


CHARTER HALIBUT PROGRAM	Application for Charter Halibut Permit(s) For IPHC Regulatory Areas 2C and 3A	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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Applications must be received by April 05, 2010
LATE APPLICATIONS WILL BE DENIED

Charter Halibut Permits will be issued to persons who meet the following eligibility criteria:

- ◆ Makes timely application during the application period
- ◆ Non-transferable permit. NMFS will issue a non-transferable Charter Halibut Permit to the person who held the ADF&G Business Owner Licenses:
 - that authorized logbook fishing trips during the applicable time periods;
 - that reported five bottomfish logbook fishing trips or more during either 2004 or 2005 (the applicant selected year of the qualifying period); and
 - that reported five halibut logbook fishing trips or more during the recent participation period (2008).
- ◆ Transferable permit. NMFS will issue a transferable Charter Halibut Permit to the persons that held the ADF&G Business Owner Licenses:
 - that authorized logbook fishing trips during the applicable time periods;
 - that reported 15 bottomfish logbook fishing trips or more during either 2004 or 2005 (the applicant selected year of the qualifying period); and
 - that reported 15 halibut logbook fishing trips or more during the recent participation period (2008).

Exemptions under unavoidable circumstance and military service provisions may be allowed if required regulatory criteria are met by the applicant. See **Block D** and instructions for more information. Refer to 50 CFR § 300.67 for specific regulatory criteria.

BLOCK A – APPLICANT INFORMATION

1. Applicant Name(s):		
2. Business Mailing Address (Street or PO Box , City, State, Zip Code):		
3. Business Telephone Number:	4. Business Fax Number:	5. Business E-mail Address:
6. Is the applicant an individual U.S. Citizen? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter date of birth: _____		7. Is the applicant a U.S. corporation, partnership, association, or other business entity? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter date of incorporation: _____
8. Is the applicant a successor-in-interest to a deceased individual or to a dissolved non-individual entity? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, attach evidence of death or dissolution and evidence supporting successor-in-interest status.		

**BLOCK B – “APPLICANT SELECTED YEAR” FOR DETERMINATION OF
CHARTER HALIBUT PERMIT ALLOCATIONS**

I have reviewed the Official Charter Halibut Record summary sent to me by NMFS.

For Area **2C**: I am selecting 2004 2005 as my “Applicant Selected Year”

For Area **3A**: I am selecting 2004 2005 as my “Applicant Selected Year”

Select only one year (2004 or 2005) for each management area for which you are applying. List any claims you wish to make to change the Official Charter Halibut Record in Block C. Complete Block E. Sign and date the application in Block F.

I did not receive an Official Charter Halibut Record summary.

For Area **2C**: I am selecting 2004 2005 as my “Applicant Selected Year”

For Area **3A**: I am selecting 2004 2005 as my “Applicant Selected Year”

Select only one year (2004 or 2005) for each area for which you are applying. Complete Block C and Block D, if applicable. Provide evidence to support your claims to one or more Charter Halibut Permits. Complete Block E. Sign and date the application in Block F.

I am claiming eligibility for one or more Charter Halibut Permits on the basis of an unavoidable circumstance. Complete **Blocks C, D, and E**. Sign and date the application in **Block F**.

BLOCK C₁ – CLAIMS

You do not need to complete this block if you agree in all aspects of the Official Charter Halibut Record Summary.

Please indicate the nature of your claim(s) that the Official Charter Halibut Record is incorrect. Check all that apply:

I do not agree with the area(s) listed on my summary. My permits should be endorsed for area(s):
 2C 3A Both

I do not agree with the transfer status the summary shows my permits will have.
I should have _____ number of transferable permits and _____ number of non-transferable permits.

I do not agree with the number of anglers for which the summary shows my permits will be endorsed.
My permits should have angler endorsements for _____ persons.

I do not agree that you have given me credit for all charter halibut businesses I owned and/or all vessels operated by charter halibut business I have owned. **Complete Blocks C₂ and C₃** as appropriate.

I am claiming eligibility based on an unavoidable circumstance that occurred in 2004 or 2005.
Complete Block D₁.

I am claiming eligibility based on an unavoidable circumstance that occurred in 2008. **Complete Block D₂.**

I am claiming eligibility based on active duty military service that prevented my participation as the owner of a charter halibut business in 2004 or 2005. **Complete Block D₃.**

Other (write a legible description of your claim. Attach additional pages as necessary):

C₂ – CHARTER HALIBUT FISHING BUSINESS(ES) YOU OWNED IN 2004, 2005 and 2008

You do not need to complete this block if you agree in all aspects of the Official Charter Halibut Record Summary.

Provide the following information for all charter halibut fishing businesses you owned in 2004, 2005 and 2008 that you believe qualify you for a Charter Halibut Permit(s). Enter one business per box. (Attach additional pages if necessary).

Name of Business <i>(As it was at the time the business license identified to the right was held)</i>	State of Alaska Business License Number:	Year(s) of Operation <i>(check all that apply)</i>
		[] 2004 [] 2005 [] 2008
		[] 2004 [] 2005 [] 2008
		[] 2004 [] 2005 [] 2008
		[] 2004 [] 2005 [] 2008
		[] 2004 [] 2005 [] 2008

C₃ – VESSELS OPERATED BY CHARTER HALIBUT FISHING BUSINESS(ES) YOU OWNED IN 2004, 2005 AND 2008

You do not need to complete this block if you agree in all aspects of the Official Charter Halibut Record Summary.

Provide the following information for all charter halibut fishing vessels you used in 2004, 2005 and 2008 that you believe qualified you for a Charter Halibut Permit(s). **Note:** This section is required if you wish to challenge the Official Record, if you did not receive a summary, or if you are claiming an unavoidable circumstance.

Vessel Name	ADF&G Vessel Registration No.	USCG Documentation No. or State Registration No.	Saltwater Charter Vessel Logbook No.	Year of Operation <i>(check all that apply)</i>	No. of Trips <i>(per year)</i>
			2004: _____ 2005: _____ 2008: _____	[] 2004 [] 2005 [] 2008	2004: _____ 2005: _____ 2008: _____
			2004: _____ 2005: _____ 2008: _____	[] 2004 [] 2005 [] 2008	2004: _____ 2005: _____ 2008: _____
			2004: _____ 2005: _____ 2008: _____	[] 2004 [] 2005 [] 2008	2004: _____ 2005: _____ 2008: _____
			2004: _____ 2005: _____ 2008: _____	[] 2004 [] 2005 [] 2008	2004: _____ 2005: _____ 2008: _____

D₁ – UNAVOIDABLE CIRCUMSTANCE CLAIM FOR QUALIFYING YEARS 2004 or 2005

Complete this block if you did not receive an Official Charter Halibut Record Summary and you are claiming Unavoidable Circumstances.

You cannot make claims under both under Unavoidable Circumstances and Active Duty Military Service (Block D₃)

You must provide documentation in support of your claim (see instructions).

[] I am applying for a Charter Halibut Permit based on an unavoidable circumstance that occurred in 2004 or 2005.

You must provide documentation in support of your claim (see instructions).

- ◆ I certify that to the best of my knowledge I do not otherwise qualify for a Charter Halibut Permit.
- ◆ I certify that I owned a charter halibut fishing business that met the participation requirements (a minimum of five halibut logbook fishing trips) in 2008.

I have attached documentation that demonstrates all of the following:

- ◆ I had a specific intent to operate a charter halibut business to participate in the charter halibut fishery in 2004 or 2005.
- ◆ My intent was thwarted by a circumstance that was:
 - Unavoidable;
 - Unique to me as the owner of the charter halibut business, or unique to my charter halibut vessel; and
 - Unforeseen and reasonably unforeseeable to me as the owner of the charter halibut business;
- ◆ The circumstance that prevented me from operating a charter halibut business that participated in the charter halibut fishery actually occurred;
- ◆ Under the circumstances, I took all reasonable steps to overcome the circumstance that prevented me from operating a charter halibut business in the charter halibut fishery in 2004 or 2005.

