

Applying for QS and PQS under BSAI Crab Rationalization

A Primer for Applicants

**Restricted Access Management (RAM)
Alaska Region, NOAA Fisheries Service (NMFS)**



April 2005

April 4 – June 3, 2005

Application Period (Deadline)

- Late applications will be denied
- Reasons for an Application Period with deadline include
 - Deadlines provides finality, stability and predictability to the process
 - Deadline will identify conflicting claims and allow for fair resolution
- Any denial may be appealed
 - So special circumstances can be addressed

Application Period (Cont'd)

- Federal Register notice and news releases have announced application period
- Also, display ads are being placed in fishing journals and other periodicals
- Every person who appears to be eligible will receive an application in the mail
 - Application and Instructions have been mailed to the person's last known address
- Applications will also be available upon request and on line <www.fakr.noaa.gov>

Types of Quota to be Issued

<i>Quota Type</i>	<i>Will be Issued to</i>
Catcher Vessel & Catcher Processor Vessel Quota (<i>CVO & CPO</i> Quota Share)	Holder of LLP Licenses
Catcher Vessel and Catcher Processor Vessel Quota (<i>CVC & CPC</i> Quota Share)	Captains/Crew with permits and landings
Processor Quota (<i>PQS</i> Quota Share)	Processors with specific history

Types of Quota – Cont'd

- Additionally, Quota will be issued for 8 different BSAI crab fisheries, including:

<i>Fishery</i>	<i>Code</i>
Bering Sea snow crab	BSS
Bering Sea Tanner crab	BST
Eastern Aleutian golden king crab	EAG
Pribilof red and blue king crab	PIK
St. Matthew blue king crab	SMB
Western Aleutian golden king crab	WAG
Western Aleutian red king crab	WAI
Bristol Bay red king crab	BBR

Eligibility for Quota

- For CVO or CPO Quota, an eligible applicant is a U.S. Citizen who
 - Holds a permanent, fully-transferable BSAI crab License Limitation Program (LLP) license
 - For CPO Quota, also processed crab aboard a vessel during 1998 or 1999
- Amount and type of Quota issued depends on the vessel history(ies) that gave rise to, and were developed under, the LLP license during certain qualifying years

Eligibility for Quota (Cont'd)

- For CVC or CPC Quota, an eligible applicant who is an individual U.S. Citizen and who
 - Held BSAI crab interim-use permit(s) from the State for the relevant years and recorded landings on those permit(s) and
 - Whose landings history satisfy the “recency” requirements
- Amount of Quota issued depends on the amount of crab harvested during certain qualifying years

Eligibility for Quota (Cont'd)

- For Processing Quota, an eligible applicant is a person who is a U.S. Citizen and who
 - Processed crab in 1998 or 1999 or
 - Who satisfies “hardship” provisions, including
 - Processed BSS every year between 1988 and 1996 (inclusive)
 - Invested at least \$1 million in processing capacity between January 1, 1996 and June 10, 2002
- Amount of Quota issued depends on the amount of crab processed during certain qualifying years

The “Official Record”

- RAM has assembled data from a variety of sources
 - State of Alaska fish ticket data base
 - State of Alaska permitting (vessel, fishermen, and processing) data base
 - NOAA Fisheries licensing & permitting files
 - Other relevant sources
- Data have been configured to mirror regulations and to predict eligibility for QS and amounts to be issued to eligible persons

The “Official Record” (Cont’d)

- The Official Record contains information on
 - who is eligible to receive QS
 - what fishing or processing history is relevant
 - What vessels or plants developed the history
 - What licenses authorized the activity
 - Other relevant information
- The Official Record is being used to make an estimate of each eligible applicant’s fraction (%) of the Quota Share Pool
- The Official Record is presumed to be correct
 - An applicant presenting a claim that contradicts the Official Record bears the burden of proving the claim

Applying for Quota – Step #1

- NOAA Fisheries Service (RAM) has
 - Mailed application materials to all persons in the Official Record who appear to be eligible
- The application packet includes
 - Notice of the June 3, 2005 application deadline
 - Instructions for completing the Application
 - The necessary application forms
 - A “Summary of the Official Record” estimate of the fraction (%) of the Quota Share Pool the applicant will receive by initial issuance
 - Necessary worksheets, tables from the Regulations, and related information

