

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 07/18/2008

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 02/15/2008

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200801-0648-004
AGENCY ICR TRACKING NUMBER:
TITLE: Alaska Region BSAI Crab Permits
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0514

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: 07/31/2011

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	4,121	8,466	32,000
New	2,799	4,419	17,011
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	-1,322	-4,047	-14,989
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

IC Title	Form No.	Form Name	CFR Citation
Annual application for crab IFQ permit	NA	Application for Crab IFQ/IPQ permit	
Application for Crab IPQ permit	NA	Application for crab IFQ/IPQ permit	
Application for an Annual Crab Harvesting Cooperative IFQ Permit	NA	Application for Crab Harvesting Cooperative IFQ Permit	
Application for Registered Crab Receiver (RCR) Permit	NA	Application for Registered Crab Receiver Permit	
Application for Crab IFQ Hired Master Permit	NA	Application for Crab IFQ Hired Master Permit	
Application for federal crab vessel permit	NA	Application for federal crab vessel permit	
Application to become an ECCO	NA	Application to become an ECCO	
Application for eligibility to receive crab QS/IFQ or PQS/IPQ by transfer	NA	Application to receive crab QS/IFQ or PQS/IPQ by transfer	
Application for transfer of QS, IFQ and IPQ	NA	Application for transfer of QS, IFQ and IPQ	
Application for transfer of crab QS/IFQ to or from an ECCO	NA	Application for transfer of crab QS/IFQ to or from an ECCO	
Application for transfer of IFQ between crab harvesting cooperatives	NA	Application for transfer of IFQ between crab harvesting cooperatives	
Registered Crab Receiver Fee Submission Form	NA	Registered Crab Receiver Fee Submission Form	
Right of first refusal contracts			50 CFR 680
Right of first refusal waivers			50 CFR 680
Appeal of denial of any application			50 CFR 680

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 b. <input type="checkbox"/> None 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
7. Title	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
8. Agency form number(s) (<i>if applicable</i>)	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ 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. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ 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
ALASKA REGION BSAI CRAB PERMITS
OMB CONTROL NO.: 0648-0514**

INTRODUCTION

In January 2004, the U.S. Congress amended Section 313(j) of [Magnuson-Stevens Act](#) to mandate the Secretary of Commerce to implement the Crab Rationalization Program for the Bering Sea and Aleutian Islands Management Area (BSAI) crab fisheries. The Program allocates BSAI crab resources among harvesters, processors, and coastal communities. The North Pacific Fishery Management Council prepared, and National Marine Fisheries Service (NMFS) approved, the Fishery Management Plan (FMP) for BSAI King and Tanner Crabs. The FMP establishes criteria for the management of certain aspects of the BSAI crab fisheries by the State of Alaska Department of Fish and Game (ADF&G). The FMP is implemented by regulations at 50 CFR part 680.

This action is a request for renewal for this collection-of-information and addresses the permits, transfers, and cost recovery procedures for the Program.

The Crab Rationalization Program (CR Program) components include quota share allocation, processor quota share allocation, individual fishing quota (IFQ) and individual processing quota (IPQ) issuance, quota transfers, use caps, crab harvesting cooperatives, protections for Gulf of Alaska groundfish fisheries, arbitration system, monitoring, economic data collection, and cost recovery fee collection. Program details are found at: <http://www.alaskafisheries.noaa.gov/regs/680/default.htm>.

A. JUSTIFICATION

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

The Program: 1) addresses conservation and management issues associated with the previous crab derby fisheries, 2) reduces bycatch and associated discard mortality, and 3) increases the safety of crab fishermen by ending the race for fish.

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.

The CR 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.

Lists of issued permits are posted on the Alaska Region Home Page at <http://www.alaskafisheries.noaa.gov/ram>.

a. Application for Crab Quota Share (QS) or Processor Quota Share (PQS)—NO LONGER USED.

Quota Share (QS)

Quota Share (QS) represents a long-term privilege to harvest a percentage of the crab fishery. QS was issued initially either to:

- ◆ Holders of permanent License Limitation Program (LLP) licenses for which the original LLP qualifying vessel had eligible crab landings; or
- ◆ Crew members who, in the crab qualifying years, held a State of Alaska Interim Use Permit and made landings with that permit.

LLP-based QS is 97% of all the QS in a fishery; crew-based QS is 3% of all the QS in a fishery. Each year QS yields IFQ.

NMFS issued QS to qualified LLP holder or crew member applicants who submitted an application BEFORE the application deadline. Applications were accepted from April 4, 2005, until 5:00 p.m. Alaska local time on June 3, 2005. The deadline to apply for QS has passed. All applications received after the deadline will be deemed untimely and will not be eligible for QS. QS may now be received only by transfer from another QS holder.

There are four types of harvesting QS depending on how the shares were initially earned:

"C" or "Crew" shares were initially issued to persons who historically held Alaska Commercial Fisheries Entry Commission (CFEC) crab permits, and signed fish tickets for qualifying landings.

1. Catcher Vessel Crew (CVC) shares were based on qualifying pounds delivered of raw crab
2. Catcher Processor Crew (CPC) QS was based on qualifying landings processed at sea.

"O" or Owner" QS was initially issued to persons who held LLP crab permits and had qualifying landings.

3. Catcher Vessel Owner (CVO) shares were based on qualifying pounds delivered of raw crab
4. Catcher Processor Owner (CPO) shares were derived from qualifying landings processed at sea.

CVO or CPO QS LLP is provided for LLP License Holders. CVC QS or CPC QS is provided for Captain/Crew Members. Annual IFQ derived from Owner and Crew QS have different use privileges.

Processor Quota Share (PQS)

Processor Quota Share (PQS) is a long-term privilege for crab processors to receive a percentage of the crab harvest in a fishery. PQS annually yields IPQ. NMFS issued PQS to qualified applicants that submitted an application BEFORE the application deadline. Applications were accepted from April 4, 2005, until 5:00 p.m. Alaska local time on June 3, 2005. The deadline to apply for PQS has passed. All applications received after the deadline will be deemed untimely and will not be eligible for PQS. PQS may now be received only by transfer from another QS holder.

The application is divided into Block A through Block K. Not all applicants are required to complete all of the Blocks, but all of the applications must complete the following blocks:

- Block A--type of quota for which application is made;
- Block B--identification of Applicant;
- Block C--the “shortcut” application procedure; and
- Block K--the signature block.

Application for Crab QS and PQS—NO LONGER USED

Block A --Type of QS or PQS for Which Person Is Applying.

Indicate the type(s) of quota for which applying; note that an Applicant applying for more than one type may apply using the same form:

- CVO or CPO QS LLP
- CVC QS or CPC QS
- Processor PQS.

Block B – Applicant Information.

- Name and NMFS Person ID
- Permanent business mailing address
- Business telephone number, business fax number, and business e-mail address (if available)
- Indicate (YES or NO) whether applicant is a U.S. citizen; if YES, his or her date of birth
- Indicate (YES or NO) whether applicant is a U.S. corporation, association, or other business entity if YES, the date of incorporation
- Indicate (YES or NO) whether applicant is deceased; if YES, date of death
 - A copy of the death certificate must be attached to application
- Indicate (YES or NO) whether applicant is no longer in existence; if YES, date of dissolution.
 - Valid evidence of dissolution must be attached to application.

Block C – “Shortcut” Application Procedure

All persons who were identified in the Official Crab Rationalization Record (Official Record) as eligible to apply for QS or PQS were sent notice of that fact by 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 the applicant concurs with the estimate(s) provided, he or she indicates acceptance by marking the appropriate box and completing Block K by signing and dating the application.

If the applicant agrees with some, but not all, of the estimates provided, he or she must mark the appropriate box(es) and move on through the application.

If the applicant does not agree with any of the estimates, he or she must mark the appropriate box and move on.

Block D – Fishery(ies) and QS/PQS type(s)

To be completed only if applicant does not agree with the estimated percentage(s) derived from the Official Record. Indicate the estimated percentage of the QS or PQS pool(s), by crab fishery(ies) and by type(s) of QS/PQS, that applicant is claiming.

Block E – (for CVO and CPO QS Applicants)

To be completed by applicants who are License Limitation Program (LLP) permit holders and who premise his or her claim in any fishery to a higher percentage of the QS Pool than set out in the Official Record. If claim is premised on the activities of more than one vessel, complete Block E for each vessel.

Name, ADF&G vessel registration number, and United States Coast Guard (USCG) documentation number of vessel

Moratorium Permit(s) Used: Moratorium Permit Number and Year (Season)

LLP License(s) Used: LLP License Number and Year (Season)

For each fishery and each listed qualifying year in which the vessel participated in the fishery, so indicate by entering the specific number of pounds landed (pounds claimed).

Attach ADF&G fish tickets or other information to support claim that the vessel participated in the fishery in the indicated year and was the vessel from which the claimed pounds were landed.

Block F – Catcher/Processor Owner (CPO) QS

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

LLP license number under which participant is applying

Indicate (YES or NO) whether vessel whose history gave rise to the LLP license was used to process any of the BSAI crab species included in Block D during 1998 or 1999?

Name, ADF&G vessel registration number, and Moratorium permit number of vessel upon which processing occurred

Year(s) processing occurred: 1998 or 1999

Species processed (use fishery code).

Block G – for Catcher Vessel Owner (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

Name, ADF&G vessel registration number, and USCG documentation number of vessel whose history participant is choosing

LLP crab license number

Fishery for which participant obtained the license (enter Fishery Code):

Date participant received license by transfer:

Reason(s) for LLP license transfer for use onboard vessel (use separate sheet, if necessary).

Block H – for CVO and CPO QS applicants (LLP License Holders)

To be completed if applicant is claiming credit for landings under either “sunken vessel” provision

Name, ADF&G vessel registration number, and USCG number of vessel that sank

Date of loss

Name, ADF&G vessel registration number, and USCG number of replacement vessel

Date replacement vessel construction began (keel laid)

Date replacement vessel entered fishery.

Block I – for Catcher Vessel Crew (CVC) OR Catcher/Processor Crew (CPC) QS Applicants

To be completed by eligible captains or crew members and If participant is premising claim to QS in any fishery(ies) to a higher percentage of the QS Pool(s) for any CVC QS or CPC QS than set out in the Official Record. Duplicate this form as necessary.

Note: “Crew Quota Share” is issued only to individual U.S. citizens who were named on State of Alaska Interim Use Permit(s) (IUP), who used their permit(s) to record landings of BSAI crab during certain years, and who can demonstrate recent participation in the fishery for which they seek QS

For each fishery for which participant is seeking QS, use the table below to record your claim. Note that a

separate table must be completed for each fishery. Duplicate the table as may be necessary to record claims for all fisheries

Fishery (use fishery code)

Season(s)

Name, ADF&G vessel registration number of vessel from which the landings were made

Interim-Use Permit Number

Pounds Landed in Season

Attach fish tickets, copies of permits, or other information to support claims

Indicate (YES or NO) whether application is completed on behalf of a deceased crew member

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

Block J – for PQS Applicants

To be completed by eligible processors

Note: An “eligible processor” is one that processed BSAI crab species during 1998 or 1999. A processor that did not process BSAI crab in either of those years may be eligible under the “hardship” provision. To be eligible under that provision, an Applicant must have processed Bering Sea snow crab in every season, 1988 through 1997; additionally, in the time period beginning on January 1, 1996, and concluding on June 10, 2002, the Applicant must have invested at least \$1 million in increasing or improving crab processing capacity.

Indicate (YES or NO) whether Applicant processed any Bering Sea crab PQS species in 1998 or 1999

If YES, proceed to Question 4.

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

Indicate (YES or NO) whether Applicant processed BSS crab during each season, 1988 through 1997

Indicate (YES or NO) whether Applicant invested a minimum of \$1 million in processing capacity in the time period beginning on January 1, 1996, and concluding on June 10, 2002

For each fishery for which the Applicant is seeking PQS, use the table to record the claim. Note that a separate table must be completed for each fishery/plant combination. Duplicate the table as may be necessary to record all claims.

Fishery (Enter Fishery Code)

Plant Location (Enter Name of City or Port)

Year

Processor Code

Pounds

Total Pounds: All 3 years

Indicate (YES or NO) whether 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

Indicate (YES or NO) whether 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

If the Applicant is applying to receive PQS for the Western Aleutian golden (WAG) crab QS fishery, indicate (YES or NO) whether Applicant owns a crab processing facility in the West region (i.e., west of 174E W. long.)

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. 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° E 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 section 313(j) of the Magnuson-Stevens Act. The affidavit must be signed by the Applicant and by a representative of the designated ECC entity.

Block K – Applicant signature.

Printed name and signature of applicant and date signed.
 If authorized representative, attach proof of authorization to the application.

Application for QS or PQS, Respondent – NO LONGER USED	
Number of respondents	0
Total annual responses	0
Total burden hours	0
Total personnel cost	0
Total miscellaneous costs	0

Application for QS or PQS, Federal Government – NO LONGER USED	
Total annual responses	0
Total burden hours	0
Total personnel cost	0
Total miscellaneous costs	0

b. Annual Application for Crab IFQ/IPQ Permit

Individual fishing quota (IFQ)

Individual fishing quota (IFQ) is the pounds of crab that QS yields each year. It is determined by number of QS units held and the annual crab total allowable catch amount. The QS holder or a hired master can fish IFQ, and IFQ may be assigned to a cooperative. IFQ that is based on QS issued to LLP License holders can be leased until June 30, 2010. IFQ that is based on QS issued to crew can be leased until June 30, 2008, and after that date, under special exemptions for medical hardships and the physical loss of a vessel on which the IFQ holder uses the IFQ.

The QS and PQS holder must submit an application for IFQ or IPQ to NMFS by August 1 each year for self to receive the IFQ or assign that IFQ to a crab harvesting cooperative. IFQ also may be received by transfer.

IFQ is issued in four types: CPO, CPC, CVO, and CVC.

- ◆ CPO and CPC QS can be used to harvest and process crab onboard a vessel. It does not have to be delivered to a specific shore-based or stationary floating crab processor.
- ◆ CVO and CVC QS must be delivered to a shore-based or stationary floating crab processor. CVO QS will yield two types of IFQ each year: Class A and Class B.
 - Crab harvested under a CVO Class A IFQ permit must be delivered to a processor with unused IPQ in a specific region.

- Ninety percent of the CVO IFQ will be issued as Class A IFQ. Ten percent of the CVO IFQ will be issued as Class B IFQ. Crab harvested under a Class B IFQ permit can be delivered to any processor and does not need to be delivered to a processor with IPQ in a specific region.
- ◆ CVC QS yields CVC IFQ until June 30, 2008. CVC IFQ is similar to Class B IFQ; it can be delivered to any processor and is not tied to a specific region.
- ◆ After June 30, 2008, CVC QS will yield CVC Class A IFQ and CVC Class B IFQ. Ninety percent of the CVC IFQ will be issued as CVC Class A IFQ. IFQ has the same requirements to be delivered to a processor with IPQ and regional delivery requirements. Ten percent of the CVC IFQ will be issued as Class B IFQ. CVC Class A CVC Class B IFQ does not have these processor delivery requirements.

This application is necessary to administer the program, specifically:

- ◆ To determine the designation of Class A and Class B IFQ in each crab fishing year for each person;
- ◆ To determine whether the applicant will be using the IFQ as part of a crab harvesting cooperative; and
- ◆ To ensure that an economic data report (EDR) has been submitted.

Individual processing quota (IPQ)

Individual processing quota (IPQ) is the pounds of crab that PQS yields each year. IPQ is needed to receive any amount of crab harvested under a Class A IFQ permit. The amount of IPQ issued every year is equal to the pounds issued as Class A IFQ.

By August 1 each year a PQS holder must submit an application for IPQ to NMFS. All required fees and data reports must be submitted before NMFS issues IPQ. If not a PQS holder, IPQ may be received by transfer. However, NMFS will not issue IPQ to any PQS holder that is required to participate in the Arbitration System until the Arbitration System requirements have been met.

Crab harvested with Class B IFQ, CPO IFQ, CPC IFQ, and CVC IFQ (before July 1, 2008) may be received by a person without IPQ. Crab harvested under a Community Development Quota (CDQ) allocation may also be received without IPQ. However, to receive Class A IFQ, a person must have IPQ.

Anyone who is receiving crab (whether processing or not) must have a registered crab receiver (RCR) permit. That permit is necessary for data collection and fee assessment. That permit is available through NMFS (but will only be issued if fee payments and reporting requirements have been met).

Non-individuals holding QS must submit an affidavit on an annual basis, along with the Annual Application for Crab IFQ/IPQ Permit, to attest to whether an affiliation exists between a PQS or IPQ holder and the IFQ recipient.

This application is not complete until NMFS has verified that the applicant has submitted all required Economic Data Reports, and the applicant has paid all outstanding fee obligations.

Annual Application for Crab IFQ/IPQ Permit

Block A – Applicant Information

- Name and NMFS Person ID
- Date of birth or incorporation
- Permanent business mailing address and temporary business mailing address (optional).
- Business telephone number, fax number and e-mail address.

Block B – Type Of Annual Quota For Which Application Is Made

- Individual processing quota (IPQ)—complete Blocks A, B, D, and F
 - Mark All QS Fisheries for which applicant holds PQS or only those fisheries circled below
- Individual Fishing Quota (IFQ)--complete Blocks A, B, (C), D, E, and F
 - Mark All QS Fisheries for which applicant holds QS or only those fisheries circled below
- Indicate (YES or NO) whether Applicant intends to join a Cooperative
 - If YES, complete Block C.

Block C –Cooperative IFQ Assignment

- Complete if some or all of the Applicant’s Annual IFQ is to be assigned to a crab harvesting cooperative
 - Name of the crab harvesting cooperative(s) the Applicant has joined for each crab fishery.
 - If Applicant has joined the same crab harvesting cooperative for all crab QS Fisheries for which the Applicant holds QS, Applicant should list the cooperative name in the row named “All QS Fisheries.”
 - A copy of this application must be submitted with the cooperative’s application(s) for its annual crab harvesting cooperative IFQ permit.

Block D--Identification of Ownership Interests

- If Applicant identified in Block A is not an individual (i.e. is a corporation, partnership or some other entity) enter
 - Name(s) of all owners of the Applicant
 - Percent of ownership
- If a listed owner is not an individual, provide the same information for each such owner until all owners, and their percent of ownership, is revealed to the individual level.

Block E – Declaration of Affiliation

- To be completed by Applicants for IFQ
- Indicate (YES or NO) whether the Applicant is “affiliated” with an entity that holds PQS and/or IPQ
- If YES, provide for holders of PQS or IPQ with which it is affiliated
 - Name
 - Business address
 - Telephone number
- Information regarding affiliation is required to determine the correct allocation of “A” and “B” category IFQ to the Applicant. Note that this Declaration of Affiliation is valid for the entire Crab Fishing Year for which the Applicant is seeking IFQ.

Block F – Certification of Applicant

- Printed name and signature of applicant and date signed.
- If the application is completed by an authorized representative, attach proof of authorization.

In 2005/6, 576 IFQ permits were issued. In 2006/7, 464 IFQ permits were issued. And in 2007/8, 382 IFQ permits were issued. The number 390 is used to determine costs, based on the last figure, due to apparent downward trend but allowing for the possibility of the trend’s having “bottomed out”, and rounding up to the nearest 10.

Annual application for Crab IFQ permit, Respondent	
Number of respondents	390
Total annual responses	390
Frequency of response = 1	

Total burden hours (2.5 x 390 = 975) Time per response = 2.5 hr	975 hr
Total personnel cost (\$25 x 975)	\$24,375
Total miscellaneous costs (2194.4) Annual postage (.41 x 40 = 16.4) Annual photocopy (2 x .10 x 390 = 78) Annual fax (\$6 x 350 = 2100)	\$2,195

Annual application for Crab IFQ permit, Federal Government	
Number of responses	390
Total burden hours (97.5) Time per response = (15/60) = 0.25	98 hr
Total personnel costs (\$25 x 390)	\$2,450
Total miscellaneous costs	0

In 2005/6, 77 IPQ permits were issued. In 2006/7, 107 IPQ permits were issued. And in 2007/8, 106 IPQ permits were issued. The number 110 is used to determine costs.

Annual application for Crab IPQ permit, Respondent	
Number of respondents	110
Total annual responses Frequency of response = 1	110
Total burden hours Time per response = 2.5 hr	275 hr
Total personnel costs (\$25 x 275)	\$6,875
Total miscellaneous costs (626.10) Annual postage (.41 x 10 = 4.10) Annual fax (\$6 x 100 = \$600) Annual photocopy (2 x .10 x 110 = 22)	\$626

Annual application for Crab IPQ permit, Federal Government	
Number of responses	110
Total burden hours (27.5) Time per response = (15/60) = 0.25	28 hr
Total personnel costs (\$25 x 28)	700
Total miscellaneous costs	0

c. Application for an Annual Crab Harvesting Cooperative IFQ Permit.

A group of four or more distinct QS holders (not affiliated with the other members in that cooperative) can voluntarily form a crab harvesting cooperative for the purpose of applying for and fishing under a crab harvesting cooperative IFQ permit issued by NMFS. Crab harvesting cooperatives do not hold QS; they hold and use only the IFQ of the crab harvesting cooperative members. The amount of crab authorized by the permit is derived from the aggregate IFQ amounts that would otherwise have been issued to the members of the cooperative. Each cooperative is issued a separate IFQ permit for each type of QS held by its members.

A QS holder may only join one cooperative per crab fishery. When a QS holder joins a crab harvesting cooperative at the start of the crab fishing year, all of that QS holder's IFQ for that fishery will be assigned to the crab harvesting cooperative. For instance, if a QS holder holds 10 units of IFQ in the Bristol Bay Red (BBR) king crab fishery and 20 units of IFQ in the Western Aleutian golden (WAG) king crab fishery and wishes to join a crab harvesting cooperative in the WAG fishery, he or she must commit all 20 units of WAG IFQ to the WAG crab harvesting

cooperative he or she chooses to join. The QS holder may choose to fish his or her BBR IFQ independently or may commit all 10 units of BBR IFQ to a cooperative in the BBR fishery.

In order to be eligible for a cooperative IFQ permit issued by NMFS, a cooperative is required to be formed as a legal business entity registered under the laws of one of the 50 states or the District of Columbia, and is required to be organized according to the requirements of the 1934 Fisherman's Collective Marketing Act (FCMA) (15 U.S.C. 521). The intent of the FCMA is to provide fishermen, acting through fishery cooperatives, an opportunity to compete on the same basis as an individual corporation. Because there is no waiver of antitrust laws in the Magnuson-Stevens Act and because the only exemption from antitrust law for fishing cooperatives is provided by the FCMA, crab harvesting cooperatives are required to be organized and operate in a manner that is consistent with requirements of the FCMA.

Crab harvesting cooperatives must annually apply by August 1 to NMFS to receive a crab harvesting cooperative IFQ permit. The application must include the signed annual applications for crab IFQ/IPQ permit forms of all the members of the crab harvesting cooperative.

Each crab harvesting cooperative must appoint a designated representative to act on the cooperative's behalf and serve as contact point for NMFS for questions regarding the operation of the cooperative. The designated representative may be a member of the cooperative or some other individual authorized by the cooperative to act on its behalf.

Application for annual crab harvesting cooperative IFQ permit

Block A – Identification of Cooperative

- Name of cooperative
- Name of the cooperative's designated representative
- Permanent business address
- Permanent business address of designated representative, if different
- Type of business entity under which the cooperative is organized: Cooperative, Partnership, or Other (specify)
- State in which the cooperative is legally registered as a business entity;
- Business telephone number, fax number, and e-mail address (if available).
- Signature of designated representative and date signed.

Block B – Members of the cooperative

- Name of QS holder
- NMFS Person ID for each QS holder.

Attachments

- To be considered complete, this application must be accompanied by all of the following documents:
 - A copy of the completed annual IFQ application from every member of the Cooperative
 - A copy of the Cooperative's business license
 - A copy of the Cooperative's Articles of Incorporation or Partnership Agreement
 - A copy of the Cooperative agreement, if different from Articles of Incorporation or Partnership Agreement.

In 2005/6, 15 Coop IFQ permits were issued. In 2006/7, 19 Coop IFQ permits were issued. And in 2007/8, 19 Coop IFQ permits were issued. The number 19 is used to determine costs.

Application for Annual Crab Harvesting Cooperative IFQ Permit, Respondent	
Total annual respondents	19
Total annual responses	19
Frequency of response = 1	
Total burden hours (47.5)	48

Time per response = 2.5 hr	
Total personnel costs (\$25 x 48)	\$1,200
Total miscellaneous cost (95.44)	\$96
Annual postage (.41 x 4 = 1.64)	
Annual photocopy (2 x .10 x 19 = 3.80)	
Annual fax (\$6 x 15 = \$90)	

Application for Annual Crab Harvesting Cooperative IFQ Permit, Federal Government	
Total annual responses	19
Total burden hours	19
Time per response = 1 hr	
Total personnel costs (\$25 x 19)	\$475
Total miscellaneous costs	0

d. Application for Registered Crab Receiver (RCR) Permit

An annual RCR permit is required for the Crab Receiver (CR) crab fisheries. CR crab fisheries include IFQ/IPQ fisheries, CDQ fisheries except Norton Sound king crab, and the golden king crab allocation to Adak. This permit is required to receive any unprocessed crab from the harvester; the owner/operator of a vessel that processes CR crab at sea, any person holding IPQ, and any person that is required to submit a Departure Report. For shoreside operations, an RCR permit is required for each shore facility.

For the application to be considered complete, all fees required by NMFS must be paid, and any economic data report must be submitted.

In addition, 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 to ensure that we are collecting from the person who owes the debt. Collection of TIN is required also required on this permit 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. *NOTE: 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 TINs 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\(a\)\(5\)](#).*

Application for Registered Crab Receiver (RCR) permit

Block A – Nature of the RCR For Which You Are Applying

To be completed by all applicants.

Indicate whether this application is for:

Renewal of an existing RCR permit; If YES indicate current RCR permit number

Amendment to an existing RCR; If YES indicate current RCR permit number

Request for a new RCR permit.

Block B – Applicant Information

Name and NMFS Person ID
Name of contact person for the applicant, if a company;
TIN (EIN or SSN) and date of incorporation if a business or date of birth if an individual
Permanent business mailing address
Business telephone number, Fax number, and e-mail address (if available).

Block C – Type of Activity (Facility/Vessel Identification)

Select type of RCR operation
Identity of Shoreside Processing Facility
 Name of Processing Facility
 Physical Location of Facility
Identity of Stationary Floating Crab Processor
 Name of Vessel
 Alaska Department of Fish and Game (ADFG) vessel registration number
 United States Coast Guard (USCG) documentation number.

Block D – Individual Responsible for Submission of Economic Data Report (EDR)

Name of designated representative
Business mailing address
Business telephone number, fax number, and e-mail address (if available)

Block E – Applicant Signature

Printed name and signature of applicant and date signed.
If completed by an authorized representative, attach proof of authorization.

In 2005/6, 55 RCR permits were issued. In 2006/7, 66 RCR permits were issued. And in 2007/8, 101 RCR permits were issued. The number 100 is used to determine costs.

Application for RCR Permit, Respondent	
Number of respondents	100
Total annual responses	100
Frequency of response = 1	
Total burden hours	50 hr
Time per response = 0.5 hr	
Total personnel costs (\$25 x 50)	\$1,250
Total miscellaneous costs (414.35)	\$414
Postage (0.41 x 35 = 14.35)	
Fax (\$6 x 65 = \$390)	
Photocopy (1 x .10 x 100 = 10)	

Application for RCR Permit, Federal Government	
Number of responses	100
Total burden hours	25
Time per response = 0.25 hr	
Total personnel costs (\$25 x 25)	\$625
Total miscellaneous costs	0

e. Application for Crab IFQ Hired Master Permit

A crab IFQ hired master permit is issued on an annual basis and authorizes the individual identified on the permit to harvest and land IFQ crab for debit against the specified crab IFQ permit. It may also be used to delete such authorization. A separate form must be submitted for each vessel upon which the applicant’s IFQ permit(s) is to be fished by the hired skipper(s). The cooperative’s Authorized Representative must submit the application for a crab harvesting

cooperative. Hired Master Permits may not be issued to harvest IFQ in the Captain/Crew (CVC, CPC) sectors.

Some IFQ permit holders must use Hired Masters to fish their IFQ; some may use Hired Masters, and some types of IFQ may never be fished by Hired Masters, (i.e. the IFQ permit holder must personally be on board). All non-individual entities (corporations, partnerships, crab harvesting cooperatives, etc.) that hold crab IFQ permits must use NMFS-authorized Hired Masters to fish their IFQ permits. Any IFQ assigned to a crab harvesting cooperatives must be fished by a Hired Master authorized for the cooperative's IFQ permits and vessels.

In order for the application to be considered complete, a copy of the USCG Abstract of Title or Certificate of documentation must be included to demonstrate percent or vessel ownership by the IFQ permit holder.

Application for Crab IFQ Hired Master Permit

Block A – Purpose of Application

Indicate whether applying to add or delete a hired master Crab IFQ permit(s) for which this authorization applies.

Block B – IFQ Permit Holder (Applicant) Information

Name and NMFS person ID of IFQ permit holder
Name and NMFS person ID of cooperative, if applicable
Name of cooperative's authorized representative, if applicable
Business mailing address; indicate whether permanent or temporary
Business telephone number, fax number and e-mail address (if available).

Block C – Vessel Upon Which Crab IFQ Will Be Harvested

Vessel name, ADF&G vessel registration number, and USCG documentation number.
Indicate (YES or NO) if IFQ permit holder holds an ownership interest of at least 10% in the named vessel.
If a Crab Harvesting Cooperative, indicate (YES or NO) whether a member hold an ownership interest of at least 10% in the named vessel.
If YES, enter name of that member and attach a contemporary USCG Abstract of Title or Certificate of Documentation that demonstrates that the minimum ownership requirement has been satisfied with respect to the named vessel; no other documentation of ownership is satisfactory.
If YES and applicant is a cooperative, enter name of that member and attach a contemporary USCG Abstract of Title or Certificate of Documentation; no other documentation of ownership is acceptable.
If NO, the applicant is not eligible to hire a master and this application will be denied.

Block D – Identification of IFQ Hired Master

Complete a separate section for each crab IFQ hired master
Name, NMFS person ID, and date of birth of hired master
Business mailing address; indicate whether permanent or temporary
Business telephone number, fax number, and e-mail address (if available).

Block E – Signature of Applicant

Printed name and signature of applicant and date signed.
If authorized representative, attach authorization

In 2006/7, 135 persons were issued 1,300 hired master permits -- about 10 for each person. The number 1,300 is used for number of hired master permits.

Application for crab IFQ hired master, Respondent	
Number of respondents	1300
Total annual responses	1300
Frequency of response = 1	
Total burden hours	455 hr
Time per response (21/60 = 0.35)	
Total personnel cost (\$25 x 455)	\$11,375
Total miscellaneous costs (1382.30)	\$6,383
Postage (.41 x 300 = 123)	
Photocopy (2 x .10 x 1300 = 260)	
Fax (\$6 x 1000 = 6000)	

Application for crab IFQ hired master, Federal Government	
Number of responses	1300
Total burden hours	325
Time per response (15/60=0.25)	
Total personnel costs (\$25 x 325)	\$8,125
Total miscellaneous costs	0

f. Application for Federal Crab Vessel Permit (FCVP)

Any vessel participating in the BSAI CR crab fisheries in any way (i.e., as a catcher vessel, catcher/processor, or a stationary floating crab processor (SFCP)) must have onboard a valid Federal Crab Vessel Permit (FCVP). FCVPs are issued annually for a crab fishing year (July 1 through June 30). Only U.S. Citizens are authorized to receive or to hold a FCVP.

For the application to be complete all fees required by NMFS must be paid and any required Economic Data Report must be submitted.

The holder of a Federal crab vessel permit must submit an amended application for a Federal crab vessel permit within 10 days of the date of change.

Application for Federal crab vessel permit

Block A--Nature of Application

Indicate whether this application requests:

- a request for a new permit
- a renewal of an existing permit, if YES provide current FCVP number
- an amendment to an existing permit, YES provide current FCVP number.

Block B -- Vessel Information

Name, ADF&G vessel registration number, and USCG documentation number of vessel
Home port (city and state)
ADF&G processor code (if a catcher/processor or SFCP)
Indicate (YES or NO) whether a vessel of the United States.
Vessel's length overall (LOA) in feet and registered length in feet.
Gross tonnage (U.S. tons) and net tonnage (U.S. tons)
Shaft horsepower
Type of Vessel Operation.

Block C -- Contact Owner Information

Complete for each Vessel Owner - (Duplicate as necessary to provide information on all owners)
Name and NMFS ID of owner
Business permanent mailing address and temporary business mailing address (if appropriate)
Business telephone number, business fax number, and business e-mail address (if available)
Name of managing company (if any).

Block D -- Designated Representative for EDR

Name
Business mailing address
Business telephone number, fax number, and e-mail address (if available.)

Block E -- Certification

Printed name and signature of applicant and date signed.
If completed by representative, attach authorization.

In 2005/6, 127 Crab vessel permits were issued. In 2006/7, 144 Crab vessel permits were issued. And in 2007/8, 129 Crab vessel permits were issued. The number 133 is used to determine costs.

Application for Federal Crab Vessel Permit, Respondent	
Number of respondents	133
Total annual responses	133
Frequency of response = 1	
Total burden hours (46.55)	47 hr
Time per response (21/60 = 0.35)	
Total personnel costs (\$25 x 47)	\$1,175
Total miscellaneous costs (751.93)	\$752
Postage (0.41 x 13 = 5.33)	
Fax (\$6 x 120 = 720)	
Photocopy (0.10 x 2 x 133 = 26.60)	

Application for Federal Crab Vessel Permit, Federal Government	
Number of responses	133
Total burden hours (66.5)	67
Time per response = 0.50 hr	
Total personnel costs (\$25 x 67)	\$1,675
Total miscellaneous costs	0

g. Application to Become an Eligible Crab Community Organization (ECCO)

Prior to initially receiving QS or IFQ by transfer on behalf of a specific eligible crab community (ECC), a non-profit organization that intends to represent that ECC as an ECCO must submit an application to become an ECCO. This application is required to establish a person's eligibility to receive QS, PQS, IFQ, or IPQ by transfer, if the person is an ECCO.

Each ECC may designate only one ECCO to represent that community in the exercise of Right of First Refusal (ROFR) at any one time through a statement of support from the governing body of the ECC submitted to NMFS at least 30 days prior to the ending date of the initial application period for the crab QS program. ROFR means the civil contract provisions set forth under section 313(j) of the Magnuson-Stevens Act between the holders of PQS and IPQ and ECC entities, other than Adak, for the opportunity of ECC to exercise the right to purchase or lease PQS or IPQ proposed to be transferred by a holder of PQS or IPQ in an ECC.

Application to Become an Eligible Crab Community Organization (ECCO)

Block A - Identification of Applicant (non-profit organization)

- Name and NMFS Person ID
- Permanent and temporary business mailing address
- Name of contact person
- Business telephone number, fax number, and e-mail address (if available)
- Name of community represented by non-profit organization.
- Name of contact person for the community governing body.

Block B – Required Attachments

- The articles of incorporation under the laws of the State of Alaska for that non-profit organization
- A statement indicating the ECC(s) represented by that non-profit organization for purposes of holding QS
- The bylaws of the non-profit organization;
- A list of key personnel of the management organization including, but not limited to, the board of directors, officers, representatives, and any managers;
- Additional contact information of the managing personnel for the non-profit organization and resumes of management personnel
- A description of how the non-profit organization is qualified to manage QS on behalf of the ECC it is designated to represent, and a demonstration that the non-profit organization has the management skills and technical expertise to manage QS and IFQ.
- A statement describing the procedures that will be used to determine the distribution of IFQ to residents of the ECC represented by that nonprofit organization, including:
 - Procedures used to solicit requests from residents to lease IFQ;
 - Criteria used to determine the distribution of IFQ leases among qualified community residents; and
 - The relative weighting of those criteria.

Block C – Applicant Certification

- Printed name and signature of applicant or authorized agent and date signed
- If authorized agent, attach authorization
- Notary signature, date when commission expires, and notary seal or stamp.

Since 2005, zero ECCO permits were issued. The number 1 is used to determine costs.

Application to become an ECCO, Respondent	
Number of respondents	1
Total annual responses	1
Frequency of response = 1	
Total burden hours	3 hr
Time per response = 2.5 hr	
Total personnel costs (\$25 x 3 = 62.50)	\$75
Total miscellaneous costs (1.7)	\$2
Postage (1.50 x 1 = 1.50)	
Photocopy (0.10 x 2 x 1 = 0.2)	

Application to become an ECCO, Federal Government	
Number of responses	1
Total burden hours (0.25)	1
Time per response = 0.25	
Total personnel costs (\$25 x 1)	\$25
Total miscellaneous costs	0

h. Application for Eligibility to Receive Crab QS/IFQ or PQS/IPQ by Transfer

This application is to be used by an applicant seeking authority to receive BSAI Crab QS, IFQ, PQS, or IPQ by transfer. If the applicant received QS or PQS upon initial issuance, or wishes to establish itself as an Eligible Crab Community Organization (ECCO), this application is not necessary. All other persons who wish to receive QS, PQS, IFQ, or IPQ by transfer must complete this application.

Application for Eligibility to Receive Crab QS/IFQ or PQS/IPQ by Transfer

Block A – Purpose of Application

Indicate type of Quota for which the applicant seeks eligibility.

Block B - Applicant Information

Indicate whether a U.S. Citizen or a U.S. Corporation, Partnership, or Association of Business Entity
 Name, NMFS Person ID, and date of birth
 Permanent or temporary business mailing address
 Business telephone number, business fax number, and business e-mail address (if available).

Block C – Eligibility to Receive CVC or CPC QS/IFQ

Indicate (YES or NO) whether the purpose of this application is to obtain authority to receive “crew shares” (CVC or CPC or associated IFQ) by transfer.

If YES, the applicant must demonstrate participation in one or more BSAI Crab Rationalization fishery during the 365 days prior to signing this application form by submitting
 a signed ADF&G fish ticket imprinted with the applicant’s CFEC permit card,
 an affidavit indicating date of landing of crab species from the owner of a vessel upon which fishing was done, or
 a signed receipt for an IFQ crab landing on which the applicant was serving as a hired master for an IFQ permit holder.

Block D – U.S. Corporations, Partnerships, or Other Business Entities

Indicate (YES or NO) whether submitted by or on behalf of a CDQ Group

If YES, go to Block F.

Indicate (YES or NO) whether submitted by or on behalf of a Corporation, Partnership or other Business Entity

If YES, at least one member/owner of the entity must document an ownership interest of at least 20% of the entity and must demonstrate that s/he participated for a minimum of 150 days as a member of a harvesting crew in any U.S. fishery. Verification of the 150 days of participation can be provided by submitting the individual’s Transfer Eligibility Certificate for the North Pacific Halibut and Sablefish IFQ program or for the BSAI Crab Rationalization Program, or by completing Block E of this application.

If Block E is completed, and this application is approved, the individual will automatically qualify for a TEC for the halibut/sablefish IFQ fisheries

Identity of individual business owner with required experience participating in one or more U.S. fishery

Name and NMFS person ID

Business mailing address

Business telephone number, and business fax number

Indicate (YES or NO) whether the person is U.S. Citizen
 If NO, STOP this application cannot be approved.

Block E – Individual Commercial Fishing Experience

If the individual who completes this Block E is not the Applicant, the individual must co-sign this application in Block F.

- Species
- Gear type
- Location
- Starting date and ending date of claimed fishing period (MMYY)
- Number of actual days spent harvesting fish
- Duties performed while directly involved in the fishing activity (be specific)
- Name and ADF&G vessel registration number or USCG documentation number of the vessel upon which above duties were performed.
- Name of vessel owner
- Name of vessel operator
- Reference name
- Reference’s relationship to applicant
- Reference’s business mailing address and business telephone number.

Block F - Applicant Certification

Printed name and signature of applicant and date signed.
 If authorized representative, attach authorization.

NMFS received 278 total applications, from 2005 through 2007 (NMFS does not keep track of these by year). So dividing by 3 years, the number 93 is used to determine costs.

Application for eligibility to receive crab QS/IFQ or PQS/IPQ by transfer, Respondent	
Number of respondents	93
Total annual responses	93
Frequency of response = 1	
Total burden hours	186
Time per response = 2 hr	
Total personnel costs (\$25 x 186)	\$4,650
Total miscellaneous costs (123.69)	\$124
Postage (1.23 x 93 = 114.39)	
Photocopy 1 x .10 x 93 = 9.30)	

Application for eligibility to receive crab QS/IFQ or PQS/IPQ by transfer, Federal Government	
Number of responses	93
Total burden hours (23.25)	23
Time per response = 0.25	
Total personnel costs (\$25 x 23)	\$575
Total miscellaneous costs	0

i. Application for Transfer of Crab QS/IFQ or PQS/IPQ

This application is required to transfer any amount of QS, PQS, IFQ, or IPQ from an entity that is not an ECCO or a crab harvesting cooperative. This form should not be used to apply for a transfer of QS/IFQ or PQS/IPQ to, or from, an Eligible Crab Community Organization (ECCO) or to, or from, a Crab Harvesting Cooperative. Depending on the type of harvesting QS that is being transferred, different eligibility standards pertain to a transferee.

Applications to transfer QS, IFQ, PQS or IPQ will not be processed between August 1 of any year and the date of issuance of the IFQ or IPQ in any given BSAI Crab Rationalization Fishery.

Application for transfer of crab QS/IFQ or PQS/IPQ

Attach a copy of the terms of agreement for the transfer, the bill of sale for QS or PQS, or lease agreement for IFQ or IPQ.

Block A – Type of Transfer

Indicate type of transfer requested

If this is a transfer of PQS or IPQ, indicate (YES or NO) whether the PQS or IPQ will be used within the ROFR community within which the PQS is currently associated

If YES, indicate which community

and provide an affidavit stating that the ECC wishes to permanently waive ROFR for the PQS or that the proposed recipient of the PQS has completed a ROFR contract with the ECC for the PQS.

Block B – Identification Of Proposed Transferor (Seller)

Name, NMFS Person ID, and date of birth

Permanent and temporary business mailing address

Business telephone number, fax number, and e-mail address (if available).

Block C1 – Identification of Proposed Transferee (Buyer)

Name, NMFS Person ID, and date of birth

Permanent and temporary business mailing address

Business telephone number, fax number, and e-mail address (if available).

Block C2 – Eligibility of Proposed Transferee

(Does not pertain to those seeking to receive Processing Quota Share)

Indicate (YES or NO) whether the proposed transferee is applying to receive CVO or CPO QS and/or IFQ

If YES, indicate whether the proposed transferee is an eligible recipient of QS or

Indicate (YES or NO) whether the transferee is applying to receive CVC or CPC QS and/or IFQ

If YES, indicate (YES or NO) whether the proposed transferee is an eligible recipient of QS or IFQ

If NO, a completed Application for BSAI Crab Eligibility to Receive QS/PQS or IFQ/IPQ by

Transfer form must be completed, submitted, and approved before this Application for Transfer can be approved

Block D1 -- Identification and Cost of Quota to Be Transferred

Identification of Quota Share or Processor Quota Share (QS/PQS) Quota (from Report of Quota Holdings)

Fishery

Sector*

Region

Beginning Serial Number QS

Ending Serial Number QS

Indicate (YES or NO) whether there are any current year IFQ/IPQ Pounds to transfer with the QS/PQS

If YES, provide the following

Permit Number

Class (A or B)

Pounds

Indicate (YES or NO) where there are any current year IFQ/IPQ Pounds to transfer with the QS/PQS

If YES, provide the following

Permit Number

Class (A or B)

Pounds

If transfer of CPO Quota

Indicate how the CPO QS will be designated after the transfer

If intended to be designated as CVO QS and PQS, indicate the region (as appropriate for the fishery)

Complete the following for the QS identified above

If the transfer is part of a group of transfers for one consolidated price, determine the value of each segment and report it below

Total price of the Quota, including all fees and other transaction costs
Price per Unit of QS (Price divided by Units)
Price per pound of crab (Price divided by Pounds).

Block D2 -- Transfer of Annual IFQ or IPQ only [“lease” of IFQ/IPQ], Identification and Cost Of IFQ/IPQ

Identification of Annual IFQ or IPQ Permit to be transferred (“Leased”) – complete for each separate permit

Permit Number
Fishery
Sector
Region
Class (A or B)
IFQ Pounds

Complete the following for the IFQ/IPQ identified above. If the transfer is part of a group of transfers for one consolidated price, determine the value of each segment and report it below.

Total price of the IFQ/IPQ, including all fees and other transaction costs

Indicate (YES or NO) whether the same price per pound is applicable to both Class A and Class B IFQ

If NO, provide price per pound by class

Price per Pound of IFQ/IPQ (Price divided by Units)

If the price is based on a percentage of the ex vessel value, provide the percentage being charged

Identification of Annual IFQ or IPQ Permit to be transferred (“Leased”) – complete for each separate permit:

Permit Number
Fishery
Sector
Region
Class (A or B)
IFQ Pounds.

Block E1 -- Survey Questions for Transferor (Seller)

Provide the reason proposing to transfer the Quota (check all reasons that apply)

Indicate (YES or NO) whether a Permit Broker is being used for this transaction

If YES, indicate broker fees in dollars or percentage of total price of Quota.

Block E2 – Survey Questions for Transferee (Buyer)

Indicate (YES or NO) whether the Quota transferred under this application will be used as collateral for a loan

If YES, identify the party with an interest in the Quota

Indicate primary source of financing for Quota to be transferred under this application

Indicate the relationship, if any, between the proposed Transferor and the proposed Transferee.

Block F1 – Certification of Transferor

Printed name and signature of transferor and date signed.

If authorized representative, attach authorization to the application.

Signature of Notary Public, date commission expires, and notary seal or stamp.

Block F2 – Certification of Transferee

Printed name and signature of transferee and date signed.

If authorized representative, attach authorization to the application.

Signature of Notary Public, date commission expires, and notary seal or stamp.

In 2005/6, 353 Crab transfer permits were issued. In 2006/7, 414 Crab transfer permits were issued. And in 2007/8, 135 Crab transfer permits were issued (as of November 30, 2007). The number 400 is used to determine costs.

Application for transfer of QS, IFQ, and IPQ, Respondent	
Number of respondents	400
Total annual responses	400
Frequency of response = 1	
Total burden hours	800 hr
Time per response = 2 hr	
Total personnel costs (\$25 x 800)	\$20,000
Total miscellaneous costs	\$4,572
Notary (\$10 x 400 = 4,000)	
Postage (\$1.23 x 400 = 492)	
Photocopy (2 x 0.10 x 400 = 80)	

Application for transfer of QS, IFQ, and IPQ, Federal Government	
Number of responses	400
Total burden hours	100
Time per response = 0.25	
Total personnel cost (\$25 x 100)	\$2500
Total miscellaneous costs	0

j. Application for Transfer of BSAI crab QS/IFQ to or from an ECCO

Eligible crab community organization (ECCO) means a non-profit organization that represents at least one eligible crab community (ECC). The ECCO must be approved by the Regional Administrator to obtain by transfer and hold crab QS and to lease IFQ resulting from the crab QS on behalf of an ECC. This application is required to transfer any amount of QS or IFQ to or from an ECCO.

This form may only be used if an ECCO is the proposed transferor or the proposed transferee of the QS or IFQ. The party to whom an ECCO is seeking to transfer the QS/IFQ must be eligible to receive QS/IFQ by transfer. If the ECCO is applying to permanently transfer QS, a representative of the community on whose behalf the QS is held must sign the application. If authorized representative represents either the transferor or transferee, proof of authorization to act on behalf of transferor or transferee must be attached to the application.

Application for transfer of BSAI crab QS/IFQ to or from an ECCO

Block A – General Requirements

Block B – Transferor (Seller) Information

Name and NMFS Person ID
 If transferor is an ECCO, name of community represented by the ECCO
 Permanent and temporary business mailing address
 Business telephone number, fax number, and e-mail address (if available).

Block C – Transferee (Buyer) Information

Name and NMFS Person ID
 If transferee is an ECCO, name of community represented by the ECCO
 Permanent and temporary business mailing address
 Business telephone number, fax number, and e-mail address (if available).

Block D – Identification of QS/IFQ to Be Transferred

QS species and type
 Number of QS or IFQ units to be transferred
 Total QS units

Number of IFQ pounds
Range of serial numbers to be transferred, numbered to and from
Name of community to which QS are currently assigned
Indicate (YES or NO) whether all remaining IFQ pounds for the current fishing year should be transferred.
If NO, specify the number of pounds to be transferred

Transfer of IFQ Only

IFQ permit number and year of permit
Actual number of IFQ pounds to be transferred
Reason for transfer (check all that apply).

Block E – Price Paid for QS, PQS and/or IFQ, IPQ (Transferor)

Indicate (YES or NO) whether a broker was used for this transaction
If YES, enter dollar amount paid in brokerage fees or percentage of the total price.
Enter total amount paid for the QS/IFQ in this transaction, including all fees.
Price per unit of QS and the price per pound of IFQ
Indicate reasons (check all that apply) for transferring QS/IFQ.

Block F - Method of Financing for the QS, PQS and/or IFQ, IPQ (Transferee)

Indicate (YES or NO) whether the QS/IFQ purchase will have a lien attached.
If YES, enter name of lien holder.
Indicate one primary source of financing for this transfer.
Indicate how the QS/IFQ was located
Indicate the relationship, if any, between the transferor and the transferee
Indicate (YES or N)) whether an agreement exists to return the QS or IFQ to the transferor or any other person, or with a condition placed on resale. If YES, explain
Attach a copy of the terms of agreement for the transfer, the bill of sale for QS, or lease agreement for IFQ.

Block G--Certification of Transferor

Printed name and signature of transferor and date signed.
If authorized representative, attach authorization to the application.
Signature of Notary Public, date commission expires, and notary seal or stamp.

Block H--Certification of Transferee

Printed name and signature of transferee and date signed.
If authorized representative, attach authorization to the application.
Signature of Notary Public, date commission expires, and notary seal or stamp.

Block I--Certification of ECCO Community Representative

Printed name and signature of ECCO community representative and date signed.
Signature of Notary Public, date commission expires, and notary seal or stamp.

Attachments to the Application and Other Conditions to Be Met

Indicate whether the person applying to make or receive the QS, PQS, IFQ or IPQ transfer has submitted an EDR, if required and paid all fees
A copy of the terms of agreement for the transfer, the bill of sale for QS or PQS, or lease agreement for IFQ or IPQ
An affirmation that the individual receiving IFQ from an ECCO has been a permanent resident in the ECC for a period of 12 months prior to the submission of the Application for transfer QS/IFQ to or from an ECCO on whose behalf the ECCO holds QS.

Since 2005, no ECCO permits have been issued; therefore no ECCO transfer permits have been issued. The number 1 is used to determine costs.

Application for Transfer of Crab QS/IFQ to or from an ECCO, Respondent	
Number of respondents	1
Total annual responses	1
Frequency of response = 1	
Total burden hours	2
Time per response = 2 hr	
Total personnel costs (\$25 x 2)	\$50
Total miscellaneous costs (11.43)	\$11
Notary (\$10 x 1 = 10)	
Postage (\$1.23 x 1 = 1.23)	
Photocopy (2 x 0.10 x 1 = 0.2)	

Application for Transfer of Crab QS/IFQ to or from an ECCO, Federal Government	
Number of responses	1
Total burden hours	1
Time per response = 0.25	
Total personnel costs (\$25 x 1)	\$25
Total miscellaneous costs	0

k. Application for Transfer of IFQ between Crab Harvesting Cooperatives

A crab harvesting cooperative is formed for the purpose of applying for and fishing under a crab harvesting cooperative IFQ permit. A crab harvesting cooperative is permitted to transfer its IFQ only to another crab harvesting cooperative.

Once a cooperative has been issued an IFQ permit, the members of that cooperative cannot transfer away IFQ, because they hold no IFQ of their own. When a QS holder joins a cooperative, all of his or her QS are converted to cooperative IFQ that is held in common by the cooperative. Only the cooperative may transfer cooperative IFQ, and only by following the requirements for the transfer of cooperative IFQ.

A cooperative that was issued cooperative IFQ is not allowed to hold QS directly, even though as a legal business entity, a cooperative would otherwise be eligible to acquire and hold QS. This prohibition on cooperatives holding QS is necessary to maintain the regulatory distinctions between individually-held IFQ and cooperative IFQ, and to simplify the administration of the Program.

Because cooperative IFQ permits are annual permits, and cooperatives are required to apply annually for each year’s cooperative IFQ permit, any changes in cooperative membership that occur between fishing seasons should be reflected in the following year’s cooperative IFQ permit application. If the change to cooperative membership is approved, NMFS issues an amended IFQ permit application to the cooperative reflecting the change in membership. The same process may be used by a cooperative to accommodate the rights of a successor-in-interest in the event that a member dies (in the case of an individual), or dissolves (in the case of a business entity).

Application for Transfer Of IFQ Between Crab Harvesting Cooperatives

Block A – Identification of Proposed Transferor (Lessor)

- Name and NMFS Person ID of crab harvesting cooperative
- Date of incorporation

Name of crab harvesting cooperative's representative
 Permanent and temporary business mailing address
 Business telephone number, fax number, and e-mail address.

Block B1 – Identification of Proposed Transferee (Lessee)

Name and NMFS Person ID of crab harvesting cooperative
 Date of incorporation
 Name of crab harvesting cooperative's representative
 Permanent and temporary business mailing address
 Business telephone number, fax number, and e-mail address.

Block B2 – Identification of Proposed Transferee's Qualifying Member(s)

The Transferee's Qualifying Member is the member of the receiving Crab Harvesting Cooperative to whom the IFQ pounds being transferred will be attributed. If attributing the IFQ amount to the Qualifying Member would cause the member to exceed an IFQ cap, a different Qualifying Member must be identified.

Name and NMFS Person ID of Qualifying Member
 Permit number
 Amount of IFQ.

Block C – Identification and Cost of IFQ to be Transferred (Lease)

Identification of IFQ to be transferred
 Permit Number
 Fishery
 Sector
 Region Class (A or B)
 IFQ Pounds
 Price per pound of IFQ, including all fees and other transaction costs (Price divided by pounds)
 Indicate (YES or NO) whether a Permit Broker is being used for this transaction
 If YES, Indicate how much is being paid in broker fees or percentage of total price of IFQ.

Block D1 -- Certification of Transferor

Printed name and signature of transferor and date signed.
 If authorized representative, attach authorization to the application.
 Signature of Notary Public, date commission expires, and notary seal or stamp.

Block D2 -- Certification of Transferee

Printed name and signature of transferee and date signed.
 If authorized representative, attach authorization to the application.
 Signature of Notary Public, date commission expires, and notary seal or stamp.

In 2005/6, 144 inter-coop transfer permits were issued. In 2006/7, 171 inter-coop transfer permits were issued. And in 2007/8, 161 inter-coop transfer permits were issued (as of November 30, 2007). The number 159 is used to determine costs.

Application for Inter-Cooperative Transfer, Respondent	
Number of respondents	159
Total annual responses	159
Frequency of response = 1	
Total burden hours	318 hr
Time per response = 2 hr	
Total personnel costs (\$25 x 318)	\$7,950
Total miscellaneous costs (1817.37)	\$1817
Notary (\$10 x 159 = 1590)	
Postage (\$1.23 x 159 = 195.57)	
Photocopy (2 x 0.10 x 159 = 31.80)	

Application for Inter-Cooperative Transfer, Federal Government	
Number of responses	159
Total burden hours (39.75)	40
Time per response = 0.25	
Total personnel costs (\$25 x 40)	\$1,000
Total miscellaneous costs	0

I. Registered Crab Receiver (RCR) Fee Submission Form

A crab allocation holder will incur a cost recovery fee liability for every pound of crab landed in the crab fisheries. The RCR permit holder is responsible for collecting any fee liability for the crab allocation holder landing crab and self-collecting any fee liability for all crab landed at that facility. Under a CDQ or the Adak community allocation, the harvester delivering the crab on behalf of the community entity to the RCR is responsible for paying the harvester share of the fee liability at the time of landing to the RCR.

Most of the fees collected are deposited in the Limited Access System Administrative Fund (LASAF) established in the U.S. Treasury. Up to 25 percent could be deposited separately in the U.S. Treasury and made available to cover the costs of the loan program, as required by sections 304(d)(2)(C) and 313(j) of the Magnuson-Stevens Act. Separate accounts will be created within the LASAF for NMFS to use funds from the Program's cost recovery to pay for the costs directly related to the management and enforcement of the Program.

The reporting period of the RCR Fee Submission Form extends from July 1 to June 30. The RCR permit holder is responsible for submitting this payment to NMFS on or before the due date of July 31 following the crab fishing year in which payment for the crab was made. The dollar amount of the fee due is determined by multiplying the fee percentage (not to exceed 3 percent) by the ex-vessel value of crab debited from the allocation. Subsequent transfer of IFQ, IPQ, CDQ, or QS does not affect the permit holder's liability for compliance with this section. Non-renewal of an RCR permit does not affect the permit holder's liability for noncompliance.

NMFS will provide a summary to all CR allocation and RCR permit holders available through a secure Internet site or on request during the last quarter of the crab fishing year. The summary will explain the fee liability determination including details of raw crab pounds debited from CR allocations by permit, port or port-group, species, date, and prices.

In addition, the currently approved TIN requirement is included on this form: Collection of TIN is necessary on program fee submission forms to ensure that we are collecting from the person who owes the debt. 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. *NOTE: 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 TINs in such an instance is supported by 31 U.S.C. Section 7701.*

Payment may be made payable to NMFS. Payment and related documents may be sent by mail to:

Administrator, Alaska Region, NMFS
Attn: Operations, Management, & Information Division

P.O. Box 21668
Juneau, AK 99802-1668

or by fax to

Fax: 907-586-7354.

Payments may also be submitted electronically to NMFS via forms available from Restricted Access Management (RAM) or on the RAM area of the Alaska Region Home Page at <http://www.alaskafisheries.noaa.gov/ram>. 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 no later than July 31 following the crab fishing year in which the CR landings were made.

RCR fee submission form

Block A - Identification of RCR

- Name and NMFS Person ID
- All RCR permit numbers held by permit holder
- TIN (EIN or SSN) and date of incorporation if a business or date of birth if an individual
- Permanent or temporary business mailing address
- Business telephone number, fax number, and e-mail address (if available.)

Block B -- Agreement With Crab Fee Liability Summary

- Indicate agreement or no agreement that the Crab Fee Liability Summary represents the actual value of all CR crab received
- If YES, and have not submitted payment on-line, date and sign name where designated in Block D and mail this Fee Submission Form with your payment in the envelope provided
- If NO, complete the attached Fee Calculation Worksheet and provide documentation supporting claimed fee liability.

Block C - Method of Payment

- Indicate method of Payment for fees
- If credit card, enter type of card, card number, expiration date, name as printed on card, and amount of payment.
- Signature of credit card holder and date signed.

Block D – Applicant Signature

- Enter printed name and signature of applicant and date signed
- If authorized representative, attach authorization to the application..

In 2005/6, 22 RCR submitted fees. In 2006/7, 24 RCR submitted fees. And in 2007/8, 25 RCR submitted fees. The number 25 is used to determine costs.

RCR Fee Submission Form, Respondent	
Number of respondents	25
Total annual responses	25
Frequency of response = 1	
Total burden hours (12.50)	13 hr
Time per response = 0.5	
Total personnel costs (\$25 x 12)	\$300
Total miscellaneous costs (8.12)	\$8
E-mail (0.10 x 23 = 2.30)	
Postage (0.41 x 2 = 0.82)	
Photocopy (2 x 0.10 x 25 = 5)	

RCR Fee Submission Form, Federal Government	
Number of responses	25
Total burden hours (6.25)	6
Time per response = 0.25	
Total personnel costs (\$25 x 6)	\$150
Total miscellaneous costs	0

m. Right of First Refusal Provisions (ROFR)

An application for processor quota share (PQS) in an eligible crab community (ECC) must include a contract signed for ROFR to sales of processing shares that is signed by the applicant for:

1. Initial allocation of PQS
2. Either a CDQ group in eligible crab communities that also are CDQ communities or a crab community quota entity identified by the ECC.
3. Any non-eligible crab community in the “northern Gulf of Alaska” for initial allocation of PQS and the crab community quota entity identified by city and Borough of Kodiak.

Eligible Crab Communities, except for Adak, would have a ROFR on the transfer of PQS and IPQ originating from processing history in the community if the transfer would result in relocation of the shares outside the community. Adak would not be eligible for the ROFR provision because Adak would receive a direct allocation of Western Aleutian Islands golden king crab. In addition, the City of Kodiak and the Kodiak Island Borough in the Gulf of Alaska (GOA) would have a ROFR on the transfer of PQS and individual processor quota (IPQ) from communities in the GOA north of 56°20’ N. longitude. The ROFR provisions apply to both the application for initial allocation of PQS and to the transfer process for PQS.

Subsequent paperwork associated with transfers includes obtaining a signed affidavit by an ECC entity that waives ROFR, assuming the ECC does wish to purchase. Any transfer of PQS or IPQ from an ECC will not be approved by NMFS unless the CDQ group or entity representing the ECC as a signatory on the contract acknowledges in writing to the Regional Administrator that the community does not wish to exercise ROFR. This means that applicants for PQS in eligible communities or for PQS in ineligible communities in the North Gulf of Alaska must spend the time and money to develop contracts with the appropriate entity that contain the terms and conditions set forth under the crab rationalization program – and in federal regulations.

No form was created for these contracts. Legal assistance may be required to set up the initial contracts associated with applications for PQS. Subsequent legal costs likely will be involved in the transfer provisions and gaining signatures on the affidavit if the community does not wish to exercise ROFR, if that is the case.

NMFS does not track number of ROFR contracts and waivers; therefore, the original estimate, 30, will be used to determine costs.

ROFR Contracts, Respondent	
Number of respondents	30
Total annual responses	30
Frequency of response = 1	
Total burden hours	1200
Time per response = 40 hr	

Total personnel costs	\$30,900
Prepare and submit ROFR contracts (\$25 x 1200 = 30,000)	
Legal assistance to set up initial contracts (\$150 x 6 hr = \$900)	
Total miscellaneous costs	0

ROFR Contracts, Federal Government	
Total burden hours	0
Total personnel costs	0
Total miscellaneous costs	0

ROFR Waivers, Respondent	
Number of respondents	30
Total annual responses	30
Frequency of response = 1	
Total burden hours	15
Time per response = 0.5	
Total personnel costs (\$50 x 15)	\$750
Total miscellaneous costs	0

ROFR Waivers, Federal Government	
Total burden hours	0
Total personnel costs	0
Total miscellaneous costs	0

n. File an Appeal to NMFS Decisions.

NMFS specifies a 30-day evidentiary period during which an applicant may provide additional information or evidence to support the claims made in his or her application. Also, an applicant who fails to submit all the required information has 30 days to provide that information. An applicant is limited to one 30-day evidentiary period. Additional information or evidence, or a revised application, received after the 30-day evidentiary period, but before an initial administrative determination (IAD) is issued, is considered.

NMFS prepares and sends an IAD to the applicant following the expiration of the 30-day evidentiary period if sufficient documentation is not provided. The IAD indicates the deficiencies in the application. The IAD also indicates which claims cannot be approved based on the available information or evidence. An applicant who receives an IAD may appeal. An applicant who avails himself or herself of the opportunity to appeal an IAD will not receive QS or PQS until after the final resolution of that appeal.

The CR Program allows for appeal on decisions made by NMFS on the following topics:

Establish harvest denominator. The official crab rationalization record results in a harvest denominator for all LLP licenses that is used in calculating QS. The harvest denominator represents the total legal landings made in each year for each crab fishery.

Establish Initial QS Pool and PQS Pool. An Initial QS pool is established in each of the eight crab fisheries, so that on initial issuance, a single unit of QS yields an annual amount of IFQ less than the average weight of one crab. An Initial PQS pool is set at the same level as the initial QS pool for ease of computation and to ensure that a single unit of PQS yields an annual

amount of IPQ less than the average weight of one crab.

Adjustment to North and South regional designations of QS. Once PQS is issued with regional designation, the issuance of QS is adjusted so that the regional designations for QS match the regional designations for PQS in each crab QS fishery. The adjustment is made to the QS issued because the processing facilities are typically fixed shorebased plants. The adjustments to establish the same regional designation ratios are necessary to ensure matches in the amount of PQS and QS that is harvested and delivered in any one region. This adjustment process is made prior to the issuance of the QS and PQS.

Submittal of any of the applications in this collection. If issuance of any permit in this collection is denied, the applicant may appeal the decision.

QS issued after NMFS has issued annual IFQ for a crab fishery for a crab fishing year will not result in IFQ for that crab fishery for that fishing year. If appeals result in a positive action after IFQ has been issued for that fishery, the person would not receive IFQ until the following year. This single annual issuance is required for administrative purposes so that mid-year adjustments to other IFQ holders do not occur that would alter their allocation or the ratio of QS to IFQ for that year.

New information in an 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. If a claim remains unsupported after the time limit expires, the claim is denied. 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 should request by letter that the IFQ Appeals Officer review his or her case.

The total number of appeals filed for the 3-year period, 2005 through 2007, is 24. Dividing the total by 3 years gives the number to determine costs.

File an Appeal on NMFS Decisions, Respondent	
Number of respondents	8
Total annual responses	8
Frequency of response = 1	
Total burden hours	32 hr
Time per response = 4 hr	
Total personnel costs (\$25 x 32)	\$800
Total miscellaneous costs (11.36)	\$11
Postage (0.82 x 8 = 6.56)	
Photocopy (6 pages x 8 x 0.10 = 4.80)	

File an Appeal on NMFS Decisions, Federal Government	
Number of responses	8
Total burden hours	32 hr
Time per response = 4 hr	
Total personnel cost (\$75 x 32= 2763.52)	\$2,764
Total miscellaneous costs	0

Focused Outreach Campaign

Office of Management and Budget (OMB) stipulated that the renewal request for this and two other collections include a "focused outreach campaign" to validate burden estimates and elicit suggestions from the regulated community for reducing the burden. The information collections are: Crab Permits; Crab Economic Data Reports (EDR); and Crab Arbitration. Comments were required to be submitted by November 1, 2007, through the Alaska Region's website at: <http://www.fakr.noaa.gov/sustainablefisheries/crab/rat/pra>.

A postcard was sent to all crab permit holders announcing NMFS' request for comments and indicating the web address for entering comments. In addition, an information bulletin was posted on the NMFS Alaska Region web site soliciting response to the online questionnaire. The information bulletin No. 90 is provided in Appendix A.

The online questionnaire was posted at <http://www.fakr.noaa.gov/sustainablefisheries/crab/rat/pra> and states:

BSAI Crab Rationalization Program Information Collection Public Comment Period

NMFS invites the public to comment on three of the BSAI Crab Rationalization Program's information collection systems. Comments must be submitted by November 1, 2007, and will be accepted through the following forms. Please click on the form that is most applicable:

Comment Forms on:
Crab Permit Applications
Crab Arbitration
Crab Economic Data Reports.

The agency is seeking comments on (a) whether the three information collection systems are necessary and whether the information has practical utility; (b) the accuracy of the agency's estimates on the burden of collecting the information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of collecting the information from respondents.

For more information, contact Patsy Bearden, NMFS Resource Management Specialist, at (907) 586-7008, or email: patsy.bearden@noaa.gov.

Related Information

72 FR 50937, September 5, 2007. Notice of proposed information collection on the Alaska Region BSAI Crab Permits and Crab Economic Data Reports. Comment period through November 5, 2007.

When the public clicked on "Crab Permit Applications," they were transferred to the specific questionnaire which is provided as Appendix B.

NMFS received no public comment for this collection.

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.

The RCR fee submission form and payment may be submitted online at www.alaskafisheries.noaa.gov. The applications may be completed on the computer screen by the participant, downloaded, printed, and faxed or submitted by e-mail. NMFS is pursuing an Internet method in the future whereby all of the information will be entered online and submitted directly and automatically into a database.

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.

The proposed 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 permitting scheme described in this Supporting Statement, the BSAI CR Program crab would be unable to proceed.

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

No special circumstances exist.

8. Provide a copy of 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, 72 FR 50937 published September 5, 2007 solicited public comment, and 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 302(i) of the Magnuson-Stevens Act (16 U.S.C. 1852 et seq.) and under NOAA Administrative Order (AO) 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

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).

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: 1,800 (390 vessels, 110 processors, 1300 hired masters) up from 1,480 (1200 vessels, 30 processors, 250 hired masters). Estimated total responses: 2,799 down from 4,121. Estimated total burden: 4,419 down from 8,466 hr. Estimated total personnel costs: \$111,725 down from \$249,275.

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: \$17,011 down from \$31,742.

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

Estimated total responses: 2,739 down from 4,061. Estimated total burden: 765 hr, down from 1,099 hr. Estimated total personnel costs: \$21,089 down from \$29,326.

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

The estimated total burden for this collection-of-information was incorrectly calculated and shown as 8,466 hr in the previous PRA analysis; the correct total is 9,651 hr. The items below were adjusted using 9,651 as the basis of comparison.

The Application for QS or PQS is removed, because the time limit to apply for quota share is past. The form will be retained on the Alaska Region home page, however, for historical purposes. This removes 1,000 respondents, 1,000 responses, 2,000 hr burden, \$50,000 personnel costs, and \$6,000 miscellaneous costs.

The Application for IFQ or IPQ can be used for one of two permits. This Application is revised by removing questions requesting social security number and tax identification number. Even so, the time to complete this application is changed to 2.5 hr from 2 hr. Respondents have indicated it takes more time to complete the application than NMFS previously estimated. Adjustments are necessary:

for IFQ,

a decrease of 810 respondents and responses, 390 instead of 1,200
a decrease of 1,425 hr burden, 975 instead of 2,400 hr
a decrease of \$35,625 personnel costs, \$24,375 instead of \$60,000
a decrease of \$4,119 miscellaneous costs, \$2,195 instead of \$6,314

for IPQ

an increase of 80 respondents and responses, 110 instead of 30
an increase of 215 hr burden, 275 hr instead of 60 hr
an increase of \$5,375 personnel costs, \$6,875 instead of \$1,500
an increase of \$553 miscellaneous costs, \$626 instead of \$73

Adjustments are necessary for the Application for Annual Crab Harvesting Cooperative IFQ Permit due to differences in respondents:

an increase of 11 respondents and responses, 19 instead of 8
an increase of 28 hr burden, 48 hr instead of 20 hr
an increase of \$700 personnel costs, \$1,200 instead of \$500
an increase of \$13 miscellaneous costs, \$96 instead of \$83

Adjustments are necessary for the Application for Registered Crab Receiver (RCR) Permit due to differences in respondents:

an increase of 70 respondents and responses, 100 instead of 30
an increase of 35 hr burden, 50 hr instead of 15 hr

an increase of \$875 personnel costs, \$1,250 instead of \$375
an increase of \$284 miscellaneous costs, \$414 instead of \$130

Adjustments are necessary for the Application for Crab IFQ Hired Master Permit due to differences in respondents:

an increase of 1,050 respondents and responses, 1,300 instead of 250
an increase of 330 hr burden, 455 hr instead of 125 hr
an increase of \$8,250 personnel costs, \$11,375 instead of \$3,125
an increase of \$284 miscellaneous costs, \$6,383 instead of \$2,643

Adjustments are necessary for the Application for Federal crab vessel permit due to differences in respondents:

a decrease of 42 respondents and responses, 133 instead of 275
a decrease of 49 hr burden, 47 hr instead of 96 hr
a decrease of \$1,225 personnel costs, \$1,175 instead of \$2,400
a decrease of \$1,951 miscellaneous costs, \$752 instead of \$2,703

Adjustments are necessary for the Application to become an eligible crab community organization (ECCO) due to differences in respondents:

a decrease of 7 respondents and responses, 1 instead of 8
a decrease of 17 hr burden, 3 hr instead of 20 hr
a decrease of \$437 personnel costs, \$75 instead of \$500
a decrease of \$90 miscellaneous costs, \$2 instead of \$92

Adjustments are necessary for the Application for Eligibility to Receive Crab QS/IFQ or PQS/IPQ by Transfer due to differences in respondents and removal of notary:

a decrease of 7 respondents and responses, 93 instead of 100
a decrease of 14 hr burden, 186 hr instead of 200 hr
a decrease of \$350 personnel costs, \$4,650 instead of \$5,000
a decrease of \$1,007 miscellaneous costs (removed notary), \$124 instead of \$1,131

Adjustments are necessary for the Application for transfer of crab QS/IFQ or PQS/IPQ due to differences in respondents:

a decrease of 600 respondents and responses, 400 instead of 1,000
a decrease of 1,200 hr burden, 800 hr instead of 2,000 hr
a decrease of \$30,000 personnel costs, \$20,000 instead of \$50,000
a decrease of \$6,629 miscellaneous costs, \$4,572 instead of \$11,201

Adjustments are necessary for the Application for transfer of BSAI crab QS/IFQ to or from an ECCO due to differences in respondents:

a decrease of 99 respondents and responses, 1 instead of 100
a decrease of 198 hr burden, 2 hr instead of 200 hr

a decrease of \$4,950 personnel costs, \$50 instead of \$5,000
a decrease of \$1,120 miscellaneous costs, \$11 instead of \$1,131

Adjustments are necessary for the Application for Transfer Of IFQ Between Crab Harvesting Cooperatives due to differences in respondents:

an increase of 149 respondents and responses, 159 instead of 10
an increase of 298 hr burden, 318 hr instead of 20 hr
an increase of \$7,450 personnel costs, \$7,950 instead of \$500
an increase of \$1,704 miscellaneous costs, \$1,817 instead of \$113

Adjustments are necessary for the RCR fee submission form due to differences in respondents:

a decrease of 5 respondents and responses, 25 instead of 30
a decrease of 3 hr burden, 12 hr instead of 15 hr
a decrease of \$75 personnel costs, \$300 instead of \$375
a decrease of \$1 miscellaneous costs, \$8 instead of \$9

Adjustments are necessary for ROFR contract:

a decrease of \$29,100 personnel costs, \$30,900 instead of \$60,000

Adjustments are necessary for ROFR waiver:

an increase of 30 responses, 60 instead of 30
a decrease of 1,185 hr burden, 15 hr instead of 1,200 hr
a decrease of \$7,250 personnel costs, \$750 instead of \$8,000

Adjustments are necessary for the File an Appeal on NMFS Decisions :

a decrease of 12 respondents and responses, 8 instead of 20
a decrease of 48 hr burden, 32 hr instead of 80 hr
a decrease of \$1,200 personnel costs, \$800 instead of \$2,000
a decrease of \$8 miscellaneous costs, \$11 instead of \$19

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

The results of this collection-of-information will not be published. Lists of permits by permit holder are posted on the Alaska Region Web Page.

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 applications. Forms are not provided for the ROFR and appeals.

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

No exceptions to the certification statement are requested. Forms are not provided for the ROFR

and appeals.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

APPENDIX A

Information Bulletin 07-90
Sustainable Fisheries Division
907-586-7228

September 11, 2007
10:30 a.m.

NMFS Alaska Region Seeks Comments on BSAI Crab Rationalization Program Information Collections

The Alaska Region is soliciting public comments on three information collections associated with the Crab Rationalization Program (Program) according to Robert D. Mecum, Acting Administrator, Alaska Region, NMFS.

The information collections are: Crab Permits; Crab Economic Data Reports (EDRs); and Crab Arbitration. Comments must be submitted by November 1, 2007, and will be accepted through the Alaska Region's website at: <http://www.fakr.noaa.gov/sustainablefisheries/crab/rat/prs>.

The Crab Permits collection includes permit applications, transfer applications, and a form and an online site for payment of Program fees. The EDR collection includes forms and an online site requesting information on the economic impacts of the Program. The Arbitration collection is designed to accommodate the varied interests of the parties involved as well as reflect the historical negotiations between harvesters and processors.

The Region is seeking comments on:

- ◆ whether the information collections are necessary and whether the information has practical utility;
- ◆ the accuracy of the agency's estimates on the burden of collecting the information;
- ◆ ways to enhance the quality, utility, and clarity of the information collected; and
- ◆ ways to minimize the burden of collecting the information from respondents.

For more information, contact Patsy A. Bearden at 907-586-7008, or email patsy.bearden@noaa.gov.

APPENDIX B

Crab Permit Applications Comment Form

Please let us know:

- whether the Crab Permit Applications information collection system is necessary and whether the information has practical utility
- the accuracy of the agency's estimates on the burden of collecting the information
- ways to enhance the quality, utility, and clarity of the information collected
- ways to minimize the burden of collecting the information from respondents

Call Patsy Bearden if you have any questions: (907) 586-7008. Thank you.

Contact Information

Name (**required**)

Email Address (optional)

Phone (optional)

1. How many hours per year is required for training all staff to complete a permit application?

- 1-2 2-4 4-6 6-8 8+

2. NMFS has estimated that it takes 2 hours to complete a permit application. Is this time estimate accurate?

- Yes No

3. Please provide suggestions about how NMFS could save you more time in filling out permit applications.

4. Is the personnel cost estimate of \$25/hour accurate?

Yes No

If not, what is your personnel cost per hour?

5. Are the following miscellaneous cost estimates accurate?

Notary

\$10.00/fee

No, a notary fee is: \$

Postage

\$.41/pound

No, it costs: \$ per pound

Photocopies

\$.10/page

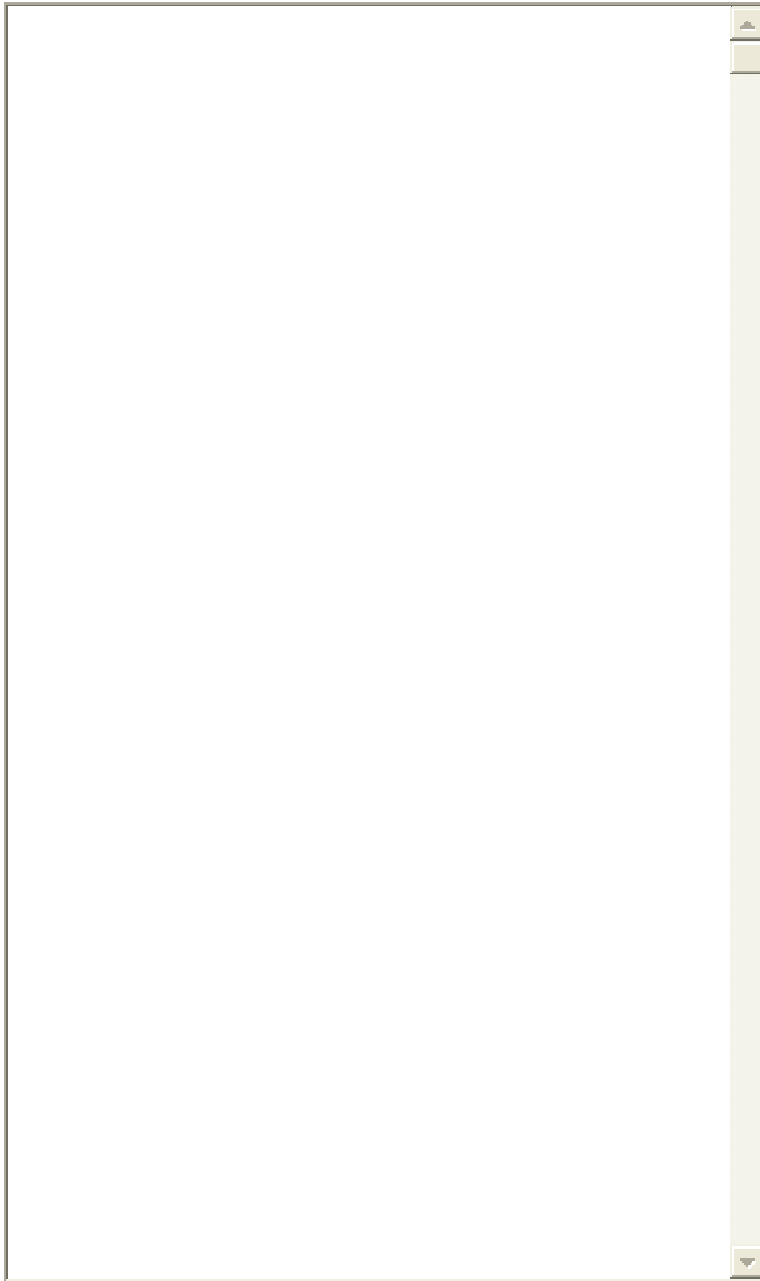
No, it costs: \$ per page

Fax

\$6.00/page

No, it costs: \$ per page

6. Please provide any additional comments you have on any aspect of the crab permit applications.



Please enter the numbers displayed below to help us reduce auto-generated spam.

9 8 6 1

Click once to send form.

NOTE: There may be a few second delay and then you will be sent back to the BSAI Crab Rationalization web page.

OMB Control No.: 0648-0514
Expiration Date: 02/29/2008

<p>Application for BSAI Crab</p> <p>ELIGIBILITY TO RECEIVE</p> <p>QS/PQS OR IFQ/IPQ BY TRANSFER</p>	<p>U.S. Department of Commerce NOAA Fisheries Service, Alaska Region Restricted Access Management (RAM) Post Office Box 21668 Juneau, Alaska 99802-1668</p> 
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BLOCK A – PURPOSE OF APPLICATION

This application is to be used by an applicant seeking authority to receive BSAI Crab Quota [harvesting Quota Share (QS) or Individual Fishing Quota (IFQ) or Processing Quota Share (PQS) or Individual Processing Quota (IPQ)] by transfer. If the applicant received QS or PQS upon initial issuance, or wishes to establish itself as an Eligible Crab Community Organization (ECCO), this application is not necessary. All other persons who wish to receive QS, PQS, IFQ, or IPQ by transfer must complete this application.

1. Indicate type of Quota for which the applicant seeks eligibility:

<u>If seeking eligibility for (indicate type of Quota) . . .</u>	<u>complete Application Blocks . . .</u>
CVO or CPO QS or IFQ [<input type="checkbox"/>]	A, B, D (if applicable), E, and F
CVC or CPC QS or IFQ [<input type="checkbox"/>]	A, B, C, E, and F
PQS or IPQ [<input type="checkbox"/>]	A, B and F

BLOCK B –APPLICANT INFORMATION

1. Is the Applicant an individual U.S. Citizen or a U.S. Corporation, Partnership, or other business entity?

YES [] NO []

Note: Only U.S. Citizens may receive QS/IFQ by transfer; any person may receive PQS/IPQ by transfer.

2. Name of Applicant:	2. NMFS Person ID:
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3. Business Mailing Address:

3a. Permanent Address:	3b. Temporary Address (if any):
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4. Business Telephone Number:	5. Business Fax Number:	6. Business E-Mail Address:
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BLOCK C – ELIGIBILITY TO RECEIVE CVC OR CPC QS/IFQ

1. Is the purpose of this application to obtain authority to receive “crew shares” (CVC or CPC or associated IFQ) by transfer?

YES [] NO []

If “YES,” the applicant must demonstrate participation in one or more BSAI Crab Rationalization fishery(ies) during the 365 days prior to signing this application form. Such participation may be demonstrated by submitting a signed ADF&G fish ticket imprinted with the applicant’s CFEC permit card, an affidavit indicating date of landing of crab species from the owner of a vessel upon which fishing was done, or a signed receipt for an IFQ crab landing on which the applicant was serving as a hired master for an IFQ permit holder.

BLOCK D – CORPORATIONS, PARTNERSHIPS, OR OTHER BUSINESS ENTITIES

1. Is this application being submitted by, or on behalf of, a CDQ Group?

YES [] (If “YES” continue to Block F). NO []

2. Is this application being submitted by, or on behalf of, a Corporation, Partnership, or Other Business Entity?

YES [] NO []

If “YES,” at least one individual member/owner of the entity **must document an ownership interest of at least 20%** of the entity and, additionally, must demonstrate that s/he has participated for a minimum of 150 days as a member of the harvesting crew in any U.S. fishery(ies) Verification of the 150 days of participation can be provided by submitting the individual’s Transfer Eligibility Certificate (TEC) for the North Pacific Halibut and Sablefish Individual Fishing Quota (IFQ) program or for the BSAI Crab Rationalization Program, or by completing Block E of this application. If Block E is completed, and this application is approved, the individual will automatically qualify for a TEC for the halibut/sablefish IFQ fisheries.

Identity of individual business owner with required experience participating in one or more U.S. fishery(ies):

2a. Name of Individual Owner:	2b. NMFS Person ID (if any):	
2c. Individual Owner’s Business Mailing Address:		
2d. Business Telephone Number:	2e. Business Fax Number:	2f. Business E-Mail address:

3. Is the person identified in 2.a. a U.S. Citizen? [] YES [] NO

If No, STOP! This application cannot be approved unless the individual with 20% ownership in the entity listed in Block B is a U.S. Citizen.

The owner listed in “2a” may demonstrate the requisite fishing experience in one of two ways:

- a) s/he may present a copy of a Transfer Eligibility Certificate issued by RAM under the North Pacific halibut and sablefish Individual Fishing Quota (IFQ) Program; or,
- b) s/he may make a claim for the requisite experience by completing Block E of this Application.

BLOCK E – INDIVIDUAL COMMERCIAL FISHING EXPERIENCE
(Duplicate this page as necessary to display all relevant commercial fishing experience)

Note: If the individual who completes this Block (*Block E - Commercial Fishing Experience*) is not the Applicant, the individual must co-sign this application in Block F.

1. Species (one per block):	2. Gear Type:	3. Location:
4. Date From: (MMYY)	5. Date To: (MMYY)	6. Number of Actual Days Spent Harvesting Fish:
7. Duties performed while directly involved in the fishing activity (please be specific):		
8. Vessel Name:		9. ADF&G or USCG Number:
10. Vessel Owner:		11. Vessel Operator:
12. Reference Name (person other than Applicant):		13. Reference's Relationship to Applicant:
14. Reference's Business Mailing Address:		15. Reference's Business Telephone Number:

BLOCK E₁ – INDIVIDUAL COMMERCIAL FISHING EXPERIENCE (Continuation)

1. Species (one per block):	2. Gear Type:	3. Location:
4. Date From: (MMYY)	5. Date To: (MMYY)	6. Number of Actual Days Spent Harvesting Fish:
7. Duties performed while directly involved in the fishing activity (please be specific):		
8. Vessel Name:		9. ADF&G or USCG Number:
10. Vessel Owner:		11. Vessel Operator:
12. Reference Name (person other than Applicant):		13. Reference's Relationship to Applicant:
14. Reference's Business Mailing Address:		15. Reference's Business Telephone Number:

BLOCK F – CERTIFICATION

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.

Signature of Applicant or Applicant’s Representative:

Date Signed:

Printed Name of Applicant or Applicant’s Representative:

(Note: If this is completed by the Applicant’s Representative, attach authorization)

BLOCK F₁ – ADDITIONAL CERTIFICATION

(Required if the individual who completed *Block E and E₁. Commercial Fishing Experience* is not the Applicant)

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.

Signature of Individual who completed Block E:

Date Signed:

Printed Name of Individual who completed Block E:

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 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 Fisheries Service (NMFS), 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 680, under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*) and under 16 U.S.C. 1862(j); 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.

Instructions

ELIGIBILITY TO RECEIVE QS/PQS OR IFQ/IPQ BY TRANSFER

Except for persons who received crab QS or PQS by initial issuance and Eligible Crab Community Organizations, no person may receive BSAI crab QS/IFQ or PQS/IPQ by transfer unless such person has established eligibility to do so. Eligibility is established by complying with all regulatory requirements. A successful applicant will receive a letter of acknowledgment of that fact. The acknowledgment will not expire. However, a transfer of CVC or CPC QS or IFQ will not be approved unless the intended recipient of the QS or IFQ demonstrates recent participation in BSAI crab fisheries within the 365 days prior to the date the transfer application was submitted.

Block A – Type of QS or PQS for which Applicant is Seeking Eligibility to Receive by Transfer

Indicate the type(s) of QS or PQS (and associated IFQ or IPQ) for which the applicant is seeking eligibility to receive by transfer.

Block B – Applicant Information

1. Indicate whether the Applicant is a U.S. Citizen (Note that only U.S. Citizens qualify to receive QS/IFQ by transfer).
2. Enter the name of the applicant.
3. Enter the Applicant's NMFS Person ID (if available).
4. Enter the Applicant's Business Mailing Address, including a temporary address if indicated.
- 5-7. Enter the Applicant's Business Telephone Number, Business Fax Number, and E-Mail Address.

Block C – Eligibility to Receive CVC or CPC QS/IFQ

1. Indicate whether the purpose of the application is to obtain authority to receive "crew shares" (CVC or CPC QS), or "crew" IFQ by transfer.

If "YES," the applicant must demonstrate participation in one or more BSAI Crab Rationalization fishery(ies) during the 365 days prior to submission of the application form. Such participation may be demonstrated by submitting:

- a. a signed ADF&G fish ticket imprinted with the applicant's CFEC permit card;
- b. an affidavit from the owner of a vessel upon which fishing was done; or,
- c. a signed receipt for an IFQ crab landing on which the applicant was serving as a hired master for an IFQ permit holder.

Block D – Corporations, Partnerships, or Other Business Entities

1. Indicate whether the application is being submitted by, or on behalf of, a CDQ group.

If YES, continue to Block F.

2. Indicate whether the application is being submitted by, or on behalf of, a Corporation, Partnership, or Other Business entity.

If YES, at least one individual member/owner of the entity must document an ownership interest of at least 20% of the entity and, additionally, must demonstrate that s/he has participated for a minimum of 150 days as a member of the harvesting crew in any U.S. fishery(ies).

- Documentation of a 20% ownership interest may consist of corporation or partnership articles of incorporation, or completion of the Annual Application for an IFQ/IPQ Permit.
- Verification of such participation can be provided by submitting the individual's Transfer Eligibility Certificate (TEC) for the North Pacific Halibut and Sablefish Individual Fishing Quota (IFQ) program or for the BSAI Crab Rationalization Program, or by completing Block E.

- 2a – 2h. Provide the name, other identifying information, mailing address, business telephone number, fax number, and E-Mail address of the individual owner with the requisite experience participating in one or more U.S. fishery(ies).

Block E and E₁ – Individual Commercial Fishing Experience

1. Enter the species for which fishing was undertaken.
2. Enter the gear type used in the fishing.
3. Enter the location of the fishing (regulatory area or geographic designation (e.g., “Area T” or “Bristol Bay”))
- 4 - 5. Enter the month and year that fishing commenced and concluded.
6. Enter the number of days spent as a member of the harvesting crew.
7. Record the duties performed. Please be specific (e.g., “picked nets,” “set pots,” “washed crab,” etc. and not “deckhand”).
8. Enter the name of the vessel upon which the fishing occurred.
9. Enter the name of the vessel's Alaska Department of Fish and Game (ADF&G vessel registration number or United States Coast Guard (USCG) documentation number.
- 10 - 11. Enter the name(s) of the vessel's owner and operator during the time claimed.
- 12 – 15. Enter the name and contact information for a reference (i.e., a person other than the Applicant who, if contacted by RAM, could verify the Applicant's claim of participation).

Continue through Block E₁ (duplicate the form as necessary) until a minimum of 150 days experience is recorded and claimed.


Note that if the individual who completes Block E is not the Applicant, the individual must sign the application in **Block F₁ - Additional Certification**.

Block F – Certification

Enter the printed name and signature of the Applicant, and date signed. If the person signing is not the Applicant, attach authorization.

Block F₁ – Certification

If the individual who completed Block E is not the Applicant, the individual who completed Block E must enter the printed name and signature and date signed in Block F₁.

<p>Application for Annual Permit</p> <p>INDIVIDUAL FISHING QUOTA (IFQ) INDIVIDUAL PROCESSING QUOTA (IPQ)</p>	<p>U.S. Department of Commerce NOAA Fisheries Service, Alaska Region Restricted Access Management (RAM) Post Office Box 21668 Juneau, Alaska 99802-1668</p>	
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Annual Application Deadline – August 1

Applications received after that date may not be processed and IFQ/IPQ may not be issued to the applicant.

NOTE: This application will not be considered to be complete until NMFS has verified that:

1. the applicant has submitted all required Economic Data Reports; and,
2. the applicant has paid all outstanding fee obligations.

BLOCK A –APPLICANT INFORMATION

1. Name of Applicant:	2. Applicant’s NMFS Person ID:	
	3. Date of Birth or Incorporation:	
4. Permanent Business Mailing Address:	5. Temporary Business Mailing Address (see instructions):	
6. Business Telephone Number:	7. Business Fax Number:	8. Business E-mail Address:

BLOCK B – TYPE OF ANNUAL QUOTA FOR WHICH APPLICATION IS MADE

Individual Processing Quota (IPQ): [Complete Blocks A, B, D, & F]

All QS Fisheries for which applicant holds PQS

only those fisheries circled below:

BBR EBT WBT BSS EAG PIK SMB WAG WAI

Individual Fishing Quota (IFQ): [Complete Blocks A, B, (C), D, E, & F]

All QS Fisheries for which applicant holds QS

only those fisheries circled below:

BBR EBT WBT BSS EAG PIK SMB WAG WAI

Does the (IFQ) Applicant intend to join a Cooperative? Yes; No [If “Yes,” complete Block C, Below]

BLOCK C – COOPERATIVE IFQ ASSIGNMENT

Complete if some or all of the Applicant’s Annual Individual Fishing Quota is to be assigned to a crab harvesting cooperative

On the table below, enter the name of the crab harvesting cooperative(s) the Applicant has joined for each crab fishery. If Applicant has joined the same crab harvesting cooperative for all crab QS Fisheries for which the Applicant holds quota share, Applicant should list the cooperative name in the row named “All QS Fisheries.”

A copy of this application must be submitted with the cooperative’s application(s) for its annual crab harvesting cooperative IFQ permit.

Fishery	Name of Cooperative to which crab fishery IFQ is to be assigned
All QS Fisheries	
BBR	
BSS	
EAG	
EBT	
WBT	
PIK	
SMB	
WAG	
WAI	

BLOCK D – IDENTIFICATION OF OWNERSHIP INTEREST

To be completed by Applicants who are not individuals (i.e., corporations, partnerships, etc.)

If the Applicant identified in Block A is not an individual (i.e. is a corporation, partnership or some other entity) the name(s) of all owners of the Applicant must be provided, together with the percent of ownership. In the space below, enter all of the names of all of the owners of the Applicant, and indicate the percent of ownership. If a listed owner is not an individual, provide the same information for each such owner until all owners, and their percent of ownership, is revealed to the individual level.

Name of Owner	% Interest	Name of Owner	% Interest

Duplicate this form as necessary to display all of the Applicant’s owners (and owners of owners)

BLOCK E – DECLARATION OF AFFILIATION

To be completed by Applicants for IFQ

In the space below, indicate whether the Applicant is “affiliated” with an entity that holds Processing Quota Share (PQS) and/or Individual Processing Quota (IPQ). Information regarding affiliation is required to determine the correct allocation of “A” and “B” category IFQ to the Applicant. Note that this Declaration of Affiliation is valid for the entire Crab Fishing Year for which the Applicant is seeking IFQ.

Having read and understood the Regulatory definition of “Affiliation” as set out below, the Applicant declares as follows:

- The Applicant **is affiliated** with one or more entity(ies) that holds PQS or IPQ
- The Applicant is **not affiliated** with any entity that holds PQS or IPQ

If affiliated, the Applicant must identify (by name, business address, and telephone number) all holders of PQS or IPQ with which it is affiliated. Submit the information on a separate sheet of paper.

“Affiliation” is defined in the Crab Rationalization regulations as follows (50 CFR § 680.2 – Definitions):

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. For purposes of this definition, the following terms are further defined:

- (1) Entity. An entity may be an individual, corporation, association, partnership, joint-stock company, trust, or any other type of legal entity, any receiver, trustee in bankruptcy or similar official or liquidating agent, or any organized group of persons whether incorporated or not, that holds direct or interest in:
 - (i) Quota share (QS), processor quota share (PQS), individual fishing quota (IFQ), or individual processing quota (IPQ);
 - or,
 - (ii) For purposes of economic data report (EDR), a vessel or processing plan operating in CR fisheries.
- (2) Indirect interest. An indirect interest is one that passes through one or more intermediate entities. An entity’s percentage of indirect interest in a second entity is equal to the entity’s percentage of direct interest in an intermediate entity multiplied by the intermediate entity’s direct or indirect interest in the second entity.
- (3) Controls a 10 percent or greater interest. An entity controls a 10 percent or greater interest in a second entity if the first entity:
 - (i) Controls a 10 percent ownership share of the second entity, or
 - (ii) Controls 10 percent or more of the voting stock in the second entity.
- (4) Otherwise controls.
 - (i) A PQS or IPQ holder otherwise controls a QS or IFQ holder if it has:
 - (A) The right to direct, or does direct, the business of the entity which holds the QS or IFQ;

- (B) The right in the ordinary course of business to limit the actions of or replace, or does limit 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 which holds the QS or IFQ;
- (C) The right to direct, or does direct, the transfer of QS or IFQ;
- (D) The right to restrict, or does restrict, the day-to-day business activities and management policies of the entity holding the QS or IFQ through loan covenants; (E) The right to derive, or does derive, either directly, or through a minority shareholder or partner, and in favor of a PQS or IPQ holder, a significantly disproportionate amount of the economic benefit from the holding of QS or IFQ;
- (F) The right to control, or does control, the management of or to be a controlling factor in the entity holding QS or IFQ;
- (G) The right to cause, or does cause, the sale of QS or IFQ;
- (H) Absorbs all of the costs and normal business risks associated with ownership and operation of the entity holding QS or IFQ; and
- (I) Has the ability through any other means whatsoever to control the entity that holds QS or IFQ.
- (ii) Other factors that may be indicia of control include, but are not limited to, the following:
 - (A) If a PQS or IPQ holder or employee takes the leading role in establishing an entity that will hold QS or IFQ;
 - (B) If a PQS or IPQ holder has the right to preclude the holder of QS or IFQ from engaging in other business activities;
 - (C) If a PQS or IPQ holder and QS or IFQ holder use the same law firm, accounting firm, etc.;
 - (D) If a PQS or IPQ holder and QS or IFQ holder share the same office space, phones, administrative support, etc.;
 - (E) If a PQS or IPQ holder absorbs considerable costs and normal business risks associated with ownership and operation of the QS or IFQ holdings;
 - (F) If a PQS or IPQ holder provides the start up capital for the QS or IFQ holder on less than an arm's-length basis;
 - (G) If a PQS or IPQ holder has the general right to inspect the books and records of the QS or IFQ holder;
 - (H) If the PQS or IPQ holder and QS or IFQ holder use the same insurance agent, law firm, accounting firm, or broker of any PQS or IPQ holder with whom the QS or IFQ holder has entered into a mortgage, long-term or exclusive sales or marketing agreement, unsecured loan agreement, or management agreement.

BLOCK F – APPLICANT SIGNATURE	
<i>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.</i>	
1. Signature of Applicant:	2. Date:
3. Printed Name of Applicant: (Note: If this is completed by an authorized representative, attach authorization.):	

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 2.5 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 Fisheries Service (NMFS), 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 680, under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*) and under 16 U.S.C. 1862(j); 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.

Instructions -- Application for Annual Permit
INDIVIDUAL FISHING QUOTA (IFQ)
INDIVIDUAL PROCESSING QUOTA (IPQ)

IFQ or IPQ permits are issued annually to eligible persons who hold Quota Share (QS) or Processing Quota (PQS), and authorize their holders to harvest or process a specific amount of a crab, under the terms and conditions set out on the permit. IFQ/IPQ permits are valid only during the crab year for which they are issued. Because issuance of the correct amount and type of IFQ/IPQ is entirely dependent on information provided by QS/PQS holders on their annual IFQ/IPQ applications, any such application that is received after August 1 may not be processed and may not yield annual IFQ/IPQ.

NOTE: RAM will not consider an application to be complete unless and until it has been determined that:

1. the applicant has submitted all required Economic Data Reports; and,
2. the applicant has paid all outstanding fee obligations (if any).

Completing the Application

Block A – Applicant Information

1. Provide the Applicant’s name.
2. Provide the Applicant’s NMFS Person ID.
3. Provide the Applicant’s permanent mailing address.
4. Provide the Applicant’s temporary mailing address (if any); if this information is provided, it will be to this address to which the IFQ/IPQ permit(s) will be mailed.
5. Provide the Applicant’s date of birth or date of incorporation.
- 6-8. Provide the business telephone number, fax number, and e-mail address (if available) for the Applicant or the Applicant’s designated representative

Block B – Type of Annual Quota for which Application is made

Indicate the type of permit(s) for which application is made: Processing Quota (**IPQ**) or Harvesting Quota (**IFQ**). If applying for annual IPQ or IFQ permits for all fisheries for which applicant holds QS or PQS, check the box “All QS fisheries”. If applying for IPQ or IFQ permits only for select fisheries, circle the QS fisheries for which permits should be issued.

Indicate (**YES/NO**) whether the Applicant has joined one or more a Crab Harvesting Cooperative(s). If “YES,” complete Block C.

Block C – Cooperative IFQ