

Request to Transfer Limited  
 Access General Category (LAGC)  
 Individual Fishing Quota (IFQ)  
 Scallop Allocation



United States Department of Commerce  
 National Oceanic and Atmospheric Administration  
 National Marine Fisheries Service  
 Northeast Region  
 55 Great Republic Drive  
 Gloucester, MA 01930

2012 Fishing Year (March 1, 2012 – February 28, 2013)

This form must be used to request a temporary or permanent transfer of IFQ between two IFQ scallop vessels. Written approval or disapproval of the request will be provided within 30 days of receipt of this form. By signing the LAGC IFQ transfer form, Transferor/Seller certifies, under the penalties for perjury, that the vessel identified in the Transferor/Seller section of this form has not landed scallops in the applicable fishing year, and will not declare an LAGC trip or land scallops prior to the completion of the transfer requested on this form. By signing this form, both Transferor/Seller and Transferee/Buyer certify that he/she has read and understands the LAGC IFQ transfer program requirements and restrictions attached to this form.

Note: For permanent transfers, if you intend to transfer only some of your IFQ allocation to another vessel, NMFS will convert the pounds that you have indicated into a proportion of your contribution percent. Your contribution percent will be updated so that you will receive an allocation based on this amount in future fishing years.

**Section 1**

Check which type of transfer you are requesting:

<input type="checkbox"/> Temporary IFQ Allocation Transfer	<input type="checkbox"/> Permanent IFQ Allocation Transfer
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**Section 2**

Transferor (Seller)	
Name Phone Number: Mailing address:	IFQ Scallop Vessel Name Permit Number: USCG Doc or State Reg. Number:
Total Pounds of Vessel's Allocated IFQ being Transferred	Price Received for the Transfer: \$

**Section 3**

Transferee (Buyer)	
Name Phone Number: Mailing address:	IFQ Scallop Vessel Name: Permit Number: USCG Doc or State Reg. Number:

**Section 4**

Signature of Transferor or Authorized Agent:	Signature of Transferee or Authorized Agent:
Date:	Date:

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the information. Send comments regarding this burden estimate to: NMFS, 55 Great Republic Drive, Gloucester, MA 01930. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subjected 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.

## LAGC IFQ Transfer Program Requirements and Restrictions

### IFQ transfer request submission

IFQ transfer applications may be submitted by mail, fax (978-281-9135), or email (ScallopIFQ.Transfer@noaa.gov). Emailed applications must be submitted with signatures and date in PDF format. The regulations regarding the LAGC IFQ Transfer Program are located at 50 CFR 648.53(h)(5).

### IFQ transfer restrictions.

- IFQ must be transferred to another vessel also issued an IFQ permit and may not be transferred from or to a vessel issued both a limited access full-time, part-time, or occasional scallop permit and an IFQ scallop permit.
- An IFQ scallop vessel that has landed scallops at any time in a fishing year may not transfer any of the vessel's IFQ to another IFQ scallop vessel in the same fishing year.
- A vessel's IFQ may be transferred only once in a single fishing year; an IFQ scallop vessel can receive IFQ allocations from more than one IFQ scallop permit but may not transfer the IFQ allocation(s) to another vessel in the same fishing year.
- A transfer of IFQ may not result in the sum of the IFQs on the receiving vessel exceeding 2.5 percent of the annual catch limit allocated to IFQ scallop vessels.
- A transfer of IFQ may not result in the recipient having ownership of IFQ scallop allocations that exceeds 5 percent of the annual catch limit allocated to IFQ scallop vessels.
- The Regional Administrator has final approval authority for all IFQ transfer requests.

### Temporary IFQ transfers (i.e., Leases).

- Temporary IFQ transfers shall be effective only for the fishing year in which the temporary transfer is requested, approved, and issued.
- The owner of a vessel issued an IFQ scallop permit may temporarily transfer some or all of the vessel's IFQ allocation.
- Temporary transfers may not be in amounts of less than 100 lb unless that value reflects the total IFQ allocation remaining on the transferor's vessel, or the vessel's entire IFQ allocation.