Eligible QS/PQS (Preliminary)

- The Official Record reveals that there may be
 - 239 LLP license holders eligible for QS
 - 282 permit holders (“captains & crew”) QS
 - 29 processors eligible for PQS
- Data are preliminary and no final determinations on eligibility have been made
 - Being on the list does not result in automatic qualification
 - Not being on the list does not result in automatic disqualification
- All must apply for QS/PQS before final determinations can be made

Eligible QS/PQS (Preliminary)

<u>Fishery</u>	<u>CVO/CPO</u>	<u>CVC/CPC</u>	<u>Processor</u>
BSS	208	155	23
BST	227	229	26
EAG	12	13	8
PIK	102	45	15
SMB	116	78	13
WAG	11	9	9
WAI	27	4	9
BBR	217	190	19

Applying for Quota – Step #2

Applicants complete the forms

(explained and summarized as follows)

**Application for
Crab Quota Share or
Crab processor Quota Share**

**U.S. Dept. of Commerce
NOAA Fisheries Service, Alaska Region
Restricted Access Management Program
Post Office Box 21668
Juneau, Alaska 99802-1668**



***BLOCK A –TYPE(s) OF CRAB QS OR CRAB PQS FOR
WHICH YOU ARE APPLYING
To be completed by all applicants.***

- Catcher Vessel Owner (CVO) or Catcher Processor Owner (CPO) QS**
- Catcher Vessel Crew (CVC) QS or Catcher Processor Crew (CPC) QS**
- Processor PQS**

BLOCK B – APPLICANT INFORMATION

To be completed by all applicants.

1. Applicant's Name:	2. NMFS Person ID:	3. Tax ID/SSN:¹
4. Applicant's Permanent Business Mailing Address:		
5. Business Telephone Number:	6. Business Fax Number:	7. Business E-mail (if available):
8. Is the Applicant a U.S. Citizen? Yes [] No []	9. Is the Applicant a U.S. Corporation, Partnership, or Other Entity? Yes [] No []	
8a. Enter Date of Birth or Incorporation:	9a. Enter Date of Birth or Incorporation:	
10. Is the Applicant a successor-in-interest to an eligible individual who is deceased? Yes [] No [] [If Yes, attach Death Certificate]	11. Is the Applicant a successor-in-interest to an eligible business entity that is no longer in existence? Yes [] No [] [If Yes, attach evidence of dissolution, including date]	

BLOCK C – “SHORTCUT” APPLICATION PROCEDURE
To be completed by all applicants.

All persons who have been identified in the Official Crab Rationalization Record (Official Record) as eligible to apply for QS or PQS have been sent notice of that fact by Restricted Access Management (RAM). The notice included an estimate(s), derived from the Official Record, of the percentage(s) of the appropriate QS/PQS pool(s) that the eligible applicant is qualified to receive by initial issuance.

If you concur with the estimate(s) provided, there is no need to complete the rest of this application. Simply indicate that fact below, complete Block (X) by signing and dating the application, and submit it to RAM. Your QS/PQS will be issued following the close of the application period. If you agree with some, but not all, of the estimates provided, so indicate and move on through the application. Likewise, if you do not agree with any of the estimates, so indicate and move on.

- I accept the estimate of the percentage(s) of the QS or PQS pool(s) for which I am eligible, as provided by NOAA Fisheries, and choose to make no contrary claims for any fishery(ies).
- I accept the estimate of the percentage(s) of only some of the QS or PQS pool(s) for which I am eligible, but not all; below (in Block D) I indicate the QS category(ies) and fishery(ies) for which I make contrary claims.
- I do not accept any estimate of the percentage(s) of the QS or PQS pool(s) for which I am eligible, as provided by NOAA Fisheries; below (in Block D) I indicate the QS category(ies) and fishery(ies) for which make contrary claims.

