rural community or residence from 50 CFR 300.65(g)(1) that qualifies the fisher as eligible to fish for subsistence halibut), daytime telephone number, certification that he or she is a "rural resident" as that term is defined at §300.61, and signature and date of signature.

(ii) For an Alaska Native Tribal Registration, the person must submit his or her full name, date of birth, mailing address (number and street, city and state, zip code), Alaska Native tribe (the name of the Alaska Native Tribe from 50 CFR 300.65(g)(2) that qualifies the fisher as eligible to fish for subsistence halibut), daytime telephone number, certification that he or she is a member of an "Alaska Native tribe" as that term is defined at §300.61, and signature and date of signature.

(3) *Expiration of registration.* Each subsistence halibut registration certificate will be valid only for the period of time specified on the certificate. A person eligible to harvest subsistence halibut under paragraph (g) of this section may renew his or her registration certificate that is expired or will expire within 3 months by following the procedures described in paragraph (i)(2) of this section. A subsistence halibut registration certificate will expire:

(i) 2 years from the date of its issuance to a person eligible to harvest subsistence halibut under paragraph (g)(1) of this section, and

(ii) 4 years from the date of its issuance to a person eligible to harvest subsistence halibut under paragraph (g)(2) of this section.

(j) *Community Harvest Permit (CHP).* An Area 2C community or Alaska Native tribe listed in paragraphs (g)(1) or (g)(2) of this section may apply for a CHP, which allows a community or Alaska Native tribe to appoint one or more individuals from its respective community or Alaska Native tribe to harvest subsistence halibut from a single vessel under reduced gear and harvest restrictions. The CHP consists of a harvest log and up to five laminated permit cards. A CHP is a permit subject to regulation under §679.4(a) of this title.

(1) *Qualifications.* (i) NMFS may issue a CHP to any community or Alaska Native tribe that applies according to paragraph (j)(2) of this section and that is qualified to conduct subsistence fishing for halibut according to paragraph (g) of this section.

(ii) NMFS will issue a CHP to a community in Area 2C only if:

(A) The applying community is listed as eligible in Area 2C according to paragraph (g)(1) of this section; and

(B) No Alaska Native tribe listed in paragraph (g)(2) exists in that community.

(iii) NMFS will issue a CHP to an Alaska Native tribe in Area 2C only if the applying tribe is listed as eligible in Area 2C according to paragraph (g)(2) of this section.

(iv) Eligible communities or Alaska Native tribes may appoint only one CHP Coordinator per community or tribe.

(2) *Application.* A community or Alaska Native tribe may apply for a CHP by submitting an application to the Alaska Region, NMFS. Applications must be mailed to: Restricted Access Management Program, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668. A complete application must include:

(i) The name of the community or Alaska Native tribe requesting the CHP;

(ii) The full name of the person who is designated as the CHP Coordinator for each community or Alaska Native tribe, the designated CHP Coordinator's mailing address (number and street, city, state, and zip code), community of residence (the rural community or residence from paragraph (g)(1) of this section) or the Alaska Native tribe if applicable (as indicated in paragraph (g)(2) of this section), and the daytime telephone number; and

(iii) Any previously issued CHP harvest logs.

(3) *Restrictions.* Subsistence fishing for halibut under a CHP shall be valid only:

(i) In Area 2C, except that a CHP may not be used:

(A) Within the Sitka LAMP defined in paragraph (e) of this section (see Figure 1 to subpart E); or

(B) Within the Juneau and Ketchikan non-rural areas defined in paragraph (h) of this section (see Figures 2 and 3 to subpart E);

(ii) To persons in possession of a valid subsistence halibut registration certificate issued in accordance with paragraph (i) of this section for the same community or Alaska Native tribe listed on the CHP;

(iii) On a single vessel on which a CHP card is present; and

(iv) If subsistence fishing gear set or retrieved from a vessel on which the CHP card is present does not exceed the restrictions of paragraph (h) of this section.

(4) *Expiration of permit.* Each CHP will be valid only for the period of time specified on the permit. A CHP will expire one year from the date of issuance to a community or Alaska Native tribe eligible to harvest halibut under paragraph (g) of this section. A

community or Alaska Native tribe eligible to harvest subsistence halibut under paragraph (g) of this section may renew its CHP that is expired or will expire within three months by following the procedures described in paragraph (j)(2) of this section.

(5) *Duties of the CHP coordinator.* Each CHP Coordinator must ensure:

(i) The designated harvesters who may fish under the CHP are identified on the Community Harvest Permit harvest log when the CHP is issued to the designated harvesters;

(ii) The CHP remains in the possession of the CHP Coordinator or other tribal or government authority when not in use and is issued to the designated harvesters when necessary; and

(iii) All required recordkeeping and data reporting of subsistence harvests under the CHP are performed.

(6) *Harvest log submission.* Each Community Harvest Permit harvest log must be submitted to NMFS on or before the date of expiration by facsimile or mail. Harvest logs must be mailed to RAM at the address given in paragraph (j)(2) of this section or faxed to 907-586-7354. The log must provide information on:

(i) The subsistence fisher's identity including his or her full name, subsistence halibut registration certificate number, date of birth, mailing address (number and street, city, state, and zip code), community of residence, daytime phone number, and tribal identity (if appropriate); and

(ii) The subsistence halibut harvest including whether the participant fished for subsistence halibut during the period specified on the permit, and if so, the date harvest occurred, the number and weight (in pounds) of halibut harvested, the type of gear and number of hooks used, the Commission regulatory area and local water body from which the halibut were harvested, and the number of lingcod and rockfish caught while subsistence fishing for halibut.

(k) *Ceremonial Permit or Educational Permit.* An Area 2C or Area 3A Alaska Native tribe that is listed in paragraph (g)(2) of this section may apply for a Ceremonial or Educational Permit, allowing the tribe to harvest up to 25 halibut per permit issued. The Ceremonial and Educational Permits each consist of a harvest log and a single laminated permit card. Ceremonial and Educational Permits are permits subject to regulation under §679.4(a) of this title.

(1) *Qualifications.* (i) NMFS may issue a Ceremonial or Educational Permit to any Alaska Native tribe that completes an application according to paragraph (k)(2) of this section and that is qualified to conduct subsistence fishing for halibut according to paragraph (g)(2) of this section.

(ii) Eligible Alaska Native tribes may appoint only one Ceremonial Permit Coordinator per tribe.

(iii) Eligible educational programs may appoint only one authorized Instructor per Educational Permit.

(2) *Application.* An Alaska Native tribe may apply for a Ceremonial or Educational Permit by submitting an application to the Alaska Region, NMFS. Applications must be mailed to: Restricted Access Management Program, NMFS, Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668.

(i) A complete application must include:

(A) The name of the Alaska Native tribe requesting the Ceremonial or Educational Permit;

(B) The name of the person designated as the Ceremonial Permit Coordinator for each Alaska Native tribe or the name of the person designated as the Instructor for an Educational Permit, the Ceremonial Permit Coordinator or Instructor's mailing address (number and street, city, state, and zip code), and the daytime telephone number;

(C) Any previously issued Ceremonial Permit harvest logs from any expired Ceremonial Permit if applying for a Ceremonial Permit; and

(D) Any previously issued Educational Permit harvest logs from any expired Educational Permit if applying for an Educational Permit.

(ii) NMFS will issue a Ceremonial Permit for the harvest of halibut associated with traditional cultural events only if the application:

(A) Indicates the occasion of cultural or ceremonial significance; and

(B) Identifies the person designated by the eligible Alaska Native tribe as the Ceremonial Permit Coordinator.

(iii) NMFS will issue an Educational Permit only if the application:



(A) Includes the name and address of the educational institution or organization;

(B) Includes the instructor's name;

(C) Demonstrates the enrollment of qualified students;

(D) Describes minimum attendance requirements of the educational program; and

(E) Describes standards for the successful completion of the educational program.

(3) *Restrictions.* Subsistence fishing for halibut under Ceremonial or Educational Permits shall be valid only:

(i) In Area 3A, except in the Anchorage-Matsu-Kenai and Valdez non-rural areas defined in paragraph (h) of this section (see Figures 4 and 5 to subpart E);

(ii) In Area 2C, except in the Juneau and Ketchikan non-rural areas defined in paragraph (h) of this section (see Figures 2 and 3 to subpart E) and a Ceremonial Permit may not be used within the Sitka LAMP from June 1 through August 31;

(iii) On a single vessel on which the Ceremonial or Educational Permit card is present;

(iv) On the vessel on which the instructor is present for Educational Permits;

(v) To persons in possession of a valid subsistence halibut registration certificate issued in accordance with paragraph (i) of this section for the same Alaska Native tribe listed on the Ceremonial or Educational Permit, except that students enrolled in an educational program may fish under an Educational Permit without a subsistence halibut registration certificate; and

(vi) If subsistence fishing gear set or retrieved from a vessel on which the Ceremonial or Educational Permit card is present does not exceed the restrictions of paragraph (h) of this section.

(4) *Expiration of permits.* Each Ceremonial or Educational Permit will be valid only for the period of time specified on the permit. Ceremonial and Educational Permits will expire 30 days from the date of issuance to an Alaska Native tribe eligible to harvest halibut under paragraph (g)(2) of this section. A tribe eligible to harvest subsistence halibut under paragraph (g)(2) of this section may apply for additional Ceremonial or Educational Permits at any time.

(5) *Duties of Ceremonial Permit Coordinators and Instructors.* Each Ceremonial Permit Coordinator or Instructor must ensure:

(i) The designated harvesters or students who may fish under the Ceremonial or Educational Permit are identified on the Ceremonial/Educational Permit harvest log when the permit is used;

(ii) The Ceremonial Permit remains in the possession of the Ceremonial Permit Coordinator or other tribal authority when not in use and is issued to designated harvesters when necessary; and

(iii) All required recordkeeping and data reporting of subsistence harvests under the Ceremonial or Educational Permit are performed.

(6) *Harvest log submission.* Submission of a Ceremonial or Educational Permit log shall be required upon the expiration of each permit and must be received by Restricted Access Management within 15 days of the expiration by facsimile or mail. Harvest logs must be mailed to RAM at the address given in paragraph (k)(2) of this section or faxed to 907-586-7354. The log must provide information on:

(i) The subsistence fisher's identity including his or her full name, subsistence halibut registration certificate number if applicable (students do not need a SHARC), date of birth, mailing address (number and street, city, state, and zip code), community of residence, daytime phone number, and tribal identity;

(ii) The subsistence halibut harvest including whether the participant fished for subsistence halibut during the period indicated on the permit, and if so, the date when harvest occurred, the number and weight (in pounds) of halibut harvested, the type of gear and number of hooks used, the Commission regulatory area and local water body from which the halibut were harvested, and the number of lingcod and rockfish caught while subsistence fishing for halibut.

(l) *Appeals.* If Restricted Access Management (RAM) determines that an application is deficient, it will prepare and send an Initial Administrative Determination (IAD) to the applicant. The IAD will indicate the deficiencies in the application or any additional provided information. An applicant who receives an IAD may appeal RAM's findings pursuant to §679.43 of this title.

[68 FR 18156, Apr. 15, 2003, as amended at 68 FR 47264, Aug. 8, 2003; 70 FR 16751, Apr. 1, 2005; 70 FR 41160, July 18, 2005; 71 FR 38298, July 6, 2006; 72 FR 30727, June 4, 2007; 72 FR 67669, Nov. 30, 2007; 72 FR 68762, Dec. 6, 2007]

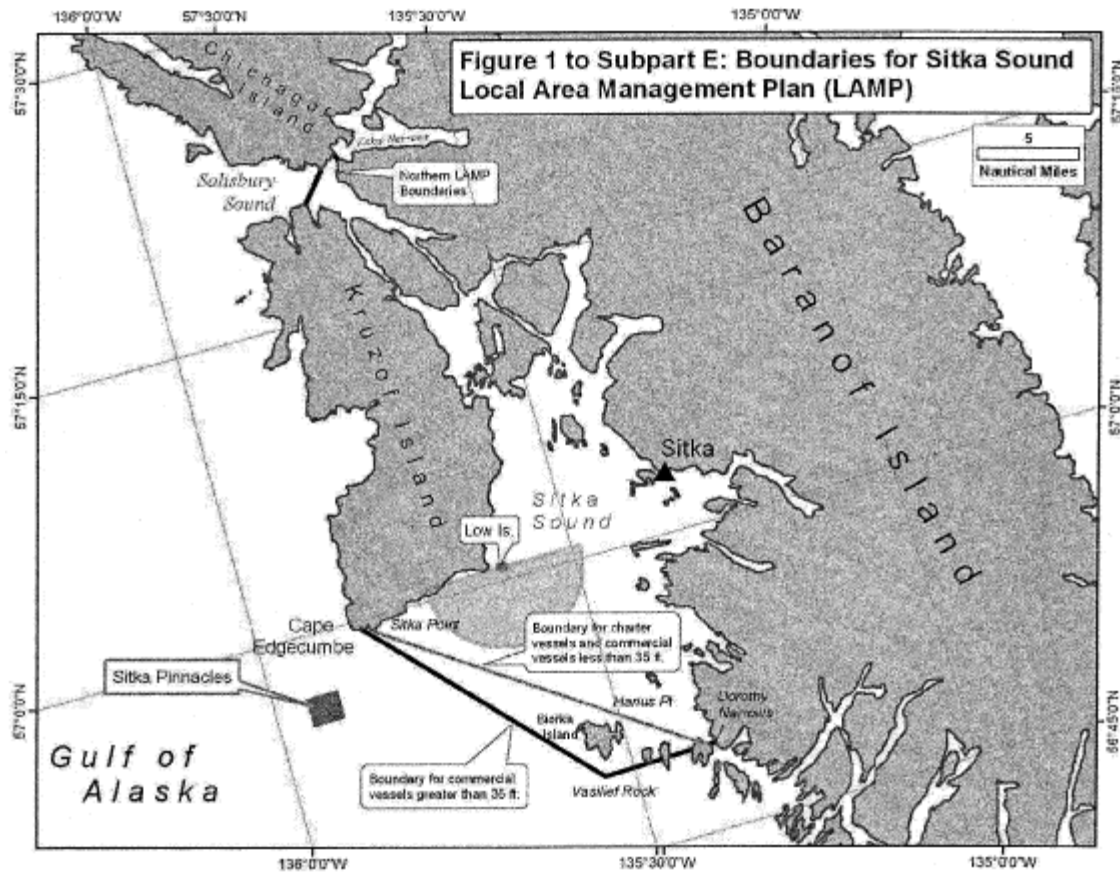
**§ 300.66 Prohibitions.**

In addition to the general prohibitions specified in 50 CFR 300.4, it is unlawful for any person to do any of the following:

- (a) Fish for halibut except in accordance with the annual management measures published pursuant to 50 CFR 300.62.
- (b) Fish for halibut except in accordance with the catch sharing plans and domestic management measures implemented under 50 CFR 300.63 and 50 CFR 300.65.
- (c) Fish for halibut in Sitka Sound in violation of the Sitka Sound LAMP implemented under 50 CFR 300.65(e).
- (d) Fish for halibut or anchor a vessel with halibut on board within the Sitka Pinnacles Marine Reserve defined at 50 CFR 300.65(f).
- (e) Fish for subsistence halibut in and off Alaska unless the person is qualified to do so under §300.65(g), possesses a valid subsistence halibut registration certificate pursuant to §300.65(i), and makes this certificate available for inspection by an authorized officer on request, except that students enrolled in a valid educational program and fishing under an Educational Permit issued pursuant to §300.65(k) do not need a subsistence halibut registration certificate.
- (f) Fish for subsistence halibut in and off Alaska with gear other than that described at 50 CFR 300.65(h)(1) and retain more halibut than specified at 50 CFR 300.65(h)(2).
- (g) Fish for subsistence halibut in and off Alaska in a non-rural area specified at 50 CFR 300.65(h)(3).
- (h) Retain on board the harvesting vessel halibut harvested while subsistence fishing with halibut harvested while commercial fishing or from sport fishing, as defined at §300.61, except that persons authorized to conduct subsistence fishing under §300.65(g), and who land their total annual harvest of halibut:
  - (1) In Commission regulatory Areas 4D or 4E may retain, with harvests of Community Development Quota (CDQ) halibut, subsistence halibut harvested in Commission regulatory areas 4D or 4E that are smaller than the size limit specified in the annual management measures published pursuant to §300.62; or
  - (2) In Commission regulatory Areas 4C, 4D or 4E may retain, with harvests of CDQ halibut, subsistence halibut harvested in Commission regulatory areas 4C, 4D or 4E that are equal to or greater than the size limit specified in the annual management measures published pursuant to §300.62.
- (i) Retain subsistence halibut that were harvested using a charter vessel.
- (j) Retain or possess subsistence halibut for commercial purposes, cause subsistence halibut to be sold, bartered or otherwise enter commerce or solicit exchange of subsistence halibut for commercial purposes, except that a person who qualified to conduct subsistence fishing for halibut under 50 CFR 300.65(g), and who holds a subsistence halibut registration certificate in the person's name under 50 CFR 300.65(i) may engage in the customary trade of subsistence halibut through monetary exchange of no more than \$400 per year.
- (k) Retain subsistence halibut harvested under a CHP, Ceremonial Permit, or Educational Permit together in any combination or with halibut harvested under any other license or permit.
- (l) Fillet, mutilate, or otherwise disfigure subsistence halibut in any manner that prevents the determination of the number of fish caught, possessed, or landed.
- (m) Possess halibut onboard a charter vessel in Area 2C that has been mutilated or otherwise disfigured in a manner that prevents the determination of size or number of fish, notwithstanding the requirements of the Annual Management Measure 25(2) and (7) (as promulgated in accordance with §300.62 and relating to Sport Fishing for Halibut). Filleted halibut may be possessed onboard the charter vessel provided that the entire carcass, with the head and tail connected as single piece, is retained onboard until all fillets are offloaded.