### Permanent IFQ transfers.

- With the implementation of Amendment 15, a vessel permanently transferring its IFQ to another vessel is no longer required to also transfer its Federal limited access scallop IFQ permit. The transferring vessel will only be permanently transferring its IFQ contribution percent allocation; the IFQ permit will remain with the transferring vessel. If you wish to transfer a scallop IFQ permit, along with the IFQ contribution factor, a vessel replacement application must also accompany the LAGC IFQ Scallop Allocation Transfer from.
- Any such transfer cannot be limited in duration and is permanent unless the IFQ is later transferred to another IFQ scallop vessel, other than the originating IFQ scallop vessel, in a subsequent fishing year. The transferring vessel can permanently transfer some or all of its IFQ/contribution percentage. If a vessel permanently transfers its entire IFQ to another vessel, its IFQ permit will remain valid (with a contribution percent of zero and no associated IFQ allocation), unless the owner cancels or fails to renew the permit, at which point the permit will be considered permanently relinquished.

### Application requirements.

- The application must be signed by both parties (transferor and recipient) involved in the transfer of the IFQ or an authorized agent.
- Applications may be submitted at any time during the scallop fishing year, provided the vessel transferring the IFQ has not utilized any of its IFQ in that fishing year.
- Applications must be submitted at least 30 days before the date on which the applicants desire to have the IFQ transfer effective on the receiving vessel.
- Applications for temporary transfers should be submitted 45 or more days prior to the end of the fishing year to ensure time for a vessel to utilize the transferred IFQ prior to the expiration of the fishing year.

Application information. Information obtained from the transfer application is subject to the confidentiality requirements of the Magnuson-Stevens Act.

Approval of IFQ transfer applications. Unless an application to transfer IFQ is denied for reasons below, the Regional Administrator shall issue confirmation of application approval to both parties involved in the transfer within 30 days of receipt of an application.

Denial of transfer application. An application to transfer IFQ may be rejected for, but not limited to, the following reasons:

- The application is incomplete.
- The transferor/seller or transferee/recipient's vessel is not issued a valid IFQ scallop permit.
- The transferor's or recipient's vessel or IFQ scallop permit has been sanctioned, pursuant to an enforcement proceeding.
- The transfer will result in the recipient's vessel having an allocation that exceeds 2.5 percent of the total allowable catch allocated to IFQ scallop vessels.
- The transfer will result in the recipient having ownership of general category scallop allocation that exceeds 5 percent of the total allowable catch allocated to IFQ scallop vessels.
- The transfer has an insufficient amount of IFQ allocation to enact the transfer.
- The transferor or transferee has failed to submit past due vessel Trip Reports or comply with vessel trip reporting requirements.

Upon denial of an application to transfer IFQ, the Regional Administrator will send a letter to the applicants describing the reason(s) for the rejection. The decision by the Regional Administrator is the final agency decision and there is no opportunity to appeal the Regional Administrator's decision. Deficiencies in applications must be corrected with a new application for an IFQ transfer.

#### Cost Recovery

The Magnuson-Stevens Fishery Conservation and Management Act requires IFQ programs to include a cost recovery program, whereby NMFS will collect up to 3 percent of ex-vessel value of landed product to cover NMFS's actual costs directly related to the management, data collection, and enforcement of an IFQ program. The owner of a vessel issued an IFQ scallop permit will be responsible for paying this fee and IFQ scallop vessels incur a cost recovery fee liability for every landing of IFQ scallops, including scallops landed as a result of an IFQ transfer. Each IFQ scallop permit holder is responsible for his/her own fee for all IFQ scallop landings applied to the permit during the cost recovery fee period and shall be responsible for submitting this payment to NMFS by January 1<sup>st</sup> each fishing year. If this fee is not paid NMFS will deny the LAGC IFQ permit application for the following fishing year.