<p>Basis for QS Allocation</p>	<p>Initial QS amounts are determined by averaging the percentages of the harvest in each fishery during the qualifying seasons from the vessel(s) associated with the LLP license; 97% of the QS units in the Initial Quota Share Pool will be allocated to qualified LLP license holders</p>																			
<p>Steps Taken to Develop Summary of Official Record</p>	<table border="1"> <thead> <tr> <th data-bbox="401 329 1226 386"> <p>•Steps (for each LLP license and fishery)</p> </th> <th data-bbox="1226 329 1666 386"> <p>How Displayed on Summary</p> </th> </tr> </thead> <tbody> <tr> <td data-bbox="401 386 1226 439"> <p>•1. Sum landings for each vessel(s)</p> </td> <td data-bbox="1226 386 1666 439"> <p>Not Displayed</p> </td> </tr> <tr> <td data-bbox="401 439 1226 529"> <p>2. Divide by LLP holder annual denominator to get percentage for that fishery and season</p> </td> <td data-bbox="1226 439 1666 529"> <p>Not Displayed</p> </td> </tr> <tr> <td data-bbox="401 529 1226 654"> <p>•3. Drop seasons with the lowest percentages</p> </td> <td data-bbox="1226 529 1666 654"> <p>(Remaining Seasons) Displayed as: <i>Season(s) Selected</i></p> </td> </tr> <tr> <td data-bbox="401 654 1226 743"> <p>4. Calculate average percentage for “best” years (i.e. divide sum of percentages by the number of averaged qualifying seasons)</p> </td> <td data-bbox="1226 654 1666 743"> <p>Displayed as: <i>Average percentage of Fishery</i></p> </td> </tr> <tr> <td data-bbox="401 743 1226 833"> <p>•5. Compute “Percentage of Total Percentages” (i.e., divide average percentages by the sum of all person’s average percentages)</p> </td> <td data-bbox="1226 743 1666 833"> <p>Displayed as: <i>Percentage of Total Percentages</i></p> </td> </tr> <tr> <td data-bbox="401 833 1226 923"> <p>•6. Sum the percentages of total percentages of all licenses for that person</p> </td> <td data-bbox="1226 833 1666 923"> <p>Displayed as: <i>= X% of LLP Holder Allocation</i></p> </td> </tr> <tr> <td data-bbox="401 923 1226 1048"> <p>•7. Multiply the result times 0.97 of the Initial QS Pool for the fishery, as set out in the regulations</p> </td> <td data-bbox="1226 923 1666 1048"> <p>Displayed as: <i>Estimated Number of QS Units to be Issued</i></p> </td> </tr> <tr> <td data-bbox="401 1048 1226 1143"> <p>•8. Calculate CVO and CPO percentages</p> </td> <td data-bbox="1226 1048 1666 1143"> <p>Displayed as: <i>Percent CVO and Percent CPO</i></p> </td> </tr> </tbody> </table>	<p>•Steps (for each LLP license and fishery)</p>	<p>How Displayed on Summary</p>	<p>•1. Sum landings for each vessel(s)</p>	<p>Not Displayed</p>	<p>2. Divide by LLP holder annual denominator to get percentage for that fishery and season</p>	<p>Not Displayed</p>	<p>•3. Drop seasons with the lowest percentages</p>	<p>(Remaining Seasons) Displayed as: <i>Season(s) Selected</i></p>	<p>4. Calculate average percentage for “best” years (i.e. divide sum of percentages by the number of averaged qualifying seasons)</p>	<p>Displayed as: <i>Average percentage of Fishery</i></p>	<p>•5. Compute “Percentage of Total Percentages” (i.e., divide average percentages by the sum of all person’s average percentages)</p>	<p>Displayed as: <i>Percentage of Total Percentages</i></p>	<p>•6. Sum the percentages of total percentages of all licenses for that person</p>	<p>Displayed as: <i>= X% of LLP Holder Allocation</i></p>	<p>•7. Multiply the result times 0.97 of the Initial QS Pool for the fishery, as set out in the regulations</p>	<p>Displayed as: <i>Estimated Number of QS Units to be Issued</i></p>	<p>•8. Calculate CVO and CPO percentages</p>	<p>Displayed as: <i>Percent CVO and Percent CPO</i></p>	
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Summary of Official Record

**BSAI Crab Rationalization
Summary of Official Record
For LLP License Holders
(QS Types: CVO & CPO)**

U.S. Dept. of Commerce
NOAA Fisheries Service, Alaska Region
Restricted Access Management Program
Post Office Box 21668
Juneau, Alaska 99802-1668



NMFS ID/License Holder: 2345 Milo Mugup
BSAI Crab Fishery: BRISTOL BAY RED KING (BBR)
LLP Holder Denominators:

1996	1997	1998	1999	2000
2,255,667.788	2,255,667.788	2,255,667.788	2,255,667.788	2,255,667.788

LLP No.	Original Qualifying Vessel/ADFG	Merged history Vessel/ADFG	Average Percent	% of Total Percentages	Season(s) Selected
LLC121	MyBoat/55334	N/A	0.4709%	0.4126%	1996, 1997, 1998, 2000
LLC122	HerBoard/55335	HisBoat/55336	0.3452	0.3092	1997, 1998, 1999, 2000

Estimated QS Units to be Issued: 151,311 = 0.5044% of Allocation
Percent Catcher Vessel (CVO): 100%
Percent for Catcher/Processor (CPO): 0%

Basis for QS Allocation	Initial QS amounts are determined by averaging the percentages of the harvest in each fishery during the qualifying seasons as recorded on fish tickets signed by the qualifying Captain/Crew Member; 3% of the QS units in the initial Quota Share Pool will be allocated to qualified Captain/Crew Members.
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Steps Taken to Develop Summary of Official Record	•Steps (for each CFEC Interim-Use Permit)	How Displayed on Summary
	•1. Sum qualified landings in each season	Not Displayed
	•2. Divide by Captain/Crew annual harvest denominator for each season, yielding the percentage of the fishery	Not Displayed
	•3. Drop seasons with the lowest percentages	(Remaining Seasons) displayed as: <i>Total Harvest Under CFEC Permit(s)</i>
	•4. Calculate average percentages for “best” seasons (i.e., divide the sum of percentages by the number of allowed qualifying seasons)	(Remaining Seasons) displayed as: <i>Percentage of Annual Harvest Denominator</i>
	•5. Compute “Percentage of Total Percentages” (i.e., divide average percentage by the sum of all Captain/Crew Member average percentages)	Displayed as: <i>= X% of Crew Allocation</i>
	•6. Multiply the result times 0.03 of the Initial QS Pool for the fishery, as set out in the regulations	Displayed as: <i>Estimated Number of QS Units to be Issued</i>
	•7. Calculate CVO and CPO percentages	Displayed as: <i>Percent CVO and Percent CPO</i>

Summary of Official Record

BSAI Crab Rationalization
Summary of Official Record
For Captain/Crew
(QS Types: CVC & CPC)

U.S. Dept. of Commerce
NOAA Fisheries Service, Alaska Region
Restricted Access Management Program
Post Office Box 21668
Juneau, Alaska 99802-1668



NMFS ID/Crewmember: 223355 **Joe Potpuller**
BSAI Crab Fishery: **BERING SEA SNOW CRAB (BSS)**
CFEC Permit Number(s): **T91Q57689, T91Q23456**

Best of Season	Total Harvest under CFEC Permit	Annual Crew Harvest Denominator	Percentage of Annual Harvest Denominator
1996	207,234	3,555,555	0.6182
1998	915,772	10,884,774	0.5776
1999	848,236	9,993,237	0.7723
2000	79,443	4,223,889	0.2389

Estimated QS Units to be Issued: 151,311 = 0.5044% of Crew Allocation
Percent of Allocation for Catcher Vessel (CVC): 100%
Percent of Allocation for Catcher/Processor Vessel (CPC): 0%

Basis for PQS Allocation	Initial QS amounts are determined by averaging the percentages of the harvest in each fishery during the qualifying seasons that were processed by the Applicant. The average of the average percentage is then converted to a percentage of the Initial Quota Share Pool and further converted to PQS units.	
Steps Taken to Develop Summary of Official Record	•Steps (for each Processor/Plant)	How Displayed on Summary
	•1. Sum pounds purchased for all qualifying seasons by fishery	Displayed as: <i>Total Pounds Processed **</i>
	•2. Divide by the Total Processing Denominator (TPD) for each fishery, yielding a percentage for that fishery and season	Displayed as: <i>Percentage of Fishery Total Processing Denominator **</i>
	•3. Divide Percentage of TPD by the sum of all Percentages of the TPD	Displayed as: <i>= X% of Processor Allocation</i>
	•4. Multiply the result times the units in the Initial PQS Pool (as set out in the regulations)	Displayed as: <i>Estimated Number of PQS Units to be Issued</i>
	•5. Compute Regional Assignments	Displayed as: <i>Percent for (xxxx) Region</i>
** <u>Note</u> : Pounds will only be displayed if the sum is derived from deliveries from a minimum of four distinct CFEC Permit Holders		

Summary of Official Record

BSAI Crab Rationalization
Summary of Official Record
For processors
(Type: PQS)

U.S. Dept. of Commerce
NOAA Fisheries Service, Alaska Region
Restricted Access Management Program
Post Office Box 21668
Juneau, Alaska 99802-1668



NMFS ID/Processor: 1891 Calvin CrabCooker, Inc.
BSAI Crab Fishery: BERING SEA SNOW CRAB (BSS)
Processing Denominator: 506,254,238
State Processing Code(s): F- XXX 1- YYY, F- ZZZ

Processor Name	ROFR Community	Total Pounds Processed	Percentage of Fishery Total Processing Denominator
1996	Unalaska	3,555,555	0.6182
1998	None	10,884,774	0.5776
1999	None	9,993,237	0.7723

Estimated QS Units to be Issued: 103,555,321 = 10.5044% of Allocation
Percent for North Region (Estimate): 54%
Percent for South Region (Estimate): 46%
Perent Undesignated (Estimate): 0.0%

BLOCK D – FISHERY(ies) and QS/PQS TYPE(s)
To be completed only if you do not agree with
the estimated percentage(s) derived from the Official Record.

On the matrix below, indicate the estimated percentage of the QS or PQS pool(s), by crab fishery(ies) and by type(s) of QS/PQS, that you are claiming.

	EAG	WAG	BBR	BST	RSS	SMB	PIK	WAI
CVO	%	%	%	%	%	%	%	%
CPO	%	%	%	%	%	%	%	%
CVC	%	%	%	%	%	%	%	%
CPC	%	%	%	%	%	%	%	%
PQS	%	%	%	%	%	%	%	%

BLOCK E – FOR CVO and CPO QS APPLICANTS
To be completed by applicants who are LLP License Holders.

If you are premising your claim in any fishery(ies) to a higher percentage of the QS Pool(s) than set out in the Official Record, complete this Application Block (E). If your claim is premised on the activities of more than one vessel, use more than one block – you may duplicate this form as necessary.

1. Vessel Name:

2. Vessel's ADF&G Number:

3. Vessel's USCG Number

4. Moratorium Permit(s) Used:

5. LLP License(s) Used:

Draft

6. For each fishery and each listed qualifying year in which the vessel named above participated in the fishery, so indicate by entering the specific number of pounds landed.

Fishery	Fishing Season	Pounds Claimed	Fishing Season	Pounds Claimed	Fishing Season	Pounds Claimed	Fishing Season	Pounds Claimed	Fishing Season	Pounds Claimed
EAG:	1996 --		1997 --		1998 --		1999 --		2000 --	
WAG:	1996 --		1998 --		1999 --		2000 --		2001 --	
BBR:	1996 --		1997 --		1998 --		1999 --		2000 --	
PIK:	1994 --		1995 --		1996 --		1997 --		1998 --	
BST:	1992 --		1993 --		1994 --		1995 --		1996 --	
BSS:	1996 --		1997 --		1998 --		1999 --		2000 --	
SMB:	1994 --		1995 --		1996 --		1997 --		1998 --	
WAI:	1992 --		1993 --		1994 --		1995 --			

A Word About Evidence

- Because of confidentiality constraints, RAM may not show applicants the data from fish tickets
 - (Exception is the “captain” who signed the tickets)
- People wanting fish ticket data must go to ADFG
- The ADFG fish ticket files in the Official Record are very “robust”
 - The crab tickets have been used for a variety of programs and purposes; as a result, they have been reviewed, edited, and refined several times
 - All of the data have been provided to RAM and are in the Official Record

BLOCK F – CPO QS

To be completed by LLP license holders whose LLP license(s) are endorsed for use aboard a catcher/processor (CP) vessel, and who are claiming CPO QS

1. LLP license number under which you are applying:	2. Was the vessel whose history gave rise to the LLP license under which you are applying used to process any of the BSAI crab species included in BLOCK D during 1998 or 1999? [] YES [] NO			
3. Name of vessel upon which processing occurred:	4. ADP &G Number:	Moratorium permit number:	6. Year(s) processing occurred: [] 1998 [] 1999	7. Species processed (use fishery code):