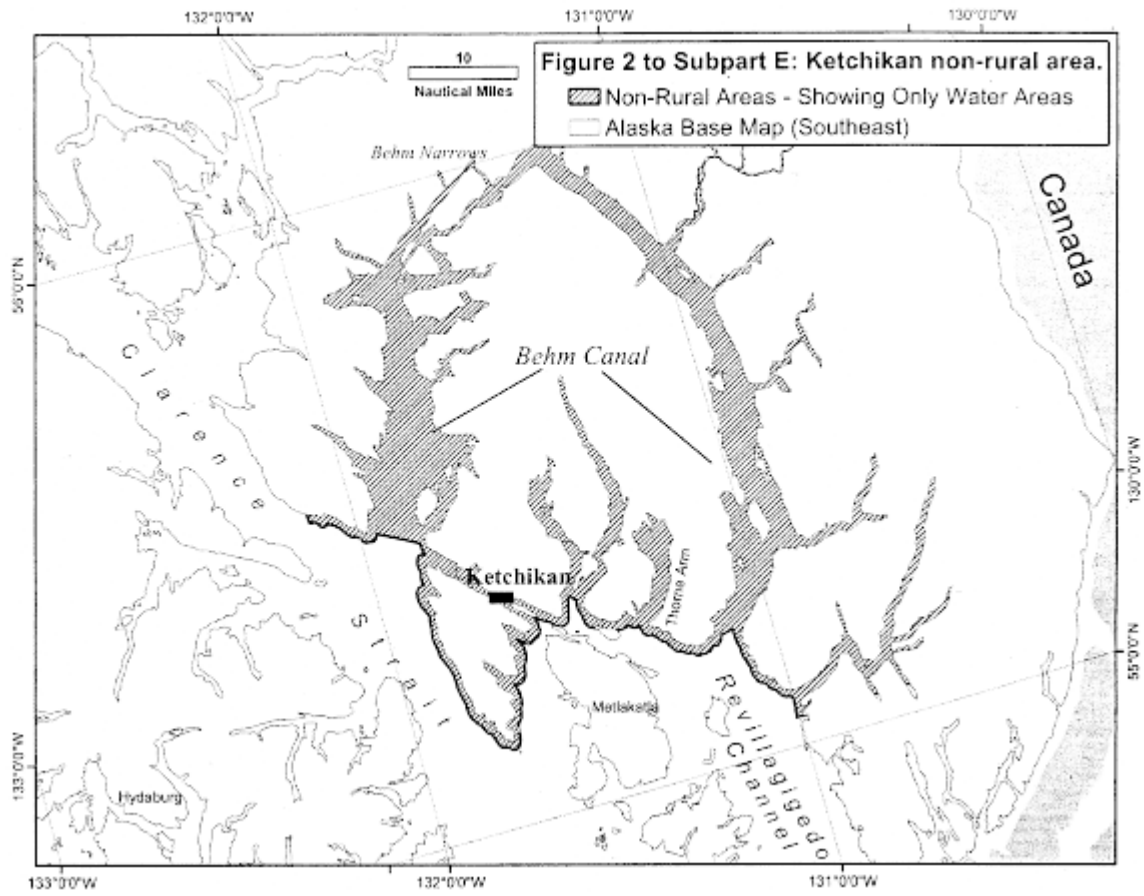
[68 FR 18156, Apr. 15, 2003, as amended at 70 FR 16754, Apr. 1, 2005; 72 FR 30728, June 4, 2007; 72 FR 67669, Nov. 30, 2007]

Figure 1 to Subpart E—Sitka Local Area Management Plan



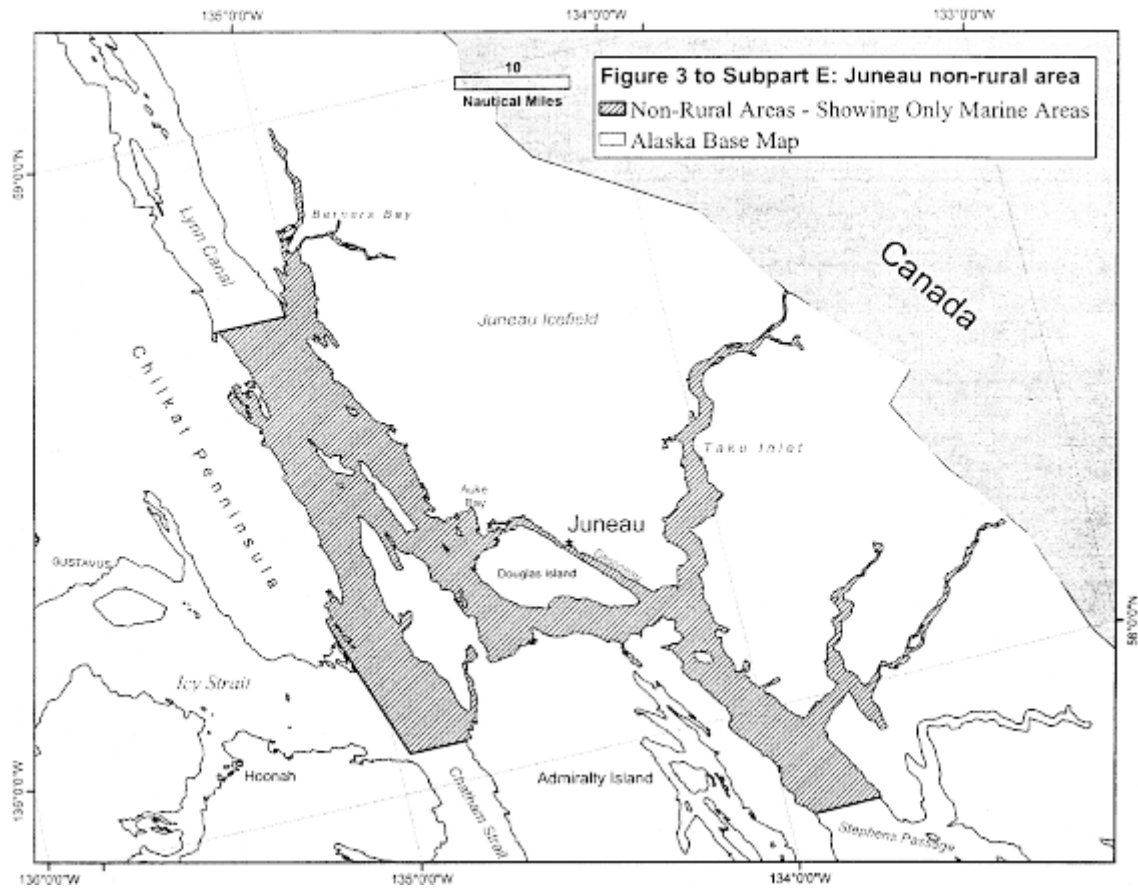
[View or download PDF](#)

Figure 2 to Subpart E—Ketchikan Non-Rural Area



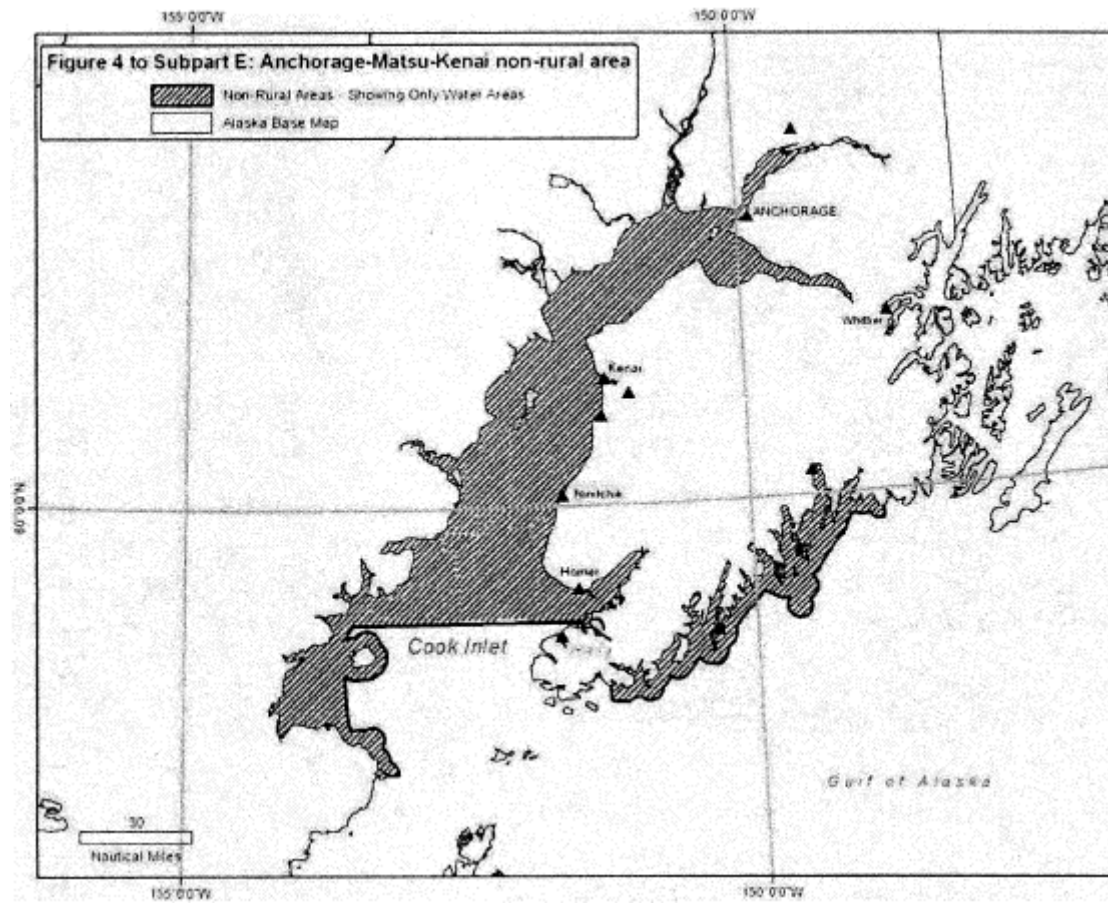
[View or download PDF](#)

Figure 3 to Subpart E—Juneau Non-Rural Area



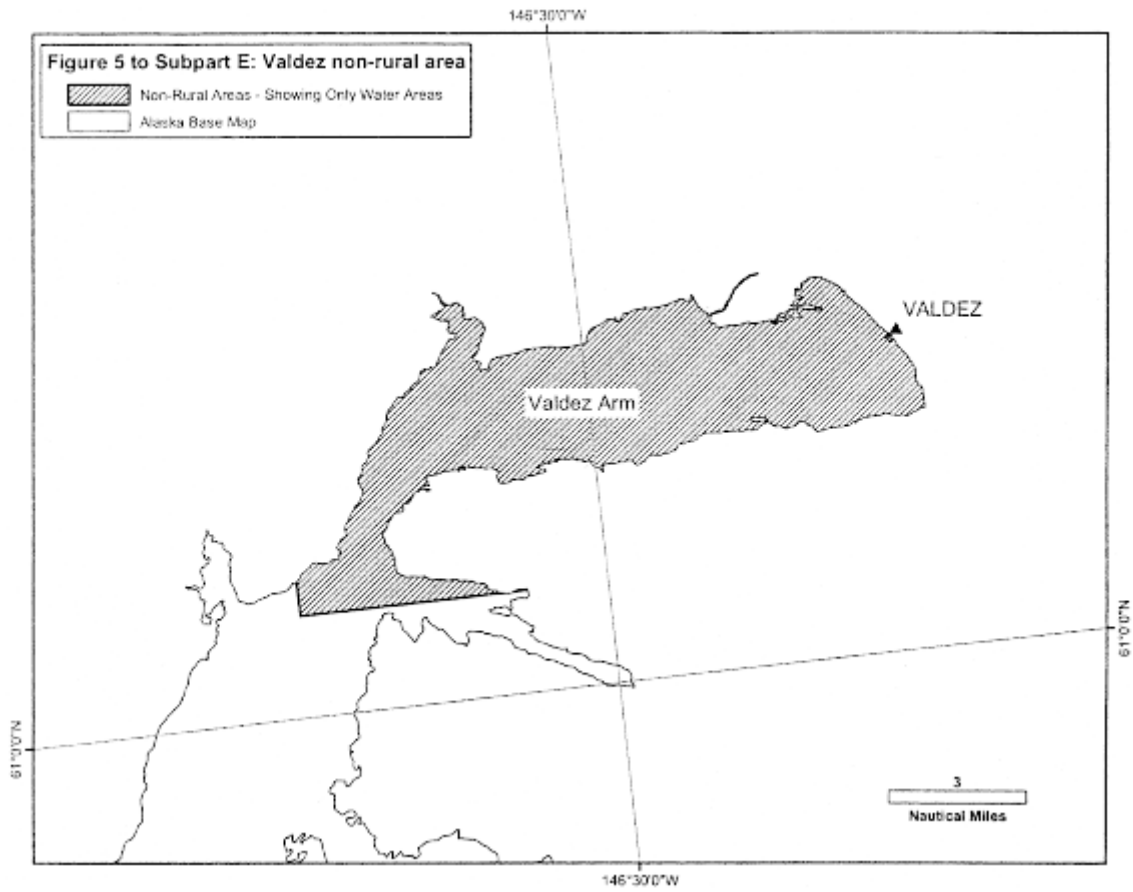
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Figure 4 to Subpart E—Anchorage-Matsu-Kenai Non-Rural Area



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**Figure 5 to Subpart E—Valdez Non-Rural Area**



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[64 FR 52471, Sept. 29, 1999; 66 FR 36208, July 11, 2001, as amended at 68 FR 23361, May 1, 2003; 70 FR 41160, July 18, 2005]

## § 679.1 Purpose and scope

### ***Subpart A--General***

#### ***§ 679.1 Purpose and scope.***

Regulations in this part were developed by the Council under the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act. Along with part 600 of this chapter, these regulations implement the following:

#### ***(a) Fishery Management Plan for Groundfish of the Gulf of Alaska.***

(1) Regulations in this part govern commercial fishing for groundfish in the GOA by vessels of the United States (see subparts A, B, D, and E of this part).

(2) The following State of Alaska regulations are not preempted by this part for vessels regulated under this part fishing for demersal shelf rockfish in the Southeast Outside District, and which are registered under the laws of the State of Alaska: 5 AAC 28.110, fishing seasons; 5 AAC 28.130, gear; 5 AAC 28.160, harvest guidelines; 5 AAC 28.190, harvest of bait by commercial permit holders.

#### ***(b) Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.***

Regulations in this part govern commercial fishing for groundfish in the BSAI by vessels of the United States (see subparts A, B, C, D, and E of this part).

#### ***(c) [Reserved]***

#### ***(d) IFQ Program for sablefish and halibut.***

The IFQ management measures for the commercial fisheries that use fixed gear to harvest sablefish and halibut (see subparts A, B, D, and E of this part).

#### ***(1) Sablefish.***

(i) Regulations in this part govern commercial fishing for sablefish by vessels of the United States:

(A) Using fixed gear within that portion of the GOA and the BSAI over which the United States exercises exclusive fishery management authority; and

(B) Using fixed gear in waters of the State of Alaska adjacent to the BSAI and the GOA, provided that aboard such vessels are persons who currently hold quota shares, IFQ permits, or IFQ cards.

(ii) Regulations in this part do not govern commercial fishing for sablefish in Prince William Sound or under a State of Alaska limited entry program.

#### ***(2) Halibut.***

Regulations in this part govern commercial fishing for halibut by vessels of the United States using fixed gear, as that term is defined in 50 CFR 679.2, in and off of Alaska.

#### ***(e) Western Alaska CDQ Program.***

The goals and purpose of the CDQ program are to allocate CDQ to eligible Western Alaska communities to provide the means for starting or supporting commercial fisheries business activities that will result in an ongoing, regionally based, fisheries-related economy.

#### ***(f) Groundfish Observer Program. (applicable through December 31, 2007).***

Regulations in this part govern elements of the Groundfish Observer Program for the BSAI groundfish and GOA groundfish fisheries under the Council's authority (see subpart E of this part).

#### ***(g) Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs.***

Regulations in this part govern commercial fishing for king and Tanner crab in the Bering Sea and Aleutian Islands Area by vessels of the United States, **and supersede** State of Alaska regulations applicable



### § 679.1 Purpose and scope

to the commercial king and Tanner crab fisheries in the Bering Sea and Aleutians Islands Area EEZ that are determined to be inconsistent with the FMP (see **subpart A, B, and E** of this part). **Additional regulations governing commercial fishing for, and processing of, king and Tanner crab managed pursuant to section 313(j) of the Magnuson-Stevens Act and the Crab Rationalization Program are codified at 50 CFR part 680.**

#### *(h) Fishery Management Plan for the Scallop Fishery off Alaska.*

(1) Regulations in this part govern commercial fishing for scallops in the Federal waters off Alaska by vessels of the United States (see subpart A of this part).

(2) State of Alaska laws and regulations that are consistent with the FMP and with the regulations in this part apply to vessels of the United States that are fishing for scallops in the Federal waters off Alaska.

#### *(i) Fishery Management Plan for the Salmon Fisheries in the EEZ off the Coast of Alaska (Salmon FMP).*

(1) Regulations in this part govern fishing for salmon by fishing vessels of the United States in the Salmon Management Area.

(2) State of Alaska laws and regulations that are consistent with the Salmon FMP and with the regulations in this part apply to vessels of the United States that are fishing for salmon in the Salmon Management Area.

#### *(j) License Limitation Program (LLP).*

(1) Regulations in this part implement the **LLP** for the commercial groundfish fisheries in the EEZ off Alaska and **the LLP** for the commercial crab fisheries in the Bering Sea and Aleutians Islands Area.

(2) Regulations in this part govern the commercial fishing for **groundfish under the LLP** by vessels of the United States using authorized gear within the GOA and the **Bering Sea and Aleutians Islands Area** and the commercial fishing for crab species **under the LLP** by vessels of the United States

using authorized gear within the Bering Sea and Aleutians Islands Area.

(3) Regulations in this part implement the license limitation program for the commercial scallop fishery in the EEZ off Alaska.

(4) Regulations in this part govern the commercial fishing for scallops by vessels of the United States using authorized gear within the EEZ off Alaska.

#### *(k) American Fisheries Act and AI directed pollock fishery measures.*

Regulations in this part were developed by NMFS and the Council under the Magnuson-Stevens Act, the American Fisheries Act (AFA), and the Consolidated Appropriations Act of 2004 to govern commercial fishing for BSAI pollock according to the requirements of the AFA and the Consolidated Appropriations Act of 2004. This part also governs payment and collection of the loan, under the AFA, the Magnuson-Stevens Act, and Title XI of the Merchant Marine Act, 1936, made to all those persons who harvest pollock from the directed fishing allowance allocated to the inshore component under section 206(b)(1) of the AFA.

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**§ 679.4 Permits**

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**§ 679.4 Permits.**

\* \* \* \* \*

***(d) IFQ permits, IFQ hired master permits, and Registered Buyer permits.***

The permits described in this section are required in addition to the permit and licensing requirements prescribed in the annual management measures published in the *Federal Register* pursuant to § 300.62 of this title and in the permit requirements of this section.

(1) IFQ permit.

(i) An IFQ permit authorizes the person identified on the permit to harvest IFQ halibut or IFQ sablefish from a specified IFQ regulatory area at any time during an open fishing season during the fishing year for which the IFQ permit is issued until the amount harvested is equal to the amount specified under the permit, or until the permit is revoked, suspended, or modified under 15 CFR part 904.

(ii) A legible copy of any IFQ permit that specifies the IFQ regulatory area and vessel length overall from which IFQ halibut or IFQ sablefish may be harvested by the IFQ permit holder must be carried on board the vessel used by the permitted person to harvest IFQ halibut or IFQ sablefish at all times that such fish are retained on board.

(2) IFQ hired master permit.

(i) An IFQ hired master permit authorizes the individual identified on the IFQ hired master permit to land IFQ halibut or IFQ sablefish for debit against the specified IFQ permit until the IFQ hired master permit expires, or is revoked, suspended, or modified under 15 CFR part 904, or cancelled on request of the IFQ permit holder.

(ii) An original IFQ hired master permit issued to an eligible individual in accordance with § 679.42(i) and (j) by the Regional Administrator must be on board the vessel that harvests IFQ halibut or IFQ sablefish at all times that such fish are retained on board by a hired master. Except as specified in § 679.42(d), an individual that is issued an IFQ hired master permit must remain on board the vessel used to harvest IFQ halibut or IFQ sablefish with that IFQ hired master

permit during the IFQ fishing trip and at the landing site during all IFQ landings.

(iii) Each IFQ hired master permit issued by the Regional Administrator will display an IFQ permit number and the name of the individual authorized by the IFQ permit holder to land IFQ halibut or IFQ sablefish for debit against the IFQ permit holder's IFQ. In addition, IFQ hired master permits will also display the ADF&G vessel identification number of the authorized vessel.

(3) Registered Buyer permit.

(i) A Registered Buyer permit authorizes the person identified on the permit to receive and make an IFQ landing by an IFQ permit holder or IFQ hired master permit holder or to receive and make a CDQ halibut landing by a CDQ permit holder or CDQ hired master permit holder at any time during the fishing year for which it is issued until the Registered Buyer permit expires, or is revoked, suspended, or modified under 15 CFR part 904.

(ii) A Registered Buyer permit is required of:

(A) Any person who receives IFQ halibut, CDQ halibut or IFQ sablefish from the person(s) who harvested the fish;

(B) Any person who harvests IFQ halibut, CDQ halibut or IFQ sablefish and transfers such fish in a dockside sale, outside of an IFQ regulatory area, or outside the State of Alaska.

(C) A vessel operator who submits a Departure Report (see § 679.5(1)(4)).

(iii) A Registered Buyer permit is issued on a 3-year cycle by the Regional Administrator to persons that have a Registered Buyer application approved by the Regional Administrator.

(iv) A Registered Buyer permit is in effect from the first day of the year for which it is issued or from the date of issuance, whichever is later, through the end of the current NMFS 3-year cycle, unless it is revoked, suspended, or modified under § 600.735 or § 600.740 of this chapter.

(4) Issuance.

The Regional Administrator will issue IFQ permits and IFQ hired master permits annually or at other times as needed to accommodate transfers, revocations, appeals resolution, and other changes in QS or IFQ holdings, and designation of masters under § 679.42.

(5) Transfer.

The quota shares and IFQ issued under this section are not transferable, except as provided under § 679.41. IFQ hired master permits and Registered Buyer permits issued under this paragraph (d) are not transferable.

(6) Inspection.

(i) IFQ permit and IFQ hired master permit.

(A) The IFQ permit holder must present a copy of the IFQ permit for inspection on request of any authorized officer or Registered Buyer receiving IFQ species.

(B) The IFQ hired master permit holder must present a copy of the IFQ permit and the original IFQ hired master permit for inspection on request of any authorized officer or Registered Buyer receiving IFQ species.

(ii) Registered Buyer permit. A legible copy of the Registered Buyer permit must be present at the location of an IFQ landing or CDQ halibut landing and must be made available by an individual representing the Registered Buyer for inspection on request of any authorized officer.

(7) Validity.

An IFQ permit issued under this part is valid only if the IFQ permit holder has paid all IFQ fees that are due as a result of final agency action as specified in §§ 679.45 and 679.5(l)(7)(ii).

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**§ 679.5 Recordkeeping and reporting**

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**§ 679.5 Recordkeeping and reporting (R&R).**

\* \* \* \* \*

***(I) IFQ halibut, CDQ halibut, IFQ sablefish, or CR crab R&R.***

In addition to the R&R requirements in this section, in 50 CFR part 680 with respect to CR crab, and as prescribed in the annual management measures published in the *Federal Register* pursuant to § 300.62 of this title, the following reports and authorizations are required, when applicable: IFQ Prior Notice of Landing, Product Transfer Report (see § 679.5(g)), IFQ landing report, IFQ Transshipment Authorization, and IFQ Departure Report.

(1) IFQ Prior Notice of Landing (PNOL).

(i) Time limits and submittal.

(A) Except as provided in paragraph (1)(1)(iv) of this section, the operator of any vessel making an IFQ landing must notify OLE, Juneau, AK, no fewer than 3 hours before landing IFQ halibut, CDQ halibut, or IFQ sablefish, unless permission to commence an IFQ landing within 3 hours of notification is granted by a clearing officer.

(B) A PNOL must be made to the toll-free telephone number 800-304-4846 or to 907-586-7163 between the hours of 0600 hours, A.l.t., and 2400 hours, A.l.t.

(ii) Revision to PNOL. The operator of any vessel wishing to make an IFQ landing before the date and time (A.l.t.) reported in the PNOL or later than 2 hours after the date and time (A.l.t.) reported in the PNOL must submit a new PNOL as described in paragraphs (1)(1)(i) and (iii) of this section.

(iii) Information required. A PNOL must include the following:

(A) Vessel name and ADF&G vessel registration number;

(B) Port of landing and port code from Tables 14a and 14b to this part;

(C) Exact location of landing within the port (*i.e.*, dock name, harbor name, facility name, or

geographical coordinates);

(D) The date and time (A.l.t.) that the landing will take place;

(E) Species and estimated weight (in pounds) of the IFQ halibut, CDQ halibut or IFQ sablefish that will be landed;

(F) IFQ regulatory area(s) in which the IFQ halibut, CDQ halibut, or IFQ sablefish were harvested; and

(G) IFQ permit number(s) that will be used to land the IFQ halibut, CDQ halibut, or IFQ sablefish.

(iv) Exemption. An IFQ landing of halibut of 500 lb or less of IFQ weight determined pursuant to § 679.42(c)(2) and concurrent with a legal landing of salmon or a legal landing of lingcod harvested using dinglebar gear is exempt from the PNOL required by this section.

(2) IFQ Landing report.

(i) Requirements.

(A) All IFQ halibut, CDQ halibut and IFQ sablefish catch debited. Except as provided in paragraph 679.40(g) of this section, all IFQ halibut, CDQ halibut, and IFQ sablefish catch must be weighed and debited from the IFQ permit holder's account or CDQ halibut permit holder's account under which the catch was harvested.

(B) Single offload site for halibut. The vessel operator who lands IFQ halibut or CDQ halibut must continuously and completely offload at a single offload site all halibut on board the vessel.

(C) Single offload site for sablefish. The vessel operator who lands IFQ sablefish must continuously and completely offload at a single offload site all sablefish on board the vessel.

(D) Remain at landing site. Once the landing has commenced, the IFQ permit holder, IFQ hired master permit holder, or CDQ hired master permit holder and the harvesting vessel may not leave the landing site until the IFQ halibut, IFQ sablefish or CDQ halibut account is properly debited (as defined in paragraph (1)(2)(iv)(D) of this section).

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**§ 679.5 Recordkeeping and reporting**

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(E) No movement of IFQ halibut, CDQ halibut, or IFQ sablefish. The offloaded IFQ halibut, CDQ halibut, or IFQ sablefish may not be moved from the landing site until the IFQ Landing Report is received by OLE, Juneau, AK, and the IFQ permit holder's or CDQ permit holder's account is properly debited (as defined in paragraph (1)(2)(iv)(D) of this section).

(ii) Time limits.

(A) A landing of IFQ halibut, CDQ halibut, or IFQ sablefish may commence only between 0600 hours, A.l.t., and 1800 hours, A.l.t., unless permission to land at a different time (waiver) is granted in advance by a clearing officer.

(B) A Registered Buyer must submit a completed IFQ Landing Report within 6 hours after all IFQ halibut, CDQ halibut, or IFQ sablefish are landed and prior to shipment or transfer of said fish from the landing site.

(iii) Information required. The Registered Buyer must enter accurate information contained in a complete IFQ Landing Report as follows:

(A) Date and time (A.l.t.) of the IFQ landing;

(B) Location of the IFQ landing (port code or if at sea, lat. and long.);

(C) Name and permit number of the IFQ permit holder, IFQ hired master permit holder, or CDQ hired master permit holder;

(D) Name and permit number of Registered Buyer receiving the IFQ halibut, IFQ sablefish, or CDQ halibut;

(E) The harvesting vessel's name and ADF&G vessel registration number;

(F) Gear code used to harvest IFQ species;

(G) Alaska State fish ticket number(s) for the landing;

(H) ADF&G statistical area of harvest reported by the IFQ permit holder or IFQ hired master permit holder;

(I) If ADF&G statistical area is bisected by a line dividing two IFQ regulatory areas, the IFQ regulatory area of harvest reported by the IFQ permit holder or IFQ hired master permit holder;

(J) For each ADF&G statistical area of harvest:

(1) Except as provided in paragraph (1)(2)(iii)(J)(2) of this section, the species codes, product codes, and initial accurate scale weight(s) (in pounds or to the nearest thousandth of a metric ton) made at the time of offloading for IFQ halibut, IFQ sablefish, or CDQ halibut sold and retained.

(2) If the vessel operator is the Registered Buyer reporting the IFQ landing, the accurate weight of IFQ sablefish processed product obtained before the offload may be substituted for the initial accurate scale weight at time of offload.

(K) Initial accurate scale weight(s) with or without ice and slime, as appropriate, of fish as offloaded from the vessel. Fish which have been washed prior to weighing or which have been offloaded from refrigerated salt water are not eligible for a 2-percent deduction for ice and slime and must be reported as fish weights without ice and slime.

(L) If IFQ halibut is incidental catch concurrent with legal landing of salmon or concurrent with legal landing of lingcod harvested using dinglebar gear.

(M) After the Registered Buyer enters the landing data in the Internet submission form(s) and receipts are printed, the Registered Buyer, or his/her representative, and the IFQ permit holder, IFQ hired master permit holder, or CDQ hired master permit holder must sign the receipts to acknowledge the accuracy of the IFQ Landing Report.

(iv) Submittals. Except as indicated in paragraph (1)(2)(iv)(C) of this section, IFQ landing reports must be submitted electronically to OLE, Juneau, AK, by using the Internet as follows:

(A) *[reserved]*

(B) Internet. Landing Reports submitted using Internet submission methods as provided and/or specified by NMFS, Alaska Region.

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**§ 679.5 Recordkeeping and reporting**

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(1) The Registered Buyer must obtain at his or her own expense, hardware, software and Internet connectivity to support Internet submissions and report as required.

(2) The IFQ permit holder, IFQ hired master permit holder, or CDQ hired master permit holder must initiate a Landing Report by logging into the IFQ landing report system using his or her own password and must provide identification information requested by the system.

(3) The Registered Buyer must enter additional log-in information, including his or her password, and provide landing information requested by the system.

(C) Manual landing report. Waivers from the Internet reporting requirement can only be granted in writing on a case-by-case basis by a local clearing officer. If a waiver is granted, manual landing instructions must be obtained from OLE, Juneau, AK, at 800-304-4846 (Select Option 1). Registered Buyers must complete and submit manual landing reports by facsimile to OLE, Juneau, AK, at 907-586-7313. When a waiver is issued, the following additional information is required: whether the manual landing report is an original or revised; and name, telephone number, and facsimile number of individual submitting the manual landing report.

(D) Properly debited landing. A properly concluded printed Internet submission receipt or a manual landing report receipt which is sent by facsimile from OLE to the Registered Buyer, and which is then signed by the Registered Buyer and IFQ permit holder, IFQ hired master permit holder, or CDQ hired master permit holder constitutes confirmation that OLE received the landing report and that the IFQ permit holder's or CDQ permit holder's account is properly debited. A copy of each receipt must be maintained by the Registered Buyer as described in paragraph (I) of this section.

(3) Transshipment authorization.

(i) No person may transship processed IFQ halibut, CDQ halibut, IFQ sablefish, or CR crab between vessels without authorization by a local clearing officer. Authorization from a local clearing officer must be obtained for each instance of transshipment at least 24 hours before the transshipment is intended to commence.

(ii) Information required. To obtain a Transshipment Authorization, the vessel operator must provide the following information to the clearing officer:

(A) Date and time (A.I.t.) of transshipment;

(B) Location of transshipment;

(C) Name and ADF&G vessel registration number of vessel offloading transshipment;

(D) Name of vessel receiving the transshipment;

(E) Product destination;

(F) Species and product type codes;

(G) Total product weight;

(H) Time (A.I.t.) and date of the request;

(I) Name, telephone number, FAX number (if any) for the person making the request.

(4) IFQ Departure Report.

(i) General requirements.

(A) Time limit and submittal. A vessel operator who intends to make a landing of IFQ halibut, CDQ halibut, IFQ sablefish, or CR crab at any location other than in an IFQ regulatory area for halibut and sablefish or in a crab fishery for CR crab (see Table 1 to part 680) in the State of Alaska must submit an IFQ Departure Report, by telephone, to OLE, Juneau, AK, (800-304-4846 or 907-586-7163) between the hours of 0600 hours, A.I.t., and 2400 hours, A.I.t.

(B) Completion of fishing. A vessel operator must submit an IFQ Departure Report after completion of all fishing and prior to departing the waters of the EEZ adjacent to the jurisdictional waters of the State of Alaska, the territorial sea of the State of Alaska, or the internal waters of the State of Alaska when IFQ halibut, CDQ halibut, IFQ sablefish, or CR crab are on board.

(C) Permit.

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**§ 679.5 Recordkeeping and reporting**

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(1) Registered Crab Receiver permit. A vessel operator submitting an IFQ Departure Report for CR crab must have a Registered Crab Receiver permit.

(2) Registered Buyer permit. A vessel operator submitting an IFQ Departure Report for IFQ halibut, CDQ halibut, or IFQ sablefish must have a Registered Buyer permit.

(D) First landing of any species. A vessel operator submitting an IFQ Departure Report must submit IFQ landing reports for all IFQ halibut, CDQ halibut, and IFQ sablefish on board at the same time and place as the first landing of any IFQ halibut, CDQ halibut, or IFQ sablefish.

(E) Permits on board.

(1) A vessel operator submitting an IFQ Departure Report to document IFQ halibut or IFQ sablefish must have one or more IFQ permit holders or IFQ hired master permit holders on board with a combined IFQ balance equal to or greater than all IFQ halibut and IFQ sablefish on board the vessel.

(2) A vessel operator submitting an IFQ Departure Report to document CDQ halibut must ensure that one or more CDQ hired master permit holders are on board with enough remaining halibut CDQ balance to harvest amounts of CDQ halibut equal to or greater than all CDQ halibut on board.

(3) A vessel operator submitting an IFQ Departure Report to document CR crab must have one or more permit holders on board with a combined CR balance equal to or greater than all CR crab on board the vessel.

(ii) Required information. When submitting an IFQ Departure Report, the vessel operator must provide the following information:

(A) Intended date, time (A.I.t.), and location of landing;

(B) Vessel name and ADF&G vessel registration number;

(C) Vessel operator's name and Registered Buyer permit or Registered Crab Receiver permit number;

(D) Halibut IFQ, halibut CDQ, sablefish IFQ, and CR crab permit numbers of IFQ and CDQ permit holders on board;

(E) Area of harvest.

(1) If IFQ or CDQ halibut, then halibut regulatory areas (see Figure 15 to this part).

(2) If IFQ sablefish, then sablefish regulatory areas (see Figure 14 to this part).

(3) If CR crab, then the crab rationalization fishery code (see Table 1 to part 680).

(F) Estimated total weight as appropriate of IFQ halibut, CDQ halibut, IFQ sablefish, or CR crab on board (lb/kg/mt).

(iii) Revision to Departure Report. A vessel operator who intends to make an IFQ landing at a location different from the location named on the IFQ Departure report must submit a revised report naming the new location at least 12 hours in advance of the offload. Revisions must be submitted by telephone, to OLE, Juneau, AK, (800-304-4846 or 907-586-7163) between the hours of 0600 hours, A.I.t., and 2400 hours, A.I.t.

(5) Landing verification, inspection and record retention.

(i) Verification and inspection. Each IFQ landing and all fish retained on board the vessel making an IFQ landing are subject to verification and inspection by authorized officers.

(ii) Record retention. The IFQ permit holder, IFQ hired master permit holder, or CDQ hired master permit holder must retain a legible copy of all Landing Report receipts, and the Registered Buyer must retain a copy of all reports and receipts required by this section. All retained records must be available for inspection by an authorized officer:

(A) Until the end of the fishing year during which the records were made and for as long thereafter as fish or fish products recorded are retained onboard the vessel or at the facility; and

(B) Upon request of an authorized officer for

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**§ 679.5 Recordkeeping and reporting**

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3 years after the end of the fishing year during which the records were made.

(6) Sampling

(i) Each IFQ landing and all fish retained onboard a vessel making an IFQ landing are subject to sampling by NMFS-authorized observers.

(ii) Each IFQ halibut landing or CDQ halibut landing is subject to sampling for biological information by persons authorized by the IPHC.

(7) IFQ cost recovery program.

(i) IFQ buyer report.

(A) Applicability. An IFQ registered buyer that also operates as a shoreside processor and receives and purchases IFQ landings of sablefish or halibut must submit annually to NMFS a complete IFQ Buyer Report as described in this paragraph (1) and as provided by NMFS for each reporting period, as described at § 679.5(1)(7)(i)(E), in which the registered buyer receives IFQ fish.

(B) Due date. A complete IFQ Buyer Report must be postmarked or received by the Regional Administrator not later than October 15 following the reporting period in which the IFQ registered buyer receives the IFQ fish.

(C) Information required. A complete IFQ Buyer Report must include the following information:

(1) IFQ registered buyer identification, including:

(i) Name,

(ii) Registered buyer number,

(iii) Social Security number or tax identification number,

(iv) NMFS person identification number (if applicable),

(v) Business address,

(vi) Telephone number,

(vii) Facsimile telephone number,

(viii) Primary registered buyer activity,

(ix) Other registered buyer activity, and

(x) Landing port location;

(2) Pounds purchased and values paid.

(i) The monthly total weights, represented in IFQ equivalent pounds by IFQ species, that were landed at the landing port location and purchased by the IFQ registered buyer;

(ii) The monthly total gross ex-vessel value, in U.S. dollars, of IFQ pounds, by IFQ species, that were landed at the landing port location and purchased by the IFQ registered buyer;

(3) Value paid for price adjustments.

(i) The monthly total U.S. dollar amount of any IFQ retro-payments (correlated by IFQ species, landing month(s), and month of payment) made in the current year to IFQ permit holders for landings made during the previous calendar year;

(ii) Certification, including the signature or electronic PIN of the individual authorized by the IFQ registered buyer to submit the IFQ Buyer Report, and date of signature or date of electronic submittal.

(D) Submission address. The registered buyer must complete an IFQ Buyer Report and submit by mail or FAX to:

Administrator, Alaska Region, NMFS,  
Attn: RAM Program,  
P.O. Box 21668,  
Juneau, AK 99802 1668,  
FAX: (907) 586-7354

or electronically to NMFS via forms available from RAM or on the RAM area of the Alaska Region Home Page at <http://www.fakr.noaa.gov/ram>.

(E) Reporting period. The reporting period of the IFQ Buyer Report shall extend from October 1 through September 30 of the following year, inclusive.

(ii) IFQ permit holder Fee Submission Form

(A) Applicability. An IFQ permit holder who holds an IFQ permit against which a landing was made



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must submit to NMFS a complete IFQ permit holder Fee Submission Form provided by NMFS.

(B) Due date and submittal. A complete IFQ permit holder Fee Submission Form must be postmarked or received by the Regional Administrator not later than January 31 following the calendar year in which any IFQ landing was made.

(C) Contents of an IFQ Fee Submission Form. For each of the sections described here, a permit holder must provide the specified information.

(1) Identification of the IFQ permit holder. An IFQ permit holder with an IFQ landing must accurately record on the identification section of the IFQ Fee Submission Form the following information:

(i) The printed name of the IFQ permit holder;

(ii) The NMFS person identification number;

(iii) The Social Security number or tax ID number of the IFQ permit holder;

(iv) The business mailing address of the IFQ permit holder; and

(v) The telephone and facsimile number (if available) of the IFQ permit holder.

(2) IFQ landing summary and estimated fee liability. NMFS will provide to an IFQ permit holder an IFQ Landing Summary and Estimated Fee Liability page as required by § 679.45(a)(2). The IFQ permit holder must either accept the accuracy of the NMFS estimated fee liability associated with his or her IFQ landings for each IFQ permit, or calculate a revised IFQ fee liability in accordance with paragraph (1)(7)(ii)(C)(2)(i) of this section. The IFQ permit holder may calculate a revised fee liability for all or part of his or her IFQ landings.

(i) Revised fee liability calculation. To calculate a revised fee liability, an IFQ permit holder must multiply the IFQ percentage in effect by either the IFQ actual ex-vessel value or the IFQ standard ex-vessel of the IFQ landing. If parts of the landing have different values, the permit holder must apply the appropriate values to the different parts of the landings.

(ii) Documentation. If NMFS requests in writing that a permit holder submit documentation establishing the factual basis for a revised IFQ fee liability, the permit holder must submit adequate documentation by the 30th day after the date of such request. Examples of such documentation regarding initial sales transactions of IFQ landings include valid fish tickets, sales receipts, or check stubs that clearly identify the IFQ landing amount, species, date, time, and ex-vessel value or price.