D₂ – UNAVOIDABLE CIRCUMSTANCE CLAIM FOR RECENT PARTICIPATION YEAR 2008

Complete this block if you did not receive an Official Charter Halibut Record Summary and you are claiming Unavoidable Circumstances.

You cannot make claims under both under Unavoidable Circumstances and Active Military Service (Block D₃)

You must provide documentation in support of your claim (see instructions).

[] I am applying for a Charter Halibut Permit based on an unavoidable circumstance that occurred in 2008. You must provide documentation in support of your claim (see instructions).

- ◆ I certify that to the best of my knowledge I do not otherwise qualify for a Charter Halibut Permit.
- ◆ I certify that I owned a charter halibut fishing business that met the participation requirements (a minimum of five halibut logbook fishing trips) in 2004 or 2005.

I have attached documentation that demonstrates all of the following:

- ◆ I had a specific intent to operate a charter halibut business that would participate in the charter halibut in 2008.
- ◆ My intent was thwarted by a circumstance that was:
 - Unavoidable;
 - Unique to me as the owner of the charter halibut business, or unique to my charter halibut vessel; and
 - Unforeseen and reasonably unforeseeable to me as the owner of the charter halibut business;
- ◆ The circumstance that prevented me from operating a charter halibut business that participated in the charter halibut fishery actually occurred;
- ◆ Under the circumstances, I took all reasonable steps to overcome the circumstance that prevented me from operating a charter halibut business in the charter halibut fishery in 2008.

D₃ – ACTIVE DUTY MILITARY SERVICE CLAIM

You cannot make claims under both Unavoidable Circumstances (D₁ or D₂) and Active Duty Military Service.

You must provide documentation in support of your claims (see instructions).

I am applying for a Charter Halibut Permit based on orders to report for active duty military service that prevented my intent to participate as a charter halibut business owner in the charter vessel fishery in 2004 or 2005.

- ◆ I certify that to the best of my knowledge I do not otherwise qualify for a Charter Halibut Permit.
- ◆ I certify that I owned a charter halibut fishing business that met the participation requirements (a minimum of five halibut logbook fishing trips) in 2008.
- ◆ I have provided documentation supporting my claim to have been ordered to report for active duty military service as a member of a branch of the U.S. Military, National Guard, or Military Reserve in 2004 or 2005.
- ◆ I have provided documentation that demonstrates my specific intent to participate as a charter halibut business owner in the charter halibut fishery in 2004 or 2005.

BLOCK E₁ – IDENTIFICATION OF CURRENT OWNERSHIP

Duplicate this block as necessary to display all of the Applicant’s owners.

If the Applicant identified in Block A is not an individual (i.e. is a corporation, partnership or some other entity), provide the names(s) of all owners of the Applicant together with the percent of ownership in the space below. If a listed owner is not an individual, provide the same information for each such owner, including the percent of ownership. You must disclose levels of ownership to the 10% ownership level.

Name of Owner	% Interest	Name of Owner	% Interest

BLOCK E₂ – IDENTIFICATION OF CURRENT AFFILIATION

Duplicate this block as necessary to display all of the persons with whom the applicant is affiliated.

Affiliation means a relationship between two or more entities in which one directly or indirectly owns or controls a 10 percent or greater interest in , or otherwise controls, another; or a third entity directly or indirectly owns or controls a 10 percent or greater interest in, or otherwise controls, both.

Provide the names of the persons with whom the applicant is currently affiliated at a 10 percent or greater level of ownership or control. Enter percent of interest. You do not need to repeat current owner names provided in Block E₁.

Name of Affiliate	% Interest	Name of Affiliate	% Interest

BLOCK F – 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, all statements in the application are true. The applicant complied with all legal requirements that pertained to the bottomfish logbook fishing trips in 2004 and 2005 and the halibut logbook fishing trips in 2008 that were reported under the applicant’s ADF&G Business License.

1. Signature of Applicant:	2. Date:
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3. Printed Name of Applicant (Note: If completed by authorized representative, attach authorization):

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average two 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, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form please note the following; 1) NMFS may not conduct or sponsor this information request, and you are not required to respond to this information request, unless the form displays a currently valid OMB control number; 2) This information is being used to implement the Charter Halibut Vessel Program for IPHC Regulatory Areas 2C and 3A; 3) Federal law and regulations require and authorize NMFS to manage charter halibut programs in Alaska; 4) Submission of this information is mandatory for any applicant desiring to participate in charter halibut fishing; 5) This information is used to monitor the charter vessel program under the Northern Pacific Halibut ACT OF 1982; 6) Responses to this information request are not confidential.

Instructions
APPLICATION FOR CHARTER HALIBUT PERMITS(S)
FOR IPHC REGULATORY AREAS 2C OR 3A

Applications must be received by APRIL 05, 2010.
LATE APPLICATIONS WILL BE DENIED.

General Permit Requirements

Charter Halibut Permit In addition to other applicable permit and licensing requirements, any charter vessel operator with one or more charter vessel anglers catching and retaining Pacific halibut onboard the charter vessel must have onboard the vessel a valid Charter Halibut Permit or permits endorsed for the regulatory area in which the vessel is operating and endorsed for the number of charter vessel anglers catching and retaining Pacific halibut. This permit is required beginning February 2011.

Area Endorsement A Charter Halibut Permit is valid only in the International Pacific Halibut Commission regulatory area for which it is endorsed. Regulatory areas are defined in the annual management measures published pursuant to regulations at 50 CFR §300.62.

Charter Vessel Angler Endorsement A Charter Halibut Permit is valid only for the maximum number of charter vessel anglers for which the Charter Halibut Permit is endorsed.

Charter Halibut Permits will be issued to persons who meet the following eligibility criteria:

- ◆ Makes timely application during the application period.
- ◆ **Non-transferable permit** NMFS will issue a non-transferable Charter Halibut Permit to the person who held the ADF&G Business Owner Licenses:
 - That authorized logbook fishing trips during the applicable time periods;
 - That reported five bottomfish logbook fishing trips or more during either 2004 or 2005 (the applicant selected year of the qualifying period); and
 - That reported five halibut logbook fishing trips or more during the recent participation period (2008).
- ◆ **Transferable permit** NMFS will issue a transferable Charter Halibut Permit to the person who held the ADF&G Business Owner Licenses:
 - that authorized logbook fishing trips during the applicable time periods;
 - that reported 15 bottomfish logbook fishing trips or more during either 2004 or 2005 (the applicant selected year of the qualifying period); and
 - that reported 15 halibut logbook fishing trips or more during the recent participation period (2008).
- ◆ Are otherwise eligible to receive permits issued by the NOAA Fisheries (NMFS) Alaska Region.

Exemptions under unavoidable circumstance and active duty military service provisions may be allowed if required regulatory criteria are met by the applicant. See Block D instructions for more information.

Refer to 50 CFR § 300.67 for specific regulatory criteria.

When completed, mail the application to: **Alaska Region, NOAA Fisheries (NMFS)
Restricted Access Management (RAM)
P.O. Box 21668
Juneau, Alaska 99802-1668**

or deliver to: **709 West 9th Street, Suite 713
Juneau, Alaska 99801**

or fax to RAM: **907-586-7354**

- ◆ It is important that all blocks are completed and attachments provided. **Failure to answer any of the questions or provide any of the required documents could result in delays in the issuance of your permits and/or denial of all or part of your application.**
- ◆ Direct any questions you may have to NMFS, RAM at 1-800-304-4846 (option 2) or 907-586-7202 (option 2).

BLOCK A – APPLICANT INFORMATION

1. Enter the name of the person applying for one or more Charter Halibut Permits. In general, this should be the name of the person that held the ADF&G Business Owner License(s) that authorized the logbook fishing trips that met the participation requirements for a Charter Halibut Permit.
2. Enter business mailing address (street or P.O. Box, City, State, Zip Code).
- 3-5. Enter the business telephone number, business fax number, and business e-mail address.
6. Indicate whether applicant is an individual U.S. Citizen. **If YES**, enter date of birth.
7. Indicate whether applicant is a U.S. corporation, partnership, association or other business entity.
Answer **YES**, if 75% U.S. owned. **If YES**, enter date of incorporation.
Answer **NO**, if less than 75% U.S. owned or is not a U.S. corporation, partnership or other business entity.
8. Indicate whether the applicant is a successor-in-interest to a deceased individual or to a dissolved non-individual entity. **If YES**, attach documentation of death or dissolution and evidence supporting successor-in-interest status.

Notes:

- You cannot claim successor-in-interest to a person that still exists.
- Due to the unique nature of each applicant’s situation, a definitive list of documentation cannot be provided. However, some examples of documentation that **may** be acceptable include: a copy of a death certificate, letter from the court appointing personal representative status, and a copy of the official dissolution papers for a corporation or partnership.

BLOCK B – APPLICANT SELECTED YEAR FOR DETERMINATION OF CHARTER HALIBUT PERMIT ALLOCATIONS

After reviewing the Official Charter Halibut Permit Summary sent to you by NMFS, select either 2004 or 2005 as your “Applicant Selected Year” for each Area (2C and 3A) identified on the summary. **Only one year (2004 or 2005) may be selected per area**, but you may select a different year for each area. List any claims you may have to change the charter halibut official record summary in Block C. Complete Block E. Sign and date the application in Block F.

If you did not receive an Official Charter Halibut Permit Summary, indicate the “Applicant Selected Year” you are selecting 2004 or 2005, for each Area for which you are claiming a Charter Halibut Permit. **Only one year (2004 or 2005) may be selected per Area**. Complete Block C and Block D, if applicable. Provide evidence to support your claims to one or more Charter Halibut Permits.

Note: Due to the unique nature of each applicant’s situation, a definitive list of documentation cannot be provided. Be advised that a self-statement in support of your claims may not be sufficient to amend the official record. You may wish to provide copies of your official business records, affidavits from clients or crew, or other documents that support your claims.

Complete Block E. Sign and date the application in Block F.

If you are claiming eligibility for one or more Charter Halibut Permits on the basis of an unavoidable circumstance, complete Block C, Block D, and Block E. Sign and date the application in Block F.

BLOCK C₁ – CLAIMS

Describe any claims you may have to change the Charter Halibut Official Record.

- Check the box(es) that best describes the nature of your claims that the Charter Halibut Permit Official Record is inaccurate. Check all boxes that apply.
- If “other”, describe the nature of your claims.
- **Provide documentation to support all claims.**

Note: Due to the unique nature of each applicant’s situation, a definitive list of documentation cannot be provided. Be advised that a self-statement in support of your claims may not be sufficient to amend the official record. You may wish to provide copies of your official business records, affidavits from clients or crew, or other documents to support your claims.

BLOCK C₂ – CHARTER HALIBUT FISHING BUSINESS (ES) OWNED IN 2004, 2005 AND 2008

Provide the following information for all charter halibut guide businesses you owned in 2004, 2005 and 2008 that you believe qualify you for Charter Halibut Permit(s). Use one line per business (attach additional pages if necessary).

Name of Business
State of Alaska Business License Number
Year(s) of Operation (2004, 2005 or 2008)

BLOCK C₃ – VESSELS OPERATED BY CHARTER HALIBUT FISHING BUSINESS(ES) YOU OWNED IN 2004, 2005 AND 2008

List the following information for all vessels operated by charter halibut guide business(es) you owned in 2004, 2005 and 2008. Use one row per vessel.

Vessel name
ADF&G vessel registration number
United States Coast Guard (USCG) documentation number or state registration number
Saltwater Charter Logbook number (by year)
Year(s) of Operation (2004, 2005 and 2008) (check all that apply)
Number of Trips per year

BLOCK D₁ – UNAVOIDABLE CIRCUMSTANCE CLAIM: 2004 OR 2005 QUALIFYING YEAR

Check the box if you are applying for a Charter Halibut Permit based on an unavoidable circumstance that occurred in 2004 or 2005. You must provide documentation in support of your claim. Be advised that a self-statement in support of your claims is unlikely to be sufficient to amend the official record. Due to the unique nature of each applicant’s situation, a definitive list of documentation cannot be provided. You may wish to provide copies of your official business records, affidavits from clients or crew, or other documents to support your claims.

NOTE: You cannot claim both unavoidable circumstances (D₁ or D₂) and active duty military service (D₃).

BLOCK D₂ – UNAVOIDABLE CIRCUMSTANCE CLAIM: 2008 RECENT PARTICIPATION YEAR

Check the box if you are applying for a Charter Halibut Permit based on an unavoidable circumstance that occurred in 2008. You must provide documentation in support of your claim. Be advised that a self-statement in support of your claims is unlikely to be sufficient to amend the official record. Due to the unique nature of each applicant’s situation, a definitive list of documentation cannot be provided. You may wish to provide copies of your official business records, affidavits from clients or crew, or other documents to support your claims.

NOTE: You cannot claim both unavoidable circumstances (D₁ or D₂) and active duty military service (D₃).

BLOCK D₃ – ACTIVE DUTY MILITARY SERVICE CLAIM

Make a check mark if you are applying for a Charter Halibut Permit based on active duty military service in the U.S. Military, National Guard or Military Reserves that occurred in 2004 or 2005. You must provide documentation, such as a copy of the orders you received from the National Guard or military service, in support of your claim.

NOTE: You cannot claim both unavoidable circumstances (D₁ or D₂) and active duty military service (D₃).

BLOCK E₁ – IDENTIFICATION OF OWNERSHIP

If the Applicant is not an individual (i.e., a corporation, partnership or other entity), provide the names of, and the percentage of ownership held by, all its owners. If a listed owner also is not an individual, provide the same information for each such owner until all owners, and their percent of ownership, is reflected to the individual person level. See example below:

Applicant – Best Charters, Inc.

Name(s) of Owner(s)	% Interest
Joe Charter	25%
Joan Charter	25%
Charter Family Holdings, Inc.	50%
A. Bob Charter	25% (of 50%)
B. Carol Charter	25% (of 50%)
C. Ted Fisher	25% (of 50%)
D. Alice Fisher	25% (of 50%)

Duplicate the form, or attach a separate sheet of paper if necessary to display all of the Applicant’s owners (and owners of the Applicant’s owners, to the individual person level).

BLOCK E₂ – IDENTIFICATION OF AFFILIATION

Provide the names of the persons with whom the applicant is affiliated and percent interest.

- *Affiliation* means a relationship between two or more entities in which one directly or indirectly owns or controls a 10 percent or greater interest in, or otherwise controls, another, or a third entity directly or indirectly owns or controls a 10 percent or greater interest in, or otherwise controls, both.
- An *indirect interest* is one that passes through one or more intermediate entities. An entity’s percentage of indirect interest is equal to the entity’s percentage of direct interest in an intermediate entity multiplied by the intermediate entity’s percentage of direct, or indirect, interest in the applicant.
- The term *control* includes:
Ownership of more than 10% of the entity;
The right to direct the business of the entity;
The right to limit the actions of or replace the chief executive officer, a majority of the board of directors, any general partner, or any person serving in a management capacity of the entity; or the right to direct the operation of the applicant’s business;
The term “control” does not include the right to simply participate in the above actions.

BLOCK F – APPLICANT SIGNATURE

Applicant must print name, sign and date the application. If completed by an authorized representative, attach authorization.