***BLOCK G – FOR CVO and CPO QS APPLICANTS
(LLP License Holders)***

To be completed by LLP license holders who are basing a claim for QS on the fishing history of a vessel that was not the vessel(s) whose history gave rise to the LLP license under which application is made (see Instructions)

1. Name of vessel whose history you are choosing:	2. ADF&G Number:	3. USCG Number:
4. LLP crab license number under which you are applying:	5. Fishery for which you obtained the license (enter Fishery Code):	6. Date you received license by transfer:
7. Reason(s) for LLP license transfer for use aboard vessel identified in “1” above (use separate sheet, if necessary):		

***BLOCK H – FOR CVO and CPO QS APPLICANTS
(LLP License Holders)***

***To be completed if you are claiming credit for landings under
either “sunken vessel” provision (see Instructions)***

1. Name of vessel that sank:	2. ADF&G Number:	3. USCG Number:	4. Date of loss:
5. Name of replacement vessel:	6. ADF&G Number:		7. USCG Number:
8. Date replacement vessel construction began (keel laid):			9. Date replacement vessel entered fishery:

BLOCK I – FOR CVC OR CPC QS APPLICANTS
To be completed by eligible captains or crew members

1. For each fishery for which you are seeking QS, use the table below to record your claim. Note that a separate table must be completed for each fishery for which you are applying. Qualifying years are set out in the Instructions.

Fishery	Season(s)	Name of Vessel from which the landings were made	Vessel's ADF&G Number	Your Interim-Use Permit Number	Pounds Landed in Season
(Enter Fishery Code)					

2. Is this application being completed on behalf of a deceased crew member?
 YES NO

If YES, attach documentation proving status as a successor-in-interest to the applicant.

Another Word About Evidence

- Applicants for CVC and CPC Quota Share may review fish ticket data in the Official Record
 - But only fish tickets they personally signed
 - ADFG will provide computer summaries to permit holders (but not the actual tickets)
- An Estate may apply on behalf of an eligible applicant who has died, and should provide
 - Letters testamentary (appointing the Representative of the Estate) and
 - A copy of the Death Certificate of the deceased
 - The “recency” requirement can be waived in certain circumstances

BLOCK J – FOR PQS APPLICANTS
To be completed by eligible processors

1. Did the Applicant process any Bering Sea crab PQS species in 1998 or 1999? [] YES [] NO

If YES, proceed to Question 4. If NO, complete Questions 2 and 3 to claim eligibility under the “hardship” provision.

2. Did the Applicant process BSS crab during each season 1996 through 1997? [] YES [] NO

3. Did the Applicant invest a minimum of \$1 million in processing capacity between January 1, 1996, and June 10, 2002? [] YES [] NO

4. For each fishery for which the Applicant is seeking PQS, use the table below to record the claim. Note that a separate table must be completed for each fishery/plant combination. Qualifying years are set out in the instructions Duplicate the table as may be necessary to record all claims.

Fishery	Plant Location	Year	Code	Pounds
<small>(Enter Fishery Code)</small>	<small>(Enter Name of City or Port)</small>		F -	
			F -	
			F-	
Total Pounds: All 3 years:				

BLOCK J – PROCESSOR QS (continued)

5. Has the Applicant entered into a Community Right of First Refusal (ROFR) contract governing the transfer of any PQS and/or IPQ subject to ROFR and issued as a result of this application?

YES [] NO []

6. Has the Applicant entered into a contract that the legal processing history and rights to apply for and receive PQS based on that legal processing history have been transferred or retained by the Applicant (if YES, attach contract)?

YES [] NO []

7. If the Applicant is applying to receive PQS for the WAG crab QS fishery, does the Applicant own a crab processing facility in the West region (i.e., west of 174° W. long.)?

YES [] NO []

Additional PQS Application Requirements

(Provisions for community right of first refusal (ROFR) for initial issuance of QS and PQS)

- **An Applicant for PQS premised on legal crab processing that occurred in an Eligible Crab Community (ECC) other than Adak must submit:**
An affidavit attesting that the Applicant has provided notice to the ECC of the Applicant's intent to apply for PQS, and that such notice was provided at least 60 days prior to the end of the application period.
- **If the ECC has designated an entity to represent it in the exercise of ROFR, the Applicant must also submit:**
An affidavit attesting to the completion of a contract for ROFR that includes the terms enacted under section 313(j) of the Magnuson-Stevens Act [a list of requisite contract terms is available from the NOAA Fisheries Service (NMFS) Alaska Region website at: www.fakr.noaa.gov; additionally, the list may be obtained by calling NOAA Fisheries Service at: 1-800-304-4846 (press "2") or 907-586-7344]. The affidavit must be signed by the Applicant and by a representative of the designated ECC entity.
- **An applicant for PQS premised on legal crab processing that occurred in the Gulf of Alaska north of a line at 56°20' N. lat., must submit:**
An affidavit attesting that the Applicant has provided notice to the City of Kodiak and to the Kodiak Island Borough of the Applicant's intent to apply for PQS, and that such notice was provided at least 60 days prior to the end of the application period.
- **If the City of Kodiak and Kodiak Island Borough designate an entity to represent it in the exercise of ROFR, the Applicant must submit:**
An affidavit attesting to completion of a contract for ROFR that includes the terms enacted under the Consolidated Appropriations Act of 2004 (Public Law 108-199) [a list of contract terms is available from the NOAA Fisheries Service (NMFS) Alaska Region website at: www.fakr.noaa.gov; additionally, the list may be obtained by calling NOAA Fisheries Service at: 1-800-304-4846 (press "2") or 907-586-7344]. The affidavit must be signed by the Applicant and by a representative of the designated ECC entity.

BLOCK K – APPLICANT SIGNATURE

Under penalty of perjury, I certify by my signature below that I have examined the information and the claims provided on this application and, to the best of my knowledge and belief, the information presented here is true, correct, and complete.

1. Signature of Applicant:

2. Date:

3. Printed Name of Applicant: (Note: If this is completed by an authorized representative, attach authorization.):

Applying for Quota – Step #3

- Sign the application (if appropriate, attach documents authorizing a person other than the applicant to sign the applications)
- Make a copy for your records
- Mail the application to RAM (address provided) by

**No Later Than
June 3, 2005**

- Then wait

Applying for Quota – Step #4

- RAM will review the application and any evidence provided with it
 - May informally seek clarification from applicant
- If claims can not be verified (and the Official Record amended as a result)
 - Applicants will receive notice of 30 days to provide additional evidence and/or argument
 - RAM may not deny application in that 30 day period
- Extensions of time will not be granted
 - But all evidence will be considered at the time a determination is made

Applying for Quota – Step #5

- RAM will review all of the evidence and will make a determination
 - If the determination is to accept the claim, the Official Record will be amended and the Quota will be issued
 - If not, an “Initial Administrative Determination” (IAD) will be prepared and sent to the applicant
 - The IAD will be a formal document that
 - Identifies the issues presented by the application
 - Presents the background (procedural and evidentiary)
 - Discusses the claim and evidence in light of the regulations
 - Sets out a formal determination to deny all or part of a claim
- An IAD may be appealed to the NOAA Fisheries Service Office of Administrative Appeals (OAA)

Applying for Quota – Step #6

- The OAA will consider the claim and may hold a hearing to develop the factual record
- A formal decision will be issued by OAA
 - If the Regional Administrator takes no action, the decision becomes the Final Agency Action
- An unhappy applicant may then appeal the agency's decision to the U.S. District Court
- While the claim is going through the process leading to Final Agency Action, no “interim” quota will be issued on any disputed claims
 - Quota will only issue if applicant prevails
- Appeals process may take a year or more

Meanwhile, Back at RAM

- All undisputed claims (whether resulting from the applicant simply agreeing with the Official Record or making a contrary claim and providing evidence to support it) will result in Quota being issued
- Issuance is expected in mid-July, in time for Quota holders to plan for the upcoming seasons
 - WAG in mid-August, Others in mid-October
- Quota holders will be required to apply for their annual IFQ and IPQ by August 1
- But that's **another** story!

For Application Assistance and Information

Contact NOAA Fisheries Service
Alaska Region, in Juneau

**Restricted Access
Management (RAM)**
1-800-304-4846 (press “2”)
(In Juneau) 907-586-7354
Ram.Alaska@noaa.gov