### (3) Fee calculation section

(i) Information required. An IFQ permit holder with an IFQ landing must record the following information on the Fee Calculation page: The name of the IFQ permit holder; the NMFS person identification number; the fee liability amount due for each IFQ permit he or she may hold; the IFQ permit number corresponding to such fee liability amount(s) due; the total price adjustment payment value for all IFQ halibut and/or sablefish (*e.g.*, IFQ retro-payments) received during the reporting period for the IFQ Fee Submission Form as described in § 679.5(1)(7)(ii)(D); and the fee liability amount due for such price adjustments.

(ii) Calculation of total annual fee amount. An IFQ permit holder with an IFQ landing must perform the following calculations and record the results on the Fee Calculation page: add all fee liability amount(s) due for each IFQ permit and record the sum as the sub-total fee liability for all permits; multiply price adjustment payment(s) received for each IFQ species by the fee percentage in effect at the time the payment(s) was received by the IFQ permit holder; add the resulting fee liability amounts due for all price adjustment payments for each IFQ species, then enter the sum as the sub-total fee for price adjustments; add the sub-total fee liability for all permits and the sub-total fee for price adjustments, then enter the resulting sum as the total annual fee amount on the Fee Calculation page and on the Fee Payment page.

### (4) Fee payment and certification section

(i) Information required. An IFQ permit holder with an IFQ landing must provide his or her NMFS person identification number, signature, and date of signature on the Fee Payment section of the form or provide the electronic equivalent and record the following: his or her printed name; the total annual fee

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amount as calculated and recorded on the Fee Calculation page; the total of any pre-payments submitted to NMFS that apply to the total annual fee amount; the remaining balance fee; and the enclosed payment amount.

(ii) Calculation of balance fee payment. An IFQ permit holder with an IFQ landing must perform the following calculation on the Fee Payment section of the Fee Submission Form: Subtract from the total annual fee amount the total of all pre-payments made (if any) to NMFS and any credits held by NMFS that are applicable to that year's total IFQ cost recovery fees, and record the result as the balance of the fee amount due.

(D) Reporting Period. The reporting period of the IFQ Fee Submission Form shall extend from January 1 to December 31 of the year prior to the January 31 due date described in § 679.5(l)(7)(ii)(B).

(8) CQE annual report for an eligible community.  
By January 31, the CQE shall submit a complete annual report on halibut and sablefish IFQ activity for the prior fishing year for each community represented by the CQE to the

Regional Administrator,  
National Marine Fisheries Service,  
P.O. Box 21668,  
Juneau, AK 99802,

and to the governing body of each community represented by the CQE as identified in Table 21 to this part.

(i) A complete annual report contains the following information:

(A) Name, ADF&G vessel registration number, USCG documentation number, length overall, and home port of each vessel from which the IFQ leased from QS held by a CQE was fished;

(B) Name and business addresses of individuals employed as crew members when fishing the IFQ derived from the QS held by the CQE;

(C) Detailed description of the criteria used by the CQE to distribute IFQ leases among eligible community residents;

(D) Description of efforts made to ensure that IFQ lessees employ crew members who are eligible community residents of the eligible community aboard vessels on which IFQ derived from QS held by a CQE is being fished;

(E) Description of the process used to solicit lease applications from eligible community residents of the eligible community on whose behalf the CQE is holding QS;

(F) Names and business addresses and amount of IFQ requested by each individual applying to receive IFQ from the CQE;

(G) Any changes in the bylaws of the CQE, board of directors, or other key management personnel; and

(H) Copies of minutes and other relevant decision making documents from CQE board meetings.

(ii) Additional information may be submitted as part of the annual report based on data available through NMFS. This includes:

(A) Identification of the eligible community, or communities, represented by the CQE;

(B) Total amount of halibut QS and sablefish QS held by the CQE at the start of the calendar year and at the end of the calendar year;

(C) Total amount of halibut and sablefish IFQ leased from the CQE;

(D) Names, business addresses, and amount of halibut and sablefish IFQ received by each individual to whom the CQE leased IFQ; and

(E) Number of vessels that fished for IFQ derived from QS held by a CQE.

**§ 679.32 Groundfish and halibut CDQ catch monitoring.**

**(a) Applicability**

This section contains requirements for CDQ groups, operators of vessels, and managers of processors that harvest and/or process groundfish CDQ, including vessels equal to or greater than 60 ft (18.3 m) LOA that are halibut CDQ fishing.

**(b) PSQ catch.**

Time and area closures required once a CDQ group has reached its salmon PSQ or crab PSQ are listed in § 679.7(d)(7) through (10). The catch of salmon or crab by vessels using other than trawl gear does not accrue to the PSQ for these species. The discard of halibut by vessels using pot or jig gear will not accrue to the halibut PSQ if this bycatch has been exempted from the halibut PSC limit under § 679.21(e)(3)(i)(A) and (e)(4) in the annual specifications published in the *Federal Register*.

**(c) Vessels eligible for groundfish and halibut CDQ fisheries.**

The following information must be provided by the CDQ group for all vessels that are groundfish CDQ fishing and all vessels equal to or greater than 60 ft (18.3 m) LOA that are halibut CDQ fishing.

**(1) Request for approval of an eligible vessel.**

Prior to a vessel participating in the CDQ fishery, a CDQ group must submit to NMFS a completed request for approval of an eligible vessel as described at § 679.5(n)(4). NMFS will approve all vessels for which a completed request is submitted. Once approved, a vessel will remain eligible until December 31 of the last year in the current CDQ allocation cycle under § 679.30(d), or until the CDQ group removes the vessel from eligibility under paragraph (c)(2) of this section. A list of eligible vessels for each CDQ group will be publicly available from the Alaska Regional Office or on the NMFS website at <http://www.fakr.noaa.gov>. The CDQ group must provide a copy of the NMFS-approved eligible vessel request to the operator of the approved vessel. The vessel operator must maintain a copy of the eligible

vessel request approved by NMFS onboard the vessel at all times while harvesting, transporting, or offloading CDQ.

**(2) Removing a vessel from eligibility.**

A CDQ group may remove a vessel from eligibility to harvest CDQ on its behalf by advising NMFS by letter of the removal. Removal of a vessel from eligibility to harvest CDQ will be effective on the date that NMFS approves the request and notifies the CDQ group of NMFS's approval. Upon receipt of notification of NMFS's approval, the CDQ group must notify the operator of the vessel of the vessel's removal from eligibility to harvest CDQ on behalf of the CDQ group.

**(d) Requirements for vessels and processors.**

In addition to complying with the minimum observer coverage requirements at § 679.50(c)(4), operators of vessels groundfish CDQ fishing and managers of shoreside processors or stationary floating processors taking deliveries from vessels groundfish CDQ fishing must comply with the following requirements:

**(1) Catcher vessels without an observer.**

**(i) Operators of catcher vessels less than 60 ft (18.3 m) LOA must retain all groundfish CDQ species, halibut CDQ, and salmon PSQ until they are delivered to a processor that meets the requirements of paragraph (d)(3) or (d)(4) of this section, unless retention of groundfish CDQ species is not authorized under § 679.4, discard of the groundfish CDQ species is required under subpart B of this part, or, in waters within the State of Alaska, discard is required by the State of Alaska.**

**(ii) Catcher vessels delivering unsorted codends.** Operators of catcher vessels delivering unsorted codends to motherships must retain all CDQ and PSQ species and deliver them to a mothership that meets the requirements of paragraph (d)(4) of this section.

**(2) Catcher vessels with observers.**

Operators of catcher vessels equal to or greater than 60 ft (18.29 m) LOA must comply with the following requirements:

(i) If using trawl gear, the vessel operator must:

(A) Retain all CDQ species and salmon PSQ until they are delivered to a processor that meets the requirements of paragraph (d)(3) or (d)(4) of this section unless retention of groundfish CDQ species is not authorized under § 679.4 of this part, discard of the groundfish CDQ species is required under subpart B of this part, or, in waters within the State of Alaska, discard is required by laws of the State of Alaska;

(B) Retain all halibut and crab PSQ in a bin or other location until it is counted and sampled by a level 2 observer; and

(C) Provide space on the deck of the vessel for the level 2 observer to sort and store catch samples and a place from which to hang the observer sampling scale.

(ii) If using nontrawl gear, the vessel operator must either:

(A) Option 1: Retain all CDQ species. Retain all CDQ species until they are delivered to a processor that meets the requirements of paragraph (d)(3) or (d)(4) of this section unless retention of groundfish CDQ species is not authorized under § 679.4 of this part, discard of the groundfish CDQ or PSQ species is required under subpart B of this part, or, in waters within the State of Alaska, discard is required by laws of the State of Alaska. Have all of the halibut PSQ counted by the level 2 observer and sampled for length or average weight; or

(B) Option 2: Discard some CDQ species at sea. May discard some CDQ species at sea if the following requirements are met:

(1) Observer sampling station. The vessel owner provides an observer sampling station that complies with § 679.28(d) so that the level 2 observer can accurately determine the average weight of discarded CDQ species. A valid observer sampling station inspection report described at § 679.28(d)(8) must be on board the vessel at all times when a sampling station is required; and

(2) Species composition. Each CDQ set on vessels using hook-and-line gear is sampled for species composition by a level 2 observer.

(3) Shoreside processors and stationary floating processors.

The manager of a shoreside processor or stationary floating processor must comply with all of the following requirements:

(i) Prior notice to observer of offloading schedule. Notify the level 2 observer of the offloading schedule of each CDQ delivery at least 1 hour prior to offloading to provide the level 2 observer an opportunity to monitor the sorting and weighing of the entire delivery.

(ii) CDQ and PSQ by weight. Sort and weigh on a scale approved by the State of Alaska under § 679.28(c) all groundfish and halibut CDQ or PSQ by species or species group.

(iii) PSQ by number. Sort and count all salmon and crab PSQ.

(iv) CDQ and PSQ sorting and weighing. Sorting and weighing of CDQ and PSQ must be monitored by a level 2 observer.

(v) CDQ delivery report. Submit a CDQ delivery report described at § 679.5(n)(1) for each delivery of groundfish CDQ.

(vi) AFA inshore processors. Take deliveries from a vessel engaged in directed fishing for pollock CDQ without following an approved CMCP as described at § 679.28(g).

(4) Catcher/processors and motherships.

The operator of a catcher/processor or a mothership taking deliveries of unsorted codends from catcher vessels must comply with the following requirements:

(i) Prior notice to observer of CDQ catch. Notify the level 2 observer(s) before CDQ catch is brought onboard the vessel and notify the level 2 observer(s) of the CDQ group and CDQ number associated with the CDQ catch.

(ii) Observer sampling station. Provide an observer sampling station as described at § 679.28(d). A valid observer sampling station inspection report described at § 679.28(d)(8) must be on board the vessel at all times when a sampling station is required.

(iii) Obtain the data entry software provided by the Regional Administrator ("ATLAS software") for use by the observer and ensure that observer data can be transmitted from the vessel to NMFS at any time while the vessel is receiving, catching or processing CDQ species.

(iv) Catcher/processors using trawl gear and motherships. The operator of a catcher/processor using trawl gear or of a mothership taking deliveries of unsorted codends from catcher vessels must weigh all catch on a scale that complies with the requirements of § 679.28(b). A valid scale inspection report described at § 679.28(b)(2) must be on board the vessel at all times when a scale is required. Catch from each CDQ haul must be weighed separately. Catch must not be sorted before it is weighed, unless a provision for doing so is approved by NMFS for the vessel. Each CDQ haul must be sampled by a level 2 observer for species composition and the vessel operator must allow level 2 observers to use any scale approved by NMFS to weigh partial CDQ haul samples.

(v) Catcher/processors using nontrawl gear. Each CDQ set on a vessel using hook-and-line gear must be sampled by a level 2 observer for species composition and average weight.

***(e) Recordkeeping and reporting.***

***(1) Catch record.***

The manager of a shoreside processor or stationary floating processor must submit to NMFS the CDQ delivery report required in § 679.5(n)(1). The CDQ representative must submit to NMFS the CDQ catch report required in § 679.5(n)(2). Additionally, all other applicable requirements in § 679.5 for groundfish fishing must be met.

***(2) Verification of CDQ and PSQ catch reports.***

CDQ groups may specify the sources of data listed below as the sources they will use to determine CDQ and PSQ catch on the CDQ catch report by specifying "NMFS standard sources of data" on their request for approval of an eligible vessel. In the case of a catcher vessel using nontrawl gear, the CDQ group must specify on their request for approval of an eligible vessel whether the vessel will be retaining all groundfish CDQ (Option 1) or discarding some groundfish CDQ species at sea (Option 2). CDQ species may be discarded at sea by these vessels only if

the requirements of paragraph (d)(2)(ii)(B) of this section are met. NMFS will use the following sources to verify the CDQ catch reports, unless an alternative catch estimation procedure is approved by NMFS under paragraph (e)(3) of this section.

(i) Catcher vessels less than 60 ft (18.29 m) LOA. The weight or numbers of all CDQ and PSQ species will be the same as the information on the CDQ delivery report if all CDQ species and salmon PSQ are retained on board the vessel until delivered to a processor, and sorted and weighed in compliance with paragraph (d)(3) of this section.

(ii) Catcher vessels delivering unsorted codends. The weight and numbers of CDQ and PSQ species will be determined by applying the species composition sampling data collected for each CDQ haul by the level 2 observer on the mothership to the total weight of each CDQ haul as determined by weighing all catch from each CDQ haul on a scale approved under § 679.28(b).

(iii) Observed catcher vessels using trawl gear. The weight of halibut and numbers of crab PSQ discarded at sea will be determined by using the level 2 observer's sample data. The weight or numbers of all groundfish CDQ and salmon PSQ will be the same as the information submitted on the CDQ delivery report if all CDQ species and salmon PSQ are retained on board the vessel until delivered to a processor, and sorted and weighed in compliance with paragraph (d)(3) of this section.

***(iv) Observed catcher vessels using nontrawl gear.***

(A) Option 1. The weight of halibut PSQ discarded at sea will be determined by using the level 2 observer's sample data. The weight of all groundfish CDQ will be the same as the information submitted on the CDQ delivery report if all CDQ species are retained on board the vessel until delivered to a processor, and sorted and weighed in compliance with paragraph (d)(3) of this section (Option 1); or

(B) Option 2. The weight of halibut PSQ and all groundfish CDQ species will be determined by applying the level 2 observer's species composition sampling data to the estimate of total catch weight if any CDQ species are discarded at sea.

(v) Catcher/processors using trawl gear. The weight and numbers of CDQ and PSQ species will be determined by applying the level 2 observer's species composition sampling data for each CDQ haul to the total weight of the CDQ haul as determined by weighing all catch from each CDQ haul on a scale certified under § 679.28(b).

(vi) Catcher/processors using nontrawl gear. The weight of halibut PSQ and all groundfish CDQ species will be determined by applying the level 2 observer's species composition sampling data to the estimate of total catch weight, if any CDQ species are discarded at sea.

(3) Alternative methods for verification of CDQ and PSQ catch.

The method to be used to determine CDQ and PSQ catch for each vessel must be listed by a CDQ group on the request for approval of an eligible vessel. A CDQ group may propose the use of an alternative method, such as using only one observer where normally two would be required, sorting and weighing of all catch by species on processor vessels, or using larger sample sizes than could be collected by one observer, by submitting an alternative fishing plan attached to its request for approval of an eligible vessel. NMFS will review the alternative fishing plan and approve it or notify the qualified applicant in writing if the proposed alternative does not meet the requirements listed under paragraphs (e)(3)(i) through (iv) of this section. The CDQ group must provide a copy of the approved alternative fishing plan to the operator of the approved vessel. A copy of the alternative fishing plan approved by NMFS must be maintained onboard the vessel at all times while it is operating under the alternative fishing plan. Alternative fishing plans are valid for the remainder of the calendar year in which they are approved. Alternatives to the requirement for a certified scale or an observer sampling station will not be approved. NMFS will review the alternative fishing plan to determine if it meets all of the following requirements:

(i) The alternative proposed must provide equivalent or better estimates than use of the NMFS standard data source would provide and the estimates must be independently verifiable;

(ii) Each haul or set on an observed vessel must be able to be sampled by an observer for species composition;

(iii) Any proposal to sort catch before it is weighed must ensure that the sorting and weighing process will be monitored by an observer; and

(iv) The time required for the level 2 observer to complete sampling, data recording, and data communication duties must not exceed 12 hours in each 24-hour period and the level 2 observer must not be required to sample more than 9 hours in each 24-hour period.

**(f) Halibut CDQ**

(1) Applicability.

The CDQ group, the operator of the vessel, the manager of a shoreside processor or stationary floating processor, and the Registered Buyer must comply with the catch monitoring requirements of this paragraph (f) and with the R&R requirements of § 679.4(e) for the catch of CDQ halibut or while CDQ halibut fishing.

(2) Accounting for catch of groundfish CDQ while halibut CDQ fishing.

The manager of a shoreside processor or stationary floating processor must report on a CDQ delivery report described at § 679.5(n)(1), all groundfish CDQ delivered by vessels equal to or greater than 60 ft (18.3 m) LOA while halibut CDQ fishing and all sablefish CDQ delivered by vessels of any size while halibut CDQ fishing. The CDQ group must report on a CDQ catch report described at § 679.5(n)(2), all groundfish CDQ caught by vessels equal to or greater than 60 ft (18.3 m) LOA while halibut CDQ fishing and all sablefish CDQ retained by vessels of any size while halibut CDQ fishing. This groundfish CDQ will accrue to the CDQ group's groundfish CDQ allocations. The manager of a shoreside processor and the CDQ group are not required to report on the CDQ delivery report, groundfish, except sablefish CDQ, that is caught by vessels less than 60 ft (18.3 m) LOA while halibut CDQ fishing, and this catch (except sablefish CDQ) will not accrue against the CDQ group's groundfish CDQ allocations.

(3) Groundfish CDQ retention requirements.

Operators of vessels less than 60 ft (18.3 m) LOA are not required to retain and deliver groundfish CDQ species while halibut CDQ fishing, unless required to do so elsewhere in this part. Operators of vessels equal to or greater than 60 ft (18.3 m) LOA are required to comply with all groundfish CDQ and PSQ catch

accounting requirements in paragraphs (b) through (e) of this section, including the retention of all groundfish CDQ, if Option 1 under § 679.32(d)(2)(ii) is selected. CDQ species must be discarded when required by other provisions in subpart B of this part or, in waters within the State of Alaska, when discard is required by laws of the State of Alaska.

(4) Observer coverage requirements.

The owner or operator of a vessel equal to or greater than 60 ft (18.3 m) LOA halibut CDQ fishing as defined at § 679.2 or shoreside processors taking deliveries from vessels equal to or greater than 60 ft (18.3 m) LOA that are halibut CDQ fishing must comply with observer coverage requirements at § 679.50(c)(4) and (d)(4).

(5) Seabird avoidance requirements.

The CDQ group, and vessel owner or operator must comply with all of the seabird avoidance requirements at § 679.42(b)(2).

**§ 679.42 Limitations on use of QS and IFQ.**

**(a) IFQ regulatory area and vessel category.**

(1) The QS or IFQ specified for one IFQ regulatory area must not be used in a different IFQ regulatory area, except all or part of the QS and IFQ specified for regulatory area 4C may be harvested in either Area 4C or Area 4D.

(i) Notwithstanding § 679.4(d)(1), § 679.7(f)(4) and (f)(11), § 679.40(b)(1), (c)(3), and (e), from July 22, 2005 to November 15, 2005, all or part of the QS and IFQ specified for regulatory area 4C may be harvested in either Area 4C or Area 4D.

(ii) For the year 2006 and subsequent annual IFQ fishing seasons, all or part of the QS and IFQ specified for regulatory area 4C may be harvested in either Area 4C or Area 4D.

(2) The QS or IFQ assigned to one vessel category must not be used to harvest IFQ species on a vessel of a different vessel category, except:

(i) As provided in paragraph (k) of this section (processing fish other than IFQ halibut and IFQ sablefish);

(ii) As provided in § 679.41(i)(1) of this part (CDQ compensation QS exemption);

(iii) IFQ derived from QS held by a CQE may be used to harvest IFQ species from a vessel of any length.

(iv) In Areas 3B and 4C, category D QS and associated IFQ authorizes an IFQ permit holder to harvest IFQ halibut on a vessel less than or equal to 60 ft (18.3 m) LOA.

**(b) Gear.**

**(1) IFQ Fisheries.**

Halibut IFQ must be used only to harvest halibut with fishing gear authorized in § 679.2. Sablefish fixed gear IFQ must not be used to harvest sablefish with trawl gear in any IFQ regulatory area, or with pot gear in any IFQ regulatory area of the GOA.

**(2) Seabird avoidance gear and methods.**

The operator of a vessel using gear authorized at § 679.2 while fishing for IFQ halibut, CDQ halibut, or hook-and-line gear while fishing for IFQ sablefish must comply with requirements for seabird avoidance gear and methods set forth at § 679.24(e).

**(c) Requirements and deductions.**

(1) Any individual who harvests halibut or sablefish with fixed gear must:

(i) Have a valid IFQ permit or a valid IFQ hired master permit.

(ii) Be aboard the vessel at all times during the fishing trip and present during the landing.

(iii) Sign any required fish ticket.

(iv) Sign the IFQ Landing Report required by § 679.5(l)(2)(iii)(M) or § 679.5(l)(2)(iv)(D).

(2) NMFS shall use the following sources of information to debit a CDQ or IFQ account.

(i) Except as provided in § 679.5(l)(2)(iii)(J), if offload of unprocessed IFQ halibut, CDQ halibut or IFQ sablefish from a vessel, the scale weight of the halibut or sablefish product actually measured at the time of offload, as required by § 679.5(l)(2)(iii) to be included in the IFQ Landing Report.

(ii) If offload of processed IFQ & CDQ halibut or IFQ sablefish from a vessel, the scale weight of the halibut or sablefish processed product actually measured at or before the time of offload. If the product scale weights are taken before the time of offload, then the species and actual product weight of each box or container must be visibly marked on the outside of each container to facilitate enforcement inspection.

(3) All IFQ catch onboard a vessel must be debited from the IFQ permit holder's account under which the catch was harvested.



**(d) Emergency waivers and medical transfers.**

The person authorized to fish IFQ halibut or sablefish must be aboard the vessel during fishing operations and must sign the IFQ landing report except as provided in § 679.41 and under the following circumstances:

(1) Emergency waiver.

In the event of extreme personal emergency during a fishing trip involving a person authorized to fish IFQ halibut or sablefish, the requirements or paragraph (c)(1) of this section may be waived. The waiving of these requirements under this provision shall apply to IFQ halibut or IFQ sablefish retained on the fishing trip during which the emergency occurred.

(2) Medical transfers.

In the event of a medical condition affecting a QS holder or an immediate family member of a QS holder that prevents the QS holder from being able to participate in the halibut or sablefish IFQ fisheries, a medical transfer may be approved for the IFQ derived from the QS held by the person affected by the medical condition.

(i) General. A medical transfer will be approved if the QS holder demonstrates that:

(A) He or she is unable to participate in the IFQ fishery for which he or she holds QS because of a medical condition that precludes participation by the QS holder; or

(B) He or she is unable to participate in the IFQ fishery for which he or she holds QS because of a medical condition involving an immediate family member that requires the QS holder's full time attendance.

(ii) Eligibility. To be eligible to receive a medical transfer, a QS holder must:

(A) Possess one or more catcher vessel IFQ permits; and

(B) Not qualify for a hired master exception under paragraph (i)(1) of this section.

(iii) Application. A QS holder may apply for a medical transfer by submitting a medical transfer

application to the Alaska Region, NMFS. A QS holder who has received an approved medical transfer from RAM may transfer the IFQ derived from his or her own QS to an individual eligible to receive IFQ. A medical transfer application is available at <http://www.fakr.noaa.gov> or by calling 1-800-304-4846. Completed applications must be mailed to:

Restricted Access Management Program,  
NMFS, Alaska Region,  
P.O. Box 21668, Juneau, AK 99802-1668.

A complete application must include:

(A) The applicant's (transferor's) identity including his or her full name, NMFS person ID, date of birth, Social Security Number or Tax ID, permanent business mailing address, business telephone and fax numbers, and e-mail address (if any). A temporary mailing address may be provided, if appropriate;

(B) The recipient's (transferee's) identity including his or her full name, NMFS person ID, date of birth, Social Security Number or Tax ID, permanent business mailing address, business telephone and fax numbers, and e-mail address (if any). A temporary mailing address may be provided, if appropriate;

(C) The identification characteristics of the IFQ including whether the transfer is for halibut or sablefish IFQ, IFQ regulatory area, number of units, range of serial numbers for IFQ to be transferred, actual number of IFQ pounds, transferor (seller) IFQ permit number, and fishing year;

(D) The price per pound (including leases) and total amount paid for the IFQ in the requested transaction, including all fees;

(E) The primary source of financing for the transfer, how the IFQ was located, and the transferee's (buyer's) relationship to the transferor (seller);

(F) A written declaration from a licensed medical doctor, advanced nurse practitioner, or primary community health aide as those persons are defined in § 679.2. The declaration must include:

(1) The identity of the licensed medical doctor, advanced nurse practitioner, or primary community health aide including his or her full name, business telephone, permanent business mailing address (number and street, city and state, zip code), and

whether the individual is a licensed medical doctor, advanced nurse practitioner, or primary community health aide;

(2) A concise description of the medical condition affecting the applicant or applicant's family member including verification that the applicant is unable to participate in the IFQ fishery for which he or she holds IFQ permits during the IFQ season because of the medical condition and, for an affected family member, a description of the care required; and

(3) The dated signature of the licensed medical doctor, advanced nurse practitioner, or primary community health aide who conducted the medical examination;

(G) The signatures and printed names of the transferor and transferee, and date; and

(H) The signature, seal, and commission expiration of a notary public.

(iv) Restrictions.

(A) A medical transfer shall be valid only during the calendar year for which the permit is issued;

(B) A medical transfer will be issued only for the IFQ derived from the QS held by the applicant;

(C) NMFS will not approve a medical transfer if the applicant has received a medical transfer in any 2 of the previous 5 years for the same medical condition.

(v) Medical transfer evaluations and Appeals.

(A) Initial evaluation. The Regional Administrator will evaluate an application for a medical transfer submitted in accordance with paragraphs (d)(2)(iii) and (d)(2)(iv) of this section. An applicant who fails to submit the information specified in the application for a medical transfer will be provided a reasonable opportunity to submit the specified information or submit a revised application.

(B) Initial administrative determinations (IAD). The Regional Administrator will prepare and send an IAD to the applicant if the Regional Administrator determines that the application provided by the applicant is deficient or if the applicant fails to submit the specified information or a revised application. The

IAD will indicate the deficiencies in the application, including any deficiencies with the information on the revised application. An applicant who receives an IAD may appeal under the appeals procedures set out at § 679.43.

(e) *Sablefish QS use.*

(1) No person, individually or collectively, may use more than 3,229,721 units of sablefish QS, except if the amount of a person's initial allocation of sablefish QS is greater than 3,229,721 units, in which case that person may not use more than the amount of the initial allocation.

(2) In the IFQ regulatory area east of 140° W. long., no person, individually or collectively, may use more than 688,485 units of sablefish QS for this area, except if the amount of a person's initial allocation of sablefish QS is greater than 688,485 units, in which case that person may not use more than the amount of the initial allocation.

(3) No CQE may hold sablefish QS in the IFQ regulatory areas of the Bering Sea subarea and the Aleutian Islands subareas.

(4) No CQE may hold more than 3,229,721 units of sablefish QS on behalf of any single eligible community.

(5) In the IFQ regulatory area east of 140° W. long., no CQE may hold more than 688,485 units of sablefish QS for this area on behalf of any single eligible community.

(6) In the aggregate, all CQEs are limited to holding a maximum of 3 percent of the total QS in those IFQ regulatory areas specified in § 679.41(e)(2)(i) through (e)(2)(iv) of this part for sablefish in the first calendar year implementing the regulation in this section. In each subsequent calendar year, this aggregate limit on all CQEs shall increase by an additional 3 percent in each IFQ regulatory area specified in § 679.41(e)(2)(i) through (e)(2)(iv) of this part up to a maximum limit of 21 percent of the total QS in each regulatory area specified in §§ 679.41(e)(2)(i) through (e)(2)(iv) of this part for sablefish.

§ 679.42 Limitations on use of QS and IFQ

(7) No individual that receives IFQ derived from sablefish QS held by a CQE may hold, individually or collectively, more than 50,000 lb (22.7 mt) of IFQ sablefish derived from any sablefish QS source.

(8) A CQE receiving category B, or C sablefish QS through transfer may lease the IFQ resulting from that QS only to an eligible community resident of the eligible community on whose behalf the QS is held.

*(f) Halibut QS use.*

(1) Unless the amount in excess of the following limits was received in the initial allocation of halibut QS, no person, individually or collectively, may use more than:

(i) IFQ regulatory area 2C. 599,799 units of halibut QS.

(ii) IFQ regulatory area 2C, 3A, and 3B. 1,502,823 units of halibut QS.

(iii) IFQ regulatory area 4A, 4B, 4C, 4D, and 4E. 495,044 units of halibut QS.

(2) No CQE may receive an amount of halibut QS on behalf of any single eligible community which is more than:

(i) IFQ regulatory area 2C. 599,799 units of halibut QS.

(ii) IFQ regulatory area 2C, 3A, and 3B. 1,502,823 units of halibut QS.

(3) No CQE may hold halibut QS in the IFQ regulatory areas 4A, 4B, 4C, 4D, and 4E.

(4) A CQE representing an eligible community may receive by transfer or use QS only in the IFQ regulatory areas designated for that species and for that eligible community as described in Table 21 to this part.

(5) In the aggregate, all CQEs are limited to holding a maximum of 3 percent of the total QS in those IFQ regulatory areas specified in §§ 679.41(e)(3)(i) through (e)(3)(iii) for halibut in the first calendar year implementing the regulation in this

section. In each subsequent calendar year, this aggregate limit on all community quota entities shall increase by an additional 3 percent in each IFQ regulatory area specified in §§ 679.41(e)(3)(i) through (e)(3)(iii). This limit shall increase up to a maximum limit of 21 percent of the total QS in each regulatory area specified in §§ 679.41(e)(3)(i) through (e)(3)(iii) for halibut.

(6) No individual that receives IFQ derived from halibut QS held by a CQE may hold, individually or collectively, more than 50,000 lb (22.7 mt) of IFQ halibut derived from any halibut QS source.

(7) A CQE receiving category B or C halibut QS through transfer may lease the IFQ resulting from that QS only to an eligible community resident of the eligible community represented by the CQE.

*(g) Limitations on QS blocks.*

(1) Number of blocks per species.

No person, individually or collectively, may hold more than two blocks of sablefish or three blocks of halibut in any IFQ regulatory area, except:

(i) A person, individually or collectively, who holds unblocked QS for a species in an IFQ regulatory area, may hold only one QS block for that species in that regulatory area; and

(ii) A CQE may hold no more than ten blocks of halibut QS in any IFQ regulatory area and no more than five blocks of sablefish QS in any IFQ regulatory area on behalf of any eligible community.

(2) Action by the Regional Administrator in Areas 3B and 4A.

In Areas 3B and 4A, the Regional Administrator shall:

(i) Identify any halibut blocks that result in an allocation of more than 20,000 lb (9.1) mt of halibut IFQ, based on the 2004 TAC for fixed gear halibut in those areas and the QS pools for those areas as of January 31, 2004; and

(ii) Divide those halibut blocks into one block of 20,000 lb (9.1 mt) and the remainder unblocked, based on the 2004 TAC for fixed gear halibut in those areas

and the QS pools for those areas as of January 31, 2004.

(3) Transfer of QS blocks.

Notwithstanding paragraph (g)(1)(i) of this section, a person who holds more than one block of halibut QS and unblocked halibut QS as a result of the Regional Administrator's action under paragraph (g)(2) of this section may transfer unblocked QS until such time as that person transfers a halibut QS block to another person.

(4) Holding or to hold blocks of QS.

For purposes of this section, "holding" or "to hold" blocks of QS means being registered by NMFS as the person who received QS by initial assignment or approved transfer.

*(h) Vessel limitations.*

(1) Halibut.

No vessel may be used, during any fishing year, to harvest more than one-half percent of the combined total catch limits of halibut for IFQ regulatory areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, except that:

(i) In IFQ regulatory area 2C, no vessel may be used to harvest more than 1 percent of the halibut catch limit for this area.

(ii) No vessel may be used, during any fishing year, to harvest more than 50,000 lb (22.7 mt) of IFQ halibut from any halibut QS source if that vessel is used to harvest IFQ halibut derived from halibut QS held by a CQE.

(2) Sablefish.

No vessel may be used, during any fishing year, to harvest more than one percent of the combined fixed gear TAC of sablefish for the GOA and BSAI IFQ regulatory areas, except that:

(i) In the IFQ regulatory area east of 140° W. long., no vessel may be used to harvest more than 1 percent of the fixed gear TAC of sablefish for this area.

(ii) No vessel may be used, during any fishing year, to harvest more than 50,000 lb (22.7 mt) of IFQ sablefish from any sablefish QS source if that vessel is used to harvest IFQ sablefish derived from sablefish QS held by a CQE.

(3) A person who receives an approved IFQ allocation of halibut or sablefish in excess of these limitations may nevertheless catch and retain all of that IFQ with a single vessel, except that this provision does not apply if that IFQ allocation includes IFQ derived from QS held by a CQE. However, two or more persons may not catch and retain their IFQ in excess of these limitations.

*(i) Use of IFQ resulting from QS assigned to vessel category B, C, or D by individuals.*

In addition to the requirements of paragraph (c) of this section, IFQ permits issued for IFQ resulting from QS assigned to vessel category B, C, or D must be used only by the individual who holds the QS from which the associated IFQ is derived, except as provided in paragraph (i)(1) of this section.

(1) An individual who received an initial allocation of QS assigned to category B, C, or D does not have to be aboard the vessel on which his or her IFQ is being fished or to sign IFQ landing reports if that individual:

(i) For a documented vessel, owns a minimum 20-percent interest in the vessel as shown by the U.S. Abstract of Title issued by the U.S. Coast Guard that lists the individual as an owner and, if necessary to prove the required percentage ownership, other written documentation;

(ii) For an undocumented vessel, owns a minimum 20-percent interest in the vessel as shown by a State of Alaska vessel license or registration that lists the individual as an owner and, if necessary to show the required percentage ownership interest, other written documentation; and

(iii) Is represented on the vessel by a hired master employed by that individual and permitted in accordance with § 679.4(d)(2).

(2) Paragraph (i)(1) of this section does not apply to any individual who received an initial allocation of QS assigned to category B, C, or D and who, prior to April 17, 1997, employed a master to fish any of the IFQ issued to that individual, provided the individual continues to own the vessel from which the IFQ is being fished at no lesser percentage of ownership interest than that held on April 17, 1997, and provided

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that this individual has not acquired additional QS through transfer after September 23, 1997.

(3) Paragraph (i)(1) of this section does not apply to individuals who received an initial allocation of QS assigned to vessel category B, C, or D for halibut in IFQ regulatory Area 2C or for sablefish QS in the IFQ regulatory area east of 140° W. long., and this exemption is not transferable.

(4) The exemption provided in paragraph (i)(1) of this section may be exercised by an individual on a vessel owned by a corporation, partnership, or other entity in which the individual is a shareholder, partner, or member, provided that the individual maintains a minimum 20-percent interest in the vessel owned by the corporation, partnership, or other entity. For purposes of this paragraph, interest in a vessel is determined as the percentage ownership of a corporation, partnership, or other entity by that individual multiplied by the percentage of ownership of the vessel by the corporation, partnership, or other entity.

(5) IFQ derived from QS held by a CQE must be used only by the individual whose IFQ permit account contains the resulting IFQ.

***(j) Use of IFQ resulting from QS assigned to vessel categories B, C, or D by corporations and partnerships.***

(1) Except as provided in paragraph (j)(7) of this section, a corporation, partnership, or other entity that received an initial allocation of QS assigned to category B, C, or D may fish the IFQ resulting from that QS and any additional QS acquired within the limitations of this section from a vessel if that corporation, partnership or other entity:

(i) For a documented vessel, owns a minimum 20-percent interest in the vessel as shown by the U.S. Abstract of Title issued by the U.S. Coast Guard that lists the corporation, partnership or other entity as an owner and, if necessary to prove the required percentage ownership, other written documentation;

(ii) For an undocumented vessel, owns a minimum 20-percent interest in the vessel as shown by

a State of Alaska vessel license or registration that lists the corporation, partnership or other entity as an owner and, if necessary to show the required percentage ownership interest, other written documentation; and

(iii) Is represented on the vessel by a hired master employed by that individual and permitted in accordance with § 679.4(d)(2).

(2) The provision of paragraph (j)(1) of this section is not transferable and does not apply to QS assigned to vessel category B, C, or D for halibut in IFQ regulatory area 2C or for sablefish in the IFQ regulatory area east of 140° W. long. that is transferred to a corporation or partnership. Such transfers of additional QS within these areas must be to an individual pursuant to § 679.41(c) and be used pursuant to paragraphs (c) and (i) of this section.

(3) A corporation or partnership, except for a publicly-held corporation, that receives an initial allocation of QS assigned to vessel category B, C, or D loses the exemption provided under this paragraph (j) on the effective date of a change in the corporation or partnership from that which existed at the time of initial allocation.

(4) For purposes of this paragraph (j), “a change” means:

(i) For corporations and partnerships, the addition of any new shareholder(s) or partner(s), except that a court appointed trustee to act on behalf of a shareholder or partner who becomes incapacitated is not a change in the corporation or partnership; or

(ii) For estates, the final or summary distribution of the estate.

(5) The Regional Administrator must be notified of a change in the corporation, partnership, or other entity as defined in this paragraph (j) within 15 days of the effective date of the change. The effective date of change, for purposes of this paragraph (j), is the date on which the new shareholder(s) or partner(s) may realize any corporate liabilities or benefits of the corporation or partnership or, for estates, the date of the determination of a legal heir to the estate, or the date of the order for distribution of the estate.

(6) QS assigned to vessel category B, C, or D and IFQ resulting from that QS held in the name of a corporation, partnership, or other entity that changes, as defined in this paragraph (j), must be transferred to an individual, as prescribed in § 679.41, before it may be used at any time after the effective date of the change.

(7) A corporation or a partnership that received an initial allocation of QS assigned to category B, C, or D and that, prior to April 17, 1997, employed a master to fish any of the IFQ issued to that corporation or partnership may continue to employ a master to fish its IFQ on a vessel owned by the corporation or partnership provided that the corporation or partnership continues to own the vessel at no lesser percentage of ownership interest than that held on April 17, 1997, and provided that corporation or partnership did not acquire additional QS through transfer after September 23, 1997.

(8) A corporation, partnership, or other entity, except for a publicly held corporation, that receives an initial allocation of QS assigned to category B, C, or D must provide annual updates to the Regional Administrator identifying all current shareholders or partners and affirming the entity's continuing existence as a corporation or partnership.

(9) The exemption provided in this paragraph (j) may be exercised by a corporation, partnership, or other entity on a vessel owned by a person who is a shareholder in the corporation, partnership, or other entity, provided that the corporation, partnership, or other entity maintains a minimum of 20-percent interest in the vessel. For purposes of this paragraph (j), interest in a vessel is determined as the percentage of ownership in the corporation, partnership, or other entity by that person who is a shareholder in the corporation, partnership, or other entity, multiplied by the percentage of ownership in the vessel by that person who is a shareholder in the corporation, partnership, or other entity.

***(k) Sablefish vessel clearance requirements***

(1) General.

Any vessel operator who fishes for sablefish in the Bering Sea or Aleutian Islands IFQ regulatory areas must possess a transmitting VMS transmitter while fishing for sablefish.

(2) VMS requirements.

(i) The operator of the vessel must comply with § 679.28(f)(3), (f)(4), and (f)(5); and

(ii) The operator of the vessel must contact NMFS at 800-304-4846 (option 1) between 0600 and 0000 A.l.t. and receive a VMS confirmation number at least 72 hours prior to fishing for sablefish in the Bering Sea or Aleutian Islands IFQ regulatory areas.

§ 679.45 IFQ Cost Recovery Program

§ 679.45 *IFQ cost recovery program.*

(a) *Cost recovery fees*

(1) Responsibility.

The person documented on the IFQ permit as the permit holder at the time of an IFQ landing must comply with the requirements of this section. Subsequent transfer of QS or IFQ does not affect the permit holder's liability for noncompliance with this section.

(2) IFQ Fee Liability Determination.

After each IFQ fishing year, the Regional Administrator will issue each IFQ permit holder a summary of his or her IFQ pounds landed during that IFQ fishing year for each permit as part of the IFQ Landing and Estimated Fee Liability page described at § 679.5(1)(7)(ii)(C)(2). The summary will include an estimated IFQ fee liability based on the standard ex-vessel values of the landings. The summary and estimated fee liability will include details of IFQ equivalent pounds landed by permit, port or port-group, species, date, and IFQ standard prices. The permit holder must either accept NMFS's estimate of IFQ liability or revise NMFS's estimate of IFQ fee liability using the Fee Submission Form described at § 679.5(1)(7)(ii). If the permit holder revises NMFS's estimate of his or her fee liability, NMFS may request in writing that the permit holder submit documentation establishing the factual basis for the revised calculation. If the permit holder fails to provide adequate documentation by the 30th day after the date of such request, NMFS will determine the IFQ permit holder's fee liability based on standard ex-vessel values.

(3) Fee Collection.

An IFQ permit holder with an IFQ landing is responsible for self-collecting his or her own fee during the calendar year in which the IFQ fish is harvested.

(4) Payment

(i) Payment due date. An IFQ permit holder must submit his or her IFQ fee liability payment(s) to NMFS at the address provided in this section at paragraph (a)(4)(iii) of this section not later than January 31 of the year following the calendar year in which the IFQ landings were made.

(ii) Payment recipient. Make payment payable to NMFS.

(iii) Payment address. Mail payment and related documents to:

Administrator, Alaska Region, NMFS,  
Attn: RAM Program,  
P.O. Box 21668,  
Juneau, AK 99802 1668,  
FAX: (907) 586-7354.

or submit electronically to NMFS via forms available from RAM or on the RAM area of the Alaska Region Home Page at

<http://www.fakr.noaa.gov/ram>.

(iv) Payment method. Payment must be made in U.S. dollars by personal check drawn on a U.S. bank account, money order, bank certified check, or credit card.

(b) *IFQ ex-vessel value determination and use*

(1) General.

An IFQ permit holder must use either the IFQ standard ex-vessel value or the IFQ actual ex-vessel value when determining the IFQ fee liability based on ex-vessel value. An IFQ permit holder must base all fee liability calculations on the ex-vessel value that correlates to landed IFQ fish that is recorded in IFQ equivalent pounds.

(2) IFQ actual ex-vessel value.

An IFQ permit holder that uses actual ex-vessel value, as defined in § 679.2, to determine IFQ fee liability must document actual ex-vessel value for each IFQ permit.

(c) *IFQ standard ex-vessel value determination and use*

(1) Use of standard price.

An IFQ permit holder that uses standard ex-vessel value to determine the IFQ fee liability as part of a revised IFQ fee liability submission must use the corresponding standard price(s) as published in the *Federal Register*.

§ 679.45 IFQ Cost Recovery Program

(2) Duty to publish list.

(i) General. Each year the Regional Administrator will publish IFQ standard prices in the *Federal Register* during the last quarter of each calendar year. The standard prices will be described in U.S. dollars per IFQ equivalent pound, for IFQ halibut and sablefish landings made during the current calendar year.

(ii) Effective duration. The IFQ standard prices will remain in effect until revised by the Regional Administrator by notification in the Federal Register based upon new information of the type set forth in this section. IFQ standard prices published in the *Federal Register* by NMFS shall apply to all landings made in the same calendar year as the IFQ standard price publication and shall replace any IFQ standard prices previously provided by NMFS that may have been in effect for that same calendar year.

(iii) Determination. NMFS will calculate the IFQ standard prices to reflect, as closely as possible by month and port or port-group, the variations in the actual ex-vessel values of IFQ halibut and IFQ sablefish landings based on information provided in the IFQ Buyer Reports as described in § 679.5(l)(7)(i). The Regional Administrator will base IFQ standard prices on the following types of information:

(A) Landed pounds by IFQ species, port-group, and month;

(B) Total ex-vessel value by IFQ species, port-group, and month; and

(C) Price adjustments, including IFQ retro-payments.

(d) *IFQ fee percentage.*

(1) Established percentage.

The **annual** IFQ fee percentage is **the amount as determined by the factors and methodology described in paragraph (d)(2) of this section. This amount will be announced by publication in the Federal Register in accordance with paragraph (d)(3) of this section. This amount must not exceed 3 percent pursuant to 16 U.S.C. 1854(d)(2)(B).**

(2) Calculating fee percentage value.

Each year **NMFS shall calculate and publish** the fee percentage **according to the following factors and methodology:**

(i) Factors. **NMFS must use the following factors to determine the fee percentage:**

(A) The catch to which the IFQ fee will apply;

(B) The ex-vessel value of that catch;

(C) The costs directly related to the management and enforcement of the IFQ program;

(ii) Methodology. **NMFS must use the following equation to determine the fee percentage:**

$$100 \times (DPC / V)$$

where:

DPC is the direct program costs for the IFQ fishery for the previous fiscal year, **and**

V is the ex-vessel value of the catch subject to the IFQ fee for the current year.

(3) Publication.

(i) General. During or before the last quarter of each year, **NMFS shall publish the IFQ fee percentage in the Federal Register. NMFS shall base any calculations on the factors and methodology in paragraph (d)(2) of this section.**

(ii) Effective period. **The calculated IFQ fee percentage shall remain** in effect through the end of the calendar year in which it was determined.

(4) Applicable percentage.

The IFQ permit holder must use the IFQ fee percentage in effect at the time an IFQ landing is made to calculate his or her fee liability for such landed IFQ pounds. The IFQ permit holder must use the IFQ percentage in effect at the time an IFQ retro-payment is received by the IFQ permit holder to calculate his or her IFQ fee liability for the IFQ retro-payment.



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***(e) Non-payment of fee.***

If an IFQ permit holder does not submit a complete Fee Submission Form and corresponding payment by the due date described in § 679.45(a)(2) and (3), the Regional Administrator may:

(1) At any time thereafter send an IAD to the IFQ permit holder stating that the IFQ permit holder's estimated fee liability, as calculated by the Regional Administrator and sent to the IFQ permit holder pursuant to § 679.45(a)(2) is the amount of IFQ fee due from the IFQ permit holder.

(2) Disapprove any transfer of IFQ or QS to or from the IFQ permit holder in accordance with § 679.41(c)(8)(i). Upon final agency action determining that an IFQ permit holder has not paid his or her IFQ fee liability, any IFQ fishing permit held by the IFQ permit holder is not valid until all IFQ fee liabilities are paid. If payment is not received by the 30th day after the final agency action, the matter will be referred to the appropriate authorities for purposes of collection.

***(f) Underpayment of IFQ fee.***

(1) When an IFQ permit holder has incurred a fee liability and made a timely payment to NMFS of an amount less than the NMFS estimated IFQ fee liability, the Regional Administrator will review the Fee Submission Form and related documentation submitted by the IFQ permit holder. If the Regional Administrator determines that the IFQ permit holder has not paid a sufficient amount, the Regional Administrator may disapprove any transfer of IFQ or QS to or from the IFQ permit holder in accordance with § 679.41(c)(4). The Regional Administrator will notify the IFQ permit holder by letter that an insufficient amount has been paid and that the IFQ permit holder has 30 days from the date of the letter to either pay the amount determined to be due or provide additional documentation to prove that the amount paid was the correct amount. The Regional Administrator will evaluate any additional documentation submitted by an IFQ permit holder in support of his or her payment. If the Regional Administrator determines that the additional documentation does not meet the IFQ permit holder's burden of proving his or her payment is correct, the Regional Administrator will send the permit holder an IAD indicating that the

permit holder did not meet the burden of proof to change the IFQ fee liability as calculated by the Regional Administrator based upon the IFQ standard ex-vessel value.

(2) After expiration of the 30-day period, the Regional Administrator will issue an IAD and notify the IFQ permit holder. The IAD will set out the facts and indicate the deficiencies in the documentation submitted by the permit holder. An IFQ permit holder who receives an IAD may appeal pursuant to § 679.43. In an appeal of an IAD made under this section, the IAD permit holder has the burden of proving his or her claim.

(3) If the permit holder fails to file an appeal of the IAD pursuant to § 679.43, the IAD will become the final agency action. If the IAD is appealed and the final agency action is a determination that additional sums are due from the IFQ permit holder, the IFQ permit holder must pay any IFQ fee amount determined to be due not later than 30 days from the issuance of the final agency action. Once a fee liability determination becomes final, any IFQ fishing permit held by the IFQ permit holder will be deemed not valid until all IFQ fee liabilities have been paid. If payment is not received by the 30th day after the final agency action, the matter will be referred to the appropriate authorities for purposes of collection.

***(g) Over payment.***

Upon issuance of final agency action, any amount submitted to NMFS in excess of the IFQ fee liability determined to be due by the final agency action will be returned to the IFQ permit holder unless the permit holder requests the agency to credit the excess amount against the IFQ permit holder's future IFQ fee liability.

***(h) Appeals and requests for reconsideration.***

An IFQ permit holder who receives an IAD may either appeal the IAD pursuant to § 679.43 or request reconsideration. Within 60 days from the date of issuance of the IAD, the Regional Administrator may undertake a reconsideration of the IAD on his or her own initiative. If a request for reconsideration is submitted or the Regional Administrator initiates a reconsideration, the 60-day period for appeal under § 679.43 will begin anew upon issuance of the

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Regional Administrator's reconsidered IAD. The Regional Administrator may undertake only one reconsideration of the IAD, if any. If an IFQ permit holder fails to file an appeal of the IAD pursuant to § 679.43, the IAD will become the final agency action. In any appeal or reconsideration of an IAD made under this section, an IFQ permit holder has the burden of proving his or her claim.

*(i) Annual report.*

NMFS will publish annually a report describing the status of the IFQ Cost Recovery Program.

# Administrative Management and Executive Secretariat

NAO 216-100

**PROTECTION OF CONFIDENTIAL FISHERIES STATISTICS** Eff: 7/18/94; Iss: 7/26/94

## SECTION 1. PURPOSE.

. 01 This Order:

- a. prescribes policies and procedures for protecting the confidentiality of data submitted to and collected by the National Oceanic and Atmospheric Administration (NOAA)/National Marine Fisheries Service (NMFS) as authorized or required by law;
- b. informs authorized users of their obligations for maintaining the confidentiality of data received by NMFS;
- c. provides for operational safeguards to maintain the security of data; and
- d. states the penalties provided by law for disclosure of confidential data.

## SECTION 2. SCOPE.

This Order covers all confidential data received, collected, maintained, or used by NMFS.

## SECTION 3. DEFINITIONS.

. 01 **Access to data** means the freedom or ability to use data, conditioned by a statement of nondisclosure and penalties for unauthorized use.

. 02 **Aggregate or summary form** means data structured so that the identity of the submitter cannot be determined either from the present release of the data or in combination with other releases.

. 03 **Agreement** refers to all binding forms of mutual commitment under a stated set of conditions to achieve a specific objective.

. 04 **Assistant Administrator** means the Assistant Administrator for Fisheries, NOAA, or a designee authorized to have access to confidential data.

. 05 **Authorized Use/User.**

a. **Authorized use** is that specific use authorized under the governing statute, regulation, order, contract or agreement.

b. An **authorized user** is any person who, having the need to collect or use confidential data in the performance of an official activity, has read this Order and has signed a statement of nondisclosure affirming the user's understanding of NMFS obligations with respect to confidential data and the penalties for unauthorized use and disclosure.

. 06 **Confidential data** means data that are identifiable with any person, accepted by the Secretary, and prohibited by law from being disclosed to the public. The term "as used" does not convey data sensitivity for national security purposes [See Executive Order (E.O.) 12356 dated April 2, 1982].

. 07 **Data** refers to information used as a basis for reasoning, discussion, or calculation that a person may submit, either voluntarily or as required by statute or regulation.

. 08 **GC** means the Office of General Counsel, NOAA.

. 09 **Person** means any individual (whether or not a citizen or national of the United States), any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of such governments, including Regional Fishery Management Councils (Councils).

. 10 **Public** means any person who is not an authorized user.

. 11 **Region** means NMFS Regional field offices, Fisheries Science Centers, and associated laboratories.

. 12 **Source document** means the document, paper, or electronic format on which data are originally recorded.

. 13 **State employee** means any member of a State agency responsible for developing and monitoring the State's program for fisheries or Marine Mammal Protection Act (MMPA) program.

. 14 **Submitter** means any person or the agent of any person who provides data to NMFS either

voluntarily or as required by statute or regulation.

#### **SECTION 4. POLICY.**

For data subject to this Order, it is NMFS policy that:

- a. confidential data shall only be disclosed to the public if required by the Freedom of Information Act (FOIA), 5 U.S.C. 552, the Privacy Act, 5 U.S.C. 552a, or by court order. Disclosure of data pursuant to a subpoena issued by an agency of competent jurisdiction is a lawful disclosure. Disclosure pursuant to a subpoena must be approved by GC;
- b. individual identifiers shall be retained with data, unless the permanent deletion is consistent with the needs of NMFS and good scientific practice [See Section 6.02c]; and
- c. a notice is required on all report forms requesting data and must comply with 5 U.S.C. 552a(e)(3) and Paperwork Reduction Act requirements in NAO 216-8, Information Collections and Requirements Needing Office of Management and Budget Clearance. [See E.O. 12600 of June 23, 1987, for additional information regarding the rights of submitters to designate commercial confidential data at the time of submission.]

#### **SECTION 5. OPERATIONAL RESPONSIBILITIES.**

. 01 The Regional Director of each region (or, in the case of headquarters, each Office Director) has the responsibility to maintain the confidentiality of all data collected, maintained, and disclosed by the respective region.

. 02 Each region shall submit to the Assistant Administrator specific procedures governing the collection, maintenance, and disclosure of confidential data. These documents shall be compiled as regional handbooks following the guidelines and standards:

- a. handbooks are to be developed in detail to ensure the maintenance of confidential data on a functional basis in each region; and
- b. handbooks shall be coordinated through the National Data Management Committee (a NMFS group established by the Assistant Administrator to develop data management policies and procedures) and reviewed annually. The regional handbooks will address, at minimum, the contents of Sections 6-7.

#### **SECTION 6. PROCEDURES.**

. 01 **Data Collection.** To collect data, the Secretary may use Federal employees, contractor employees, or, pursuant to an agreement, State employees.

##### **a. General Requirements.**

1. Personnel authorized to collect Federal data must maintain all documents containing confidential data in secure facilities; and
2. may not disclose confidential data, whether recorded or not, to anyone not authorized to receive and handle such data.

##### **b. Specific Requirements.**

1. Each Federal or contractor employee collecting or processing confidential data will be required to read, date, and sign a statement of nondisclosure, that affirms the employee's understanding of NMFS obligations with respect to confidential data and the penalties for unauthorized use and disclosure of the data. Upon signature, the employee's name will be placed on record as an "authorized user," and the employee will be issued certification.
2. Data collected by a contractor must be transferred timely to authorized Federal employees; no copies of these data may be retained by the contractor. NMFS may permit contractors to retain aggregated data. A data return clause shall be included in the agreement. All procedures applicable to Federal employees must be followed by contractor employees collecting data with Federal authority.
3. Under agreements with the State, each State data collector collecting confidential data will sign a statement at least as protective as the one signed by Federal employees, which affirms that the signer understands the applicable procedures and regulations and the penalties for unauthorized disclosure.

##### **.02 Maintenance.**

- a. Maintenance is defined as the procedures required to keep confidential data secure from the time the source documents are received by NMFS to their ultimate disposition, regardless of format. [See National Institute of Standards and Technology "Computer Security Publications, List 91" for guidance.]
- b. Specific procedures in regional handbooks must deal with the following minimum security requirements, as well as any others that may be necessary because of the specific data, equipment, or physical facilities:
  1. the establishment of an office or person responsible for evaluating requests for access to data;

2. the identifications of all persons certified as authorized users. These lists shall be kept current and reviewed on an annual basis;
  3. the issuance of employee security rules that emphasize the confidential status of certain data and the consequences of unauthorized removal or disclosure;
  4. the description of the security procedures used to prevent unauthorized access to and/or removal of confidential data;
  5. the development of a catalog/inventory system of all confidential data received including: the type of source document; the authority under which each item of data was collected; any statutory or regulatory restriction(s) which may apply; and routing from the time of receipt until final disposition; and
  6. The development of an appropriate coding system for each set of confidential data so that access to data that identifies, or could be used to identify, the person or business of the submitter is controlled by the use of one or more coding system(s). Lists that contain the codes shall be kept secure.
- c. The permanent deletion of individual identifiers from a database shall be addressed on a case-by-case basis. Identifiers may only be deleted after:
1. future uses of data have thoroughly been evaluated, e.g., the need for individual landings records for allocating shares under an individual transferable quota program;
  2. consultation with the agency(s) collecting data (if other than NMFS), the relevant Council(s), and NMFS Senior Scientist; and
  3. concurrence by the Assistant Administrator has been received prior to deletion.

**.03 Access to Data Subject to This Order.**

- a. **General Requirements.** In determining whether to grant a request for access to confidential data, the following information shall be taken into consideration:

1. the specific types of data required;
2. the relevance of the data to the intended uses;
3. whether access will be continuous, infrequent, or one-time;
4. an evaluation of the requester's statement of why aggregate or nonconfidential summaries of data would not satisfy the requested needs; and
5. the legal framework for the disclosure, in accordance with GC and this Order.

- b. **Within NMFS.** NMFS employees requesting confidential data must have certification as being authorized users for the particular type of data requested.

- b. **Councils.** Upon written request by the Council Executive Director:

1. "authorized user" status for confidential data collected under the Magnuson Fishery Conservation and Management Act (Magnuson Act) may be granted to a Council for use by the Council for conservation and management purposes consistent with the approval of the Assistant Administrator as described in 50 CFR 603.5;
2. "authorized user" status for confidential data, collected under the Magnuson Act and MMPA, will be granted to Council employees who are responsible for Fishery Management Plan development and monitoring; and
3. Councils that request access to confidential data must submit, on an annual basis, a copy of their procedures for ensuring the confidentiality of data to the region, or in the case of intercouncil fisheries, regions. The procedures will be evaluated for their effectiveness and, if necessary, changes may be recommended. As part of this procedure, an updated statement of nondisclosure will be included for each employee and member who requires access to confidential data.

d. **States.**

1. Requests from States for confidential data shall be directed in writing to the NMFS office that maintains the source data.
2. Each request will be processed in accordance with any agreement NMFS may have with the State:
  - (a) confidential data collected **solely** under Federal authority will be provided to a State by NMFS only if the Assistant Administrator finds that the State has authority to protect the confidentiality of the data comparable to, or more stringent than, NMFS' requirements; and
  - (b) the State will exercise its authority to limit subsequent access and use of the data to those uses allowed by authorities under which the data was collected.

3. If the State has no agreement with NMFS for the collection and exchange of confidential data, the request shall be treated as a public request and disclosure may be denied subject to FOIA or the Privacy Act.

4. Where a State has entered into a cooperative exchange agreement with another State(s), NMFS will facilitate transfer or exchange of State collected data in its possession if:

- (a) NMFS has written authorization for data transfer from the head of the collecting State agency; and
- (b) the collecting State has provided NMFS a list of authorized users in the recipient State(s); and
- (c) the collecting State agrees to hold the United States Government harmless for any suit that may arise from the misuse of the data.

**e. Contractors.**

1. Pursuant to an agreement with NMFS, a NMFS contractor (including universities, Sea Grant investigators, etc.) may be granted "authorized user" status consistent with this Order if the use furthers the mission of NMFS.

2. The region will notify the contractor of its decision on access in writing within 30 calendar days after receipt of the request.

3. Contingent upon approval, the contractor will be provided with details regarding conditions of data access, any costs involved, formats, timing, and security procedures. If the request is denied, the reason(s) for denial will be given by the NMFS office involved. The denial will not preclude NMFS consideration of future requests from the contractor.

4. If access is granted, language in the agreement specifically dealing with confidentiality of data will be required. The language shall include all of the relevant portions of this Order and shall prohibit the further disclosure of the data. No data may be retained beyond the termination date of the agreement; and any disclosure of data derived from the accessed confidential data must be approved by NMFS.

5. Each agreement shall be reviewed by GC prior to its execution, and shall, to the extent possible, be consistent with the model agreement contained in Appendix D (Not included --WebEd).

**f. Submitters.** The Privacy Act allows for data to be released back to the submitter upon receipt and verification of a written request stating the data required.

**04. Requests for Confidential Data.** NMFS is authorized to collect data under various statutes [See Appendix A (Not include --WebEd)]. Two types of statutes govern the disclosure of confidential data collected by the Federal Government, those that contain specific and non-discretionary language within the Act, and those that provide overall guidance to the Federal Government. Sections of these Acts that deal with exceptions to disclosure may be found in Appendix B (Not included -- WebEd).

**a. Magnuson Act and MMPA.**

1. Data collected under 16 U.S.C. 1853 (a) or (b), and 16 U.S.C. 1383a (c),(d),(e),(f),or (h) will be handled in the following manner:

(a) data will only be disclosed to Federal employees and Council employees who are responsible for management plan development and monitoring; State employees pursuant to an agreement with the Secretary that prevents public disclosure of the identity or business of any person; a Council for conservation and management purposes [not applicable for MMPA data] or when required by court order. [See 50 CFR 229.10 and part 603];

(b) Council advisory groups are not permitted access to such confidential data [See 50 CFR 601.27(b)];

(c) requests from States that do not have an agreement with the Secretary will be processed in accordance with the Privacy Act or FOIA; and

(d) data collected by an observer under 16 U.S.C. 1853 (a) or (b) are not considered to have been "submitted to the Secretary by any person," and therefore are not confidential under Section 6.04.a of this Order. Data collected by an observer may be withheld from disclosure under the Privacy Act, or subsections (b)(3),(4),(5),(6), or (7) of FOIA.

2. Confidential data submitted to the Secretary under other Sections of the Magnuson Act or MMPA may only be disclosed in accordance with the Privacy Act or FOIA. Types of data and the collection authority may include among others:

(a) Processed Product Data -- 16 U.S.C. 1854(e);

(b) Fish Meal and Oil, Monthly -- 16 U.S.C. 1854(e);

(c) Data Collected Under State Authority and Provided to NMFS -- 16 U.S.C. 1854(e); and

(d) Tuna-Dolphin Observer Program -- 16 U.S.C. 1361 et seq.

b. **South Pacific Tuna Act.** Data collected under South Pacific Tuna Act 16 U.S.C. 973j is protected from disclosure to the public in accordance with section 973j(b).

c. **Other Statutes.** Confidential data collected under other NMFS programs as authorized by statutes other than South Pacific Tuna Act (16 U.S.C 973j), MMPA (16 U.S.C. 1361 et seq.), and Magnuson Act (16 U.S.C. 1801 et seq.), may only be disclosed to the public in accordance with the Privacy Act and FOIA. Types of data and the collection authority may include among others:

- (1) Monthly Cold Storage Fish Report -- 16 U.S.C. 742(a);
- (2) Market News Data -- 16 U.S.C. 742(a); and
- (3) Seafood Inspection Data -- 7 U.S.C. 1621 et seq.

**d. Special Procedures.**

1. **Cold Storage Summary Reports.** NMFS publishes monthly cold storage holdings of fishery products. Advance knowledge of the content of these reports could give those who trade in the products an opportunity to gain competitive advantage. Therefore, in addition to the confidential protection provided to individual reports, the monthly summary report will not be disclosed to the public until 3:00 p.m. Eastern Time of the official release date. Release dates for these data are published 1 year in advance in November, and can be obtained from the NMFS Fisheries Statistics Division.

2. **Surplus commodity purchases by USDA.** NMFS and the Department of Agriculture (USDA) have an interagency agreement relating to the purchase of surplus fishery products. NMFS is responsible for providing confidential data and recommendations to the USDA regarding these purchases. Advance knowledge of these data could cause a competitive advantage or disadvantage to the general public, fishing industry, and the program. Therefore, all NMFS personnel engaged in the surplus commodity purchase program will be required to sign a specific "USDA Responsibility Statement." A copy will be maintained in the Office of Trade Services.

3. **Agreements for Disclosure of Confidential Data.** A letter of agreement may authorize the disclosure of confidential data when both the Government and the submitter agree to disclosure of the data. The need to provide security for the data will vary depending on the type of data collected and the form of the disclosure. Disclosure can be undertaken if all the following conditions are met:

- (a) the person has agreed in writing to the disclosure and is aware that disclosure is irrevocable;
- (b) the recipient has been informed in writing of the sensitivity of the data; and
- (c) the wording of the agreement has been approved by GC.

.05 Disposal. NAO 205-1, NOAA Records Management Program, shall govern the disposition of records covered under this Order.

**SECTION 7. PENALTIES.**

.01 **Civil and Criminal.** Persons who make unauthorized disclosure of confidential data may be subject to civil penalties or criminal prosecution under:

- a. Trade Secrets Act (18 U.S.C. 1905);
- b. Privacy Act (5 U.S.C. 552a(i)(1));
- c. Magnuson Act (16 U.S.C. 1858); and
- d. MMPA (16 U.S.C. 1375).

.02 **Conflict of Interest.** Employees are prohibited by Department of Commerce employee conduct regulations [15 CFR part 0] and by ethics regulations applicable to the Executive Branch [5 CFR 2635.703] from using nonpublic information subject to this Order for personal gain, whether or not there is a disclosure to a third party.

.03 **Disciplinary Action.** Persons may be subject to disciplinary action, including removal, for failure to comply with this Order. Prohibited activities include, but are not limited to, unlawful disclosure or use of the data, and failure to comply with implementing regulations or statutory prohibitions relating to the collection, maintenance, use and disclosure of data covered by this Order.

**SECTION 8. EFFECT ON OTHER ISSUANCES.** None.

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 022805A]

**Mid-Atlantic Fishery Management Council; Tilefish Fishery; Meetings**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of scoping meetings.

**SUMMARY:** The Mid-Atlantic Fishery Management Council announces its intention to hold scoping meetings to seek public comment on issues to be addressed when developing Amendment 1 to the Tilefish Fishery Management Plan pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1976, as amended. The purpose of these scoping meetings is to solicit input on management issues to be included in Amendment 1.

**DATES:** Public scoping meetings will be held on Monday, March 21, 2005, at 7 p.m. and Tuesday March 22, 2005, at 7 p.m.

**ADDRESSES:** Two scoping meetings will be held in March. Dates, times, and locations of the scoping meetings are scheduled as follows:

1. Monday, March 21, 2005, at 7 p.m. — The Southampton Inn, 91 Hill Street, Southampton, NY 11968 (telephone 631-283-6500).

2. Tuesday, March 22, 2005, at 7 p.m. — Clarion Hotel and Convention Center-Atlantic City West, 6821 Black Horse Pike, Atlantic City, EHT, NJ 08234 (telephone 800-782-9237 or 609-272-0200).

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 300 S. New Street Suite 2115, Dover, DE 19904 (telephone 302-674-2331).

**SUPPLEMENTARY INFORMATION:** It is anticipated that the following issues will be discussed at these meetings: (1) The possible implementation of an individual fishing quota system; (2) consideration of possible new methods to collect landings information for the commercial fishery; (3) recreational management measures; (4) a required minimum hook size and/or hook configuration in the commercial tilefish fishery; and (5) methods to allow new entrants into the commercial fishery as the stock recovers.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Debbie Donnangelo at the Mid-Atlantic Council, telephone (302) 674-2331, at least 5 days prior to the meeting date.

Dated: February 28, 2005.

**Alan D. Risenhoover,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. E5-840 Filed 3-2-05; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 022505C]

**North Pacific Fishery Management Council; Notice of Public Meeting**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Meetings of the North Pacific Fishery Management Council Gulf Rationalization Community Committee.

**SUMMARY:** The North Pacific Fishery Management Council (Council) Scallop Plan Team will meet at the Clarion Suites, in Anchorage, AK.

**DATES:** March 3, 2005, 9 am – 5 pm, Glacier Room.

**ADDRESSES:** Clarion Suites, 325 W 8th Avenue, Anchorage, AK 99501.

*Council address:* North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

**FOR FURTHER INFORMATION CONTACT:** Diana Stram, Council staff, Phone: 907-271-2809.

**SUPPLEMENTARY INFORMATION:** The Committee will review and revise Plan Team terms of reference, review the status of Statewide Scallop stocks. Compile Stock Assessment Fishery Evaluation report. Discuss research needs, review revised Fishery Management Plan, observer program, update on Council action with respect to approval of Amendment 10, discussion of Fishermen's Cooperative Marketing Act, scallop cooperative and scallop fishery.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language

interpretation or other auxiliary aids should be directed to Gail Bendixen at 907-271-2809 at least 7 working days prior to the meeting date.

Dated: February 28, 2005.

**Alan D. Risenhoover,**

*Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. E5-894 Filed 3-2-05; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration (NOAA)**

[Docket No.: 050225045-5045-01]

**Privacy Act of 1974: System of Records**

**AGENCY:** Department of Commerce.

**ACTION:** Notice of a new Privacy Act System of Records: COMMERCE/NOAA System-16; Crab Economic Data Report for Bering Sea/Aleutian Islands Management Area (BSAI) off the coast of Alaska.

**SUMMARY:** This notice establishes the Department's proposal for a new system of records under the Privacy Act. The National Marine Fisheries Service (NMFS), Alaska Region, is creating a new system of records for the mandatory collection of crab economic data. Eight versions of a form, specific to the four types of crab activity and one specific for historical information that occurred prior to the Crab Rationalization Program and one for annual information to be submitted annually, entitled, "Crab Economic Data Report (EDR)," will be used to collect information on costs of fishing and processing, revenues for harvesters and processors, and employment information required under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Information obtained through the EDR would be accessible by the independent Data Collection Agent (DCA) under cooperative agreement with NMFS, Alaska Region, to distribute forms, receive forms, review, and verify information in the crab economic surveys (*see* SYSTEM LOCATION). Each vessel owner or lessee and each plant owner or lessee that participated in the specified crab fisheries since 1996 will be required to submit a EDR to the DCA by mail, FAX, or electronic file.

**DATES:** To be considered, written comments must be submitted on or before April 4, 2005. Unless comments are received, the new system of records



will become effective as proposed on the date of publication of a subsequent notice in the **Federal Register**.

**ADDRESSES:** Comments may be mailed to Sue Salvesson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK, 99802, Attn: Lori Durall, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK, 99802.

**FOR FURTHER INFORMATION CONTACT:** Patsy A. Bearden, 907-586-7008.

**SUPPLEMENTARY INFORMATION:** NMFS, Alaska Region, is creating a new system of records for two purposes: The first is to evaluate the economic effects of the Crab Rationalization Program, specifically the effects on the harvesting and processing sectors, to determine the economic efficiency and distributional effects of the Program. The second is to provide information to the Department of Justice and Federal Trade Commission to assist in anti-trust analysis of the Program. All vessel owners or lessees and plant owners or lessees who participated in the specified crab fisheries since 1996 will be required to submit the appropriate EDR (specific to the type of activity and whether historical or annual) to the NOAA-approved DCA. The owner will identify lessee on the EDR (name and other contact information). If the vessel or plant owner or lessee did not conduct crab activity for a given year, he or she would send in only the certification page from the EDR for that year declaring no activity for that year.

The system is designed as follows: (1) Participants will be required to submit a historical EDR and an annual EDR to the NOAA-approved DCA; (2) The DCA will provide the EDR information without individual identifiers to NMFS Alaska Region, State of Alaska Department of Fish and Game, and the North Pacific Fishery Management Council; (3) Upon request, the DCA will provide the EDR information with individual identifiers to NOAA Office for Enforcement and the U.S. Coast Guard, and (4) Upon request, DCA will provide the EDR information with individual identifiers to the DOJ and FTC to assist in anti-trust analysis of the Program.

**COMMERCE/NOAA-16**

**SYSTEM NAME:**

Crab Economic Data Report (EDR) for BSAI off the coast of Alaska.

**SYSTEM CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Pacific States Marine Fisheries Commission, 612 West Willoughby Avenue, Juneau, Alaska, 99802.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Owners or lessees of vessels that harvest or process crab beginning with year 1996, including all future data, and owners or lessees of plants that process crab beginning with 1996, including all future data. Crew members. Captains (operators) of vessels.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

System includes records for historical, annual, and current EDRs including financial information, crab harvest activity and cost, crab product and cost information, labor cost information for crew, and crab sales information. Each report includes the following: the name, title, telephone number, FAX number, and e-mail address of the person completing the EDR; name and address of the owner or lessee of the plant or vessel; Federal fisheries permit number; Federal processor permit number; Alaska vessel registration number; crew license number and city of residence, assigned internal individual identifier.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 313(j) of the Magnuson-Stevens Act, 16 U.S.C. 1853.

**PURPOSE(S):**

This information will permit: The evaluation of the economic effects of the Crab Rationalization Program (Program), specifically the harvesting and processing sectors; the determination of the economic efficiency and distributional effects of the Program; and distribution of information to the Department of Justice and Federal Trade Commission to assist in anti-trust analysis of the Program.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS OF AND THE PURPOSES OF SUCH USES:**

These records or information contained therein may specifically be disclosed as a routine use as stated below. The Department will, when so authorized, make the determination as to the relevancy of a record prior to its decision to disclose a document.

1. In the event that a system of records maintained by the Department to carry out its functions indicates or is relevant to a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute or contract, or rule, regulation or order issued pursuant thereto, or the necessity to protect an

interest of the Department, the relevant records in the system of records, including individual identifiers, may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department. That agency may disclose such records in the course of conducting its investigation.

2. A record from this system of records may be disclosed in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures during the course of litigation, such as through discovery or to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed without individual identifiers to a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

5. A record in this system of records may be disclosed with individual identifiers to Department of Justice and the Federal Trade Commission when such records are requested by those agencies for anti-trust analyses or enforcement proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Computerized data base; electronic storage media; paper records in file folders in locked cabinets.

**RETRIEVABILITY:**

May be retrieved by NMFS internal identification number, name of owner or lessee, vessel permit number, plant permit number, crew license number, vessel name, or plant name; however, records can be accessed by any file element or any combination thereof.

**SAFEGUARDS:**

Buildings where the records are maintained employ security systems with locks and access limits. Only those that have the need to know, to carry out the official duties of their job, have access to the information. Computerized

data base is password protected and access is limited. Paper records are maintained in secured file cabinets in areas that are accessible only to authorized personnel of DCA. NMFS, Alaska Region, contractors, to whom access to this information is granted in accordance with this system of records routine uses provision, are instructed on the confidential nature of this information.

**RETENTION AND DISPOSAL:**

All records shall be retained and disposed of in accordance with National Archives and Records Administration regulations (36 CFR subchapter B—Records Retention); Departmental directives and comprehensive records schedules.

**SYSTEM MANAGER(S) AND ADDRESS:**

Pacific States Marine Fisheries Commission, 612 West Willoughby Avenue, Juneau, Alaska 99802.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the System Manager. Written requests must be signed by the requesting individual.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system should address written inquiries to the System Manager.

**CONTESTING RECORD PROCEDURES:**

The Department's rules for accessing records, contesting contents, and appealing initial determinations are published in 15 CFR part 4b or may be obtained from the System Manager.

**RECORD SOURCE CATEGORIES:**

Information contained in the files is obtained from the individual EDRs.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

Dated: February 25, 2005.

**Brenda Dolan,**

*Department of Commerce, Freedom of Information/Privacy Act Officer.*

[FR Doc. 05-4108 Filed 3-2-05; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[Docket No.: 040825246-4246-01]

**Privacy Act of 1974; System of Records**

**AGENCY:** Department of Commerce.

**ACTION:** Notice of a new Privacy Act System of Records: COMMERCE/NOAA System-17, Permits and Registrations for Fisheries of the Exclusive Economic Zone (EEZ) off the Coast of Alaska.

**SUMMARY:** This notice announces the Department of Commerce's (Department's) proposal for a new system of records under the Privacy Act. The National Marine Fisheries Service (NMFS), Alaska Region is creating a new system of records for permits and non-permit registrations used in a variety of management programs for commercial, recreational, and subsistence fisheries. NMFS requires the use of permits or registrations by participants in the fisheries of the EEZ off the coast of Alaska. Applications for various types of permits and registrations would be used to collect information from individuals under authority of the Magnuson-Stevens Act and the North Pacific Halibut Act of 1982. Applications for the various types of permits and registrations are necessary to determine the identification of participants and to evaluate the qualifications of the applicants.

**DATES:** To be considered, written comments must be submitted on or before April 4, 2005. Unless comments are received, the new system of records will become effective as proposed on the date of publication of a subsequent notice in the **Federal Register**.

**ADDRESSES:** Comments may be mailed to Sue Salvesson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802, Attn: Lori Durall, or delivered to the Federal Building, 709 West 9th Street, Juneau, Alaska, 99801.

**FOR FURTHER INFORMATION CONTACT:** Patsy A. Bearden, 907-586-7008.

**SUPPLEMENTARY INFORMATION:** The NMFS, Alaska Region is creating a new system of records for permits and non-permit registrations used in a variety of management programs for commercial, recreational, and subsistence fisheries. NMFS requires the use of permits or registrations by participants in the fisheries of the EEZ off the coast of Alaska and for halibut in all waters off Alaska. Applications for various types of permits and registrations would be used to collect information from individuals under authority of the Magnuson-Stevens Act and/or the Halibut Act of 1982. Applications for the various types of permits and registrations are necessary to determine the identification of participants and to evaluate the qualifications of the

applicants. NMFS, Alaska Region issues permits or registrations for the programs listed below. Not all of the permit applications request the social security number (SSN). Where the SSN is requested, bracketed information indicates whether the response to the request is voluntary [SSN voluntary] or mandatory [SSN mandatory]. If mandatory, the authority for this type of collection is the Debt Collection Improvement Act, 31 U.S.C. 7701.

- American Fisheries Act Permits (pollock): Catcher vessel [SSN voluntary], catcher/processor, mothership [SSN voluntary], inshore processor [SSN voluntary], inshore cooperative, inshore vessel contract fishing, and replacement vessel [SSN voluntary].
- Western Alaska Community Development Quota (CDQ) Program Halibut CDQ Permit (Pacific halibut), CDQ Landing Cardholder or Hired Master [SSN voluntary], Registered Buyer Permit [SSN voluntary].
- Exempted Fisheries Permit (NOAA-approved studies).
- Prohibited Species Donation Program Permit.
- Federal Fisheries Permit (groundfish catcher vessels, catcher/processors and motherships) [SSN voluntary].
- Federal Processor Permit (groundfish shoreside processors and stationary floating processors) [SSN voluntary].
- Halibut Subsistence Rural Resident Registration and Halibut Subsistence Alaska Native Tribal Registration (Pacific halibut).
  - Individual fishing quota (IFQ) halibut and sablefish permits (Pacific halibut and sablefish): Eligibility to receive quota share/individual fishing quota (QS/IFQ) [SSN mandatory], IFQ Hired Master [SSN voluntary], Registered Buyer Permit [SSN voluntary], Transfer eligibility certificate [SSN mandatory], QS/IFQ Transfer [SSN mandatory], QS/IFQ Transfer by Sweep-up [SSN mandatory].
  - License Limitation Program permit for groundfish, crab, or scallops [SSN voluntary].
  - Prohibited Species Donation Permit (Pacific halibut and salmon).
  - Crab IFQ of the Bearing Sea and Aleutian Islands Management Area (BSAI) off the coast of Alaska permits: Crab Quota Share (QS) or Processor Quota Share (PQS) [SSN mandatory], Crab Individual Fishing/Individual Processing IFQ/IPQ Permit [SSN voluntary], Registered Crab Receiver Permit [SSN mandatory], Federal Crab Vessel Permit [SSN voluntary], Application to Become An Eligible Crab

data base is password protected and access is limited. Paper records are maintained in secured file cabinets in areas that are accessible only to authorized personnel of DCA. NMFS, Alaska Region, contractors, to whom access to this information is granted in accordance with this system of records routine uses provision, are instructed on the confidential nature of this information.

**RETENTION AND DISPOSAL:**

All records shall be retained and disposed of in accordance with National Archives and Records Administration regulations (36 CFR subchapter B—Records Retention); Departmental directives and comprehensive records schedules.

**SYSTEM MANAGER(S) AND ADDRESS:**

Pacific States Marine Fisheries Commission, 612 West Willoughby Avenue, Juneau, Alaska 99802.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the System Manager. Written requests must be signed by the requesting individual.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system should address written inquiries to the System Manager.

**CONTESTING RECORD PROCEDURES:**

The Department's rules for accessing records, contesting contents, and appealing initial determinations are published in 15 CFR part 4b or may be obtained from the System Manager.

**RECORD SOURCE CATEGORIES:**

Information contained in the files is obtained from the individual EDRs.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

Dated: February 25, 2005.

**Brenda Dolan,**

*Department of Commerce, Freedom of Information/Privacy Act Officer.*

[FR Doc. 05-4108 Filed 3-2-05; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[Docket No.: 040825246-4246-01]

**Privacy Act of 1974; System of Records**

**AGENCY:** Department of Commerce.

**ACTION:** Notice of a new Privacy Act System of Records: COMMERCE/NOAA System-17, Permits and Registrations for Fisheries of the Exclusive Economic Zone (EEZ) off the Coast of Alaska.

**SUMMARY:** This notice announces the Department of Commerce's (Department's) proposal for a new system of records under the Privacy Act. The National Marine Fisheries Service (NMFS), Alaska Region is creating a new system of records for permits and non-permit registrations used in a variety of management programs for commercial, recreational, and subsistence fisheries. NMFS requires the use of permits or registrations by participants in the fisheries of the EEZ off the coast of Alaska. Applications for various types of permits and registrations would be used to collect information from individuals under authority of the Magnuson-Stevens Act and the North Pacific Halibut Act of 1982. Applications for the various types of permits and registrations are necessary to determine the identification of participants and to evaluate the qualifications of the applicants.

**DATES:** To be considered, written comments must be submitted on or before April 4, 2005. Unless comments are received, the new system of records will become effective as proposed on the date of publication of a subsequent notice in the **Federal Register**.

**ADDRESSES:** Comments may be mailed to Sue Salvesson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802, Attn: Lori Durall, or delivered to the Federal Building, 709 West 9th Street, Juneau, Alaska, 99801.

**FOR FURTHER INFORMATION CONTACT:** Patsy A. Bearden, 907-586-7008.

**SUPPLEMENTARY INFORMATION:** The NMFS, Alaska Region is creating a new system of records for permits and non-permit registrations used in a variety of management programs for commercial, recreational, and subsistence fisheries. NMFS requires the use of permits or registrations by participants in the fisheries of the EEZ off the coast of Alaska and for halibut in all waters off Alaska. Applications for various types of permits and registrations would be used to collect information from individuals under authority of the Magnuson-Stevens Act and/or the Halibut Act of 1982. Applications for the various types of permits and registrations are necessary to determine the identification of participants and to evaluate the qualifications of the

applicants. NMFS, Alaska Region issues permits or registrations for the programs listed below. Not all of the permit applications request the social security number (SSN). Where the SSN is requested, bracketed information indicates whether the response to the request is voluntary [SSN voluntary] or mandatory [SSN mandatory]. If mandatory, the authority for this type of collection is the Debt Collection Improvement Act, 31 U.S.C. 7701.

- American Fisheries Act Permits (pollock): Catcher vessel [SSN voluntary], catcher/processor, mothership [SSN voluntary], inshore processor [SSN voluntary], inshore cooperative, inshore vessel contract fishing, and replacement vessel [SSN voluntary].
- Western Alaska Community Development Quota (CDQ) Program Halibut CDQ Permit (Pacific halibut), CDQ Landing Cardholder or Hired Master [SSN voluntary], Registered Buyer Permit [SSN voluntary].
- Exempted Fisheries Permit (NOAA-approved studies).
- Prohibited Species Donation Program Permit.
- Federal Fisheries Permit (groundfish catcher vessels, catcher/processors and motherships) [SSN voluntary].
- Federal Processor Permit (groundfish shoreside processors and stationary floating processors) [SSN voluntary].
- Halibut Subsistence Rural Resident Registration and Halibut Subsistence Alaska Native Tribal Registration (Pacific halibut).
  - Individual fishing quota (IFQ) halibut and sablefish permits (Pacific halibut and sablefish): Eligibility to receive quota share/individual fishing quota (QS/IFQ) [SSN mandatory], IFQ Hired Master [SSN voluntary], Registered Buyer Permit [SSN voluntary], Transfer eligibility certificate [SSN mandatory], QS/IFQ Transfer [SSN mandatory], QS/IFQ Transfer by Sweep-up [SSN mandatory].
  - License Limitation Program permit for groundfish, crab, or scallops [SSN voluntary].
  - Prohibited Species Donation Permit (Pacific halibut and salmon).
  - Crab IFQ of the Bearing Sea and Aleutian Islands Management Area (BSAI) off the coast of Alaska permits: Crab Quota Share (QS) or Processor Quota Share (PQS) [SSN mandatory], Crab Individual Fishing/Individual Processing IFQ/IPQ Permit [SSN voluntary], Registered Crab Receiver Permit [SSN mandatory], Federal Crab Vessel Permit [SSN voluntary], Application to Become An Eligible Crab

Community Organization (ECCO), Eligibility to Receive Crab QS/IFQ or PQS/IPQ by Transfer [SSN mandatory], Transfer of Crab QS/IFQ or PQS/IPQ [SSN mandatory], Transfer QS/IFQ to or from an ECCO, Application for Inter-cooperative transfer, Request for Replacement of Lost/Destroyed Permit or Registration [SSN voluntary].

#### COMMERCE/NOAA-17

##### SYSTEM NAME:

Permits and Registrations for Fisheries of the Exclusive Economic Zone (EEZ) off the Coast of Alaska.

##### SECURITY CLASSIFICATION:

None.

##### SYSTEM LOCATION:

National Marine Fisheries Service (NMFS), Alaska Region, 709 West Ninth Street, Juneau, Alaska 99801.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners of catcher vessels, catcher/processors, motherships, and tender or support vessels. Owners of shoreside processors and stationary floating processors. Applicants seeking to become authorized distributors of prohibited species, salmon and halibut. Applicants seeking permission to fish in a manner that would otherwise be prohibited in order to conduct limited experimental fishing. Individuals who apply for any permit or registration, initially, annually, or by transfer. Individuals who wish to hire masters to fish a person's permit. Persons receiving halibut or sablefish individual fishing quota (IFQ) or Western Alaska Community Development Quota Program (CDQ) halibut from harvesting vessel; vessel operators and persons making certain types of transfers of IFQ fish and of CDQ halibut from the harvesting vessel. Persons applying for or receiving crab quota share (QS), processor quota share (PQS), IFQ, or individual processing quota (IPQ). Individuals hiring a master for crab. Persons offloading processed crab IFQ or receiving unprocessed crab harvested under an IFQ permit. Residents of an Alaska rural community as defined in 50 CFR 300.61. Members of Alaska Native tribes as defined in 50 CFR 300.61.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Applicant name, address, telephone number, FAX number, e-mail address, date of birth, home telephone number, National Marine Fisheries Service internal identification number, and social security number (both mandatory and voluntary collections). Mandatory

collection of social security numbers for: (1) Individual fishing quota halibut and sablefish permits: Eligibility to receive quota share/individual fishing quota; Transfer eligibility certificate; Quota share/individual fishing quota Transfer; Quota share/individual fishing quota Transfer by Sweep-Up; (2) Crab individual fishing quota of the Bearing Sea and Aleutian Islands Management Areas off the coast of Alaska permits: Crab Quota Share or Processor Quota Share; Registered Crab Receiver Permit; Eligibility to Receive Crab quota share/individual fishing quota or processor quota share/individual processing quota by Transfer; Transfer of Crab quota share/individual fishing quota or processing quota share/individual processing quota. Community of residence. Name of Alaska Native tribe. Citizenship. Printed name and signature. Reference names. Name of intended hired master and same personal information as for applicant.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1853; North Pacific Halibut Act of 1982, 16 U.S.C. 773; Debt Collection Improvement Act, 31 U.S.C. 7701.

##### PURPOSE(S):

This information will allow the identification and evaluation of participants in the various fisheries in the EEZ off the coast of Alaska; and of the Pacific halibut fishery in all waters off the coast of Alaska.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records or information contained therein may specifically be disclosed as a routine use as stated below. The Department will, when so authorized, make the determination as to the relevancy of a record prior to its decision to disclose a document.

1. In the event that a system of records maintained by the Department to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute or contract, or rule, regulation or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or

order issued pursuant thereto, or protecting the interest of the Department.

2. A record from this system of records may be disclosed in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed to a member of Congress submitting a request involving an individual when the individual has requested assistance from the member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed to a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

5. A record in this system of records may be disclosed to approved persons of the State of Alaska under an Interagency Cooperative Data Sharing Agreement, for the purpose of co-managing a fishery or for making determinations about eligibility for permits when State data are all or part of the basis for the permits.

6. A record in this system of records may be disclosed to North Pacific Fishery Management Council (Council) staff and contractors tasked with development of analyses to support Council decisions about fishery management programs.

##### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

###### STORAGE:

Computerized data base; electronic storage media; paper records in file folders in locked cabinets.

###### RETRIEVABILITY:

May be retrieved by NMFS internal identification number, name of applicant, vessel permit number, plant permit number, vessel name, or plant name; however, records can be accessed by any file element or any combination thereof.

###### SAFEGUARDS:

Buildings employ security systems with locks and access limits. Only those that have the need to know, to carry out the official duties of their job, have access to the data. Computerized data base is password protected and access is limited. Paper records are maintained in secured file cabinets in areas that are accessible only to authorized personnel. Safeguards exist on the computer

network where databases are stored. NMFS' contractors, to whom access to this information is granted in accordance with this system of records routine uses provision, are instructed on the confidential nature of this information.

**RETENTION AND DISPOSAL:**

All records shall be retained and disposed of in accordance with National Archives and Records Administration regulations (36 CFR subchapter b—Records Retention), Departmental directives and comprehensive records schedules.

**SYSTEM MANAGER(S) AND ADDRESS:**

NMFS, Alaska Region, 709 West Ninth Street, Juneau, Alaska 99801.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the System Manager. Written requests must be signed by the requesting individual.

**RECORD ACCESS PROCEDURES:**

Requests from individuals regarding this system of records should be addressed to the same address as stated in the Notification section above.

**CONTESTING RECORD PROCEDURES:**

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR part 4b. Use address contained in the notification section.

**RECORD SOURCE CATEGORIES:**

The individual on whom the record is maintained provides information.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

Dated: February 25, 2005.

**Brenda Dolan,**

*Department of Commerce, Freedom of Information/Privacy Act Officer.*

[FR Doc. 05-4109 Filed 3-2-05; 8:45 am]

**BILLING CODE 3510-22-P**

**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

**Proposed Information Collection; Comment Request**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Notice.

**SUMMARY:** The Corporation for National and Community Service (hereinafter the "Corporation"), as part of its continuing

effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning the proposed renewal of its AmeriCorps\*VISTA Project Progress Report (OMB Control Number 3045-0043). The previously approved Progress Report will expire on May 31, 2005.

This reinstatement with changes reflects the Corporation's intent to modify selected sections of the collection instrument to reflect changes in data considered "core reporting" information to meet a variety of needs, including adding new data elements as needed to ensure information collection captures appropriate data for the Corporation's required performance measurement and other reporting. **DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section by May 2, 2005. **ADDRESSES:** You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, Attn. Carol Rogers, Senior Program Specialist, Room 9201, 1201 New York Avenue, NW., Washington, DC 20525.

(2) By hand delivery or by courier to the Corporation's mailroom at Room 6010 at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday except Federal holidays.

(3) By fax to: (202) 565-2789, Attention Ms. Carol Rogers, Senior Program Specialist.

(4) Electronically through the Corporation's e-mail address system: *crogers@cns.gov*.

**FOR FURTHER INFORMATION CONTACT:** Carol Rogers (202) 606-5000, ext. 419, or by e-mail at *crogers@cns.gov*.

**SUPPLEMENTARY INFORMATION:** The Corporation is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the Corporation, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and,
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

**Background**

The Progress Report (PPR) was designed to assure that AmeriCorps\*VISTA sponsors address and fulfill legislated program purposes, meet agency program management and grant requirements, and assess progress toward project plan goals agreed upon in the signing of the Memorandum of Agreement.

**Current Action**

The Corporation seeks to revise the previously used PPR to: (a) Enhance data elements collected via this information collection tool; (b) migrate the paper version of the form to the Corporation's electronic grants management system, eGrants; and (c) establish reporting periods consistent with the Corporation's integrated grants management and reporting policies.

The Corporation anticipates making available to all AmeriCorps\*VISTA sponsors and grantees a revised PPR by April 1, 2005.

The revised PPR will be used by AmeriCorps\*VISTA sponsors and grantees the report progress toward accomplishing work plan goals and objectives, reporting actual outcomes related to self-nominated performance measures meeting challenges encountered, describing significant activities, and requesting technical assistance. Submission requirements are proposed to remain unchanged: All projects will submit the PPR quarterly.

*Type of Review:* Renewal.

*Agency:* Corporation for National and Community Service.

*Title:* AmeriCorps\*VISTA Project Progress Report.

*OMB Number:* 3045-0043.

*Agency Number:* None.

*Affected Public:* AmeriCorps\*VISTA sponsoring organizations, site supervisors, and members.

burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 1, 2007.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E7-21946 Filed 11-7-07; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Proposed Information Collection; Comment Request; Individual Fishing Quotas for Pacific Halibut and Sablefish in the Alaska Fisheries**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before January 7, 2008.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instruments and instructions should be directed to Patsy A. Bearden, (907) 586-7008 or [patsy.bearden@noaa.gov](mailto:patsy.bearden@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

National Marine Fisheries Service, Alaska Region (NMFS) seeks to renew a collection of information for the continued management of the Individual Fishing Quota (IFQ) Program for fixed-gear Pacific halibut and sablefish fisheries off Alaska as well as

the Western Alaska Community Development Quota Program (CDQ) halibut fishery. The IFQ program allocates annual total catch limits for the halibut and sablefish fisheries among individual fishermen. The CDQ halibut program allocates annual total catch limits for the halibut fishery among individual CDQ fishermen. Fishermen are assigned Quota Shares (QS) for the fisheries, and then annually receive an IFQ and/or CDQ. The applications and reporting are required to manage and track the program.

**II. Method of Collection**

Paper applications and reports, electronic reports, and telephone calls are required from participants, and methods of submittal include Internet and fax transmission of paper forms.

**III. Data**

*OMB Number:* 0648-0272.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 2,877.

*Estimated Time per Response:* 2 hours for Eligibility to Receive QS/IFQ Application; 30 minutes for IFQ/CDQ Hired Master Permit Application; 30 minutes for IFQ/CDQ Registered Buyer Permit Application; 30 minutes for Application for Replacement of Certificates, Permits, or Licenses Application; 200 hours for Application to Become a Community Quota Entity (CQE); 10 hours for Community Petition to Form Governing Body; 2 hours for Transfer of QS/IFQ Application; 2 hours for Transfer of QS/IFQ by Sweep-up Application; 2 hours for Transfer of QS/IFQ to or from a CQE Application; 30 minutes for Approval of Transfer from Governing Body; 2 hours for QS Holder—Identification of Ownership Interest; 40 hours for CQE Annual Report; 4 hours for Letter of Appeal; 30 minutes for QS/IFQ Beneficiary Designation Form; 30 minutes for Annual Updates on the Status of Corporations and Partnerships QS; 6 minutes for IFQ Administrative Waiver; 12 minutes for Prior Notice of IFQ Landing; 15 minutes for Departure Report; 12 minutes for Transshipment Authorization; and 6 minutes for Dockside Sales Receipt.

*Estimated Total Annual Burden Hours:* 10,578.

*Estimated Total Annual Cost to Public:* \$24,000 for miscellaneous costs.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance

of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 1, 2007.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E7-21949 Filed 11-7-07; 8:45 am]

**BILLING CODE 3510-22-P**

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

**Determination under the Textile and Apparel Commercial Availability Provision of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR Agreement)**

November 2, 2007.

**AGENCY:** The Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Determination to add a product in unrestricted quantities to Annex 3.25 of the CAFTA-DR Agreement.

**EFFECTIVE DATE:** November 8, 2007.

**SUMMARY:** The Committee for the Implementation of Textile Agreements (CITA) has determined that certain three-thread circular knit fleece fabrics, as specified below, are not available in commercial quantities in a timely manner in the CAFTA-DR region. The product will be added to the list in Annex 3.25 of the CAFTA-DR in unrestricted quantities.

**FOR FURTHER INFORMATION CONTACT:** Richard Stetson, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-2582.

**FOR FURTHER INFORMATION ONLINE:** <http://web.ita.doc.gov/tacgi/CaftaReqTrack.nsf>. Reference number: 36.2007.09.20.Fabric.Alston&BirdforPerryManufacturing

**SUPPLEMENTARY INFORMATION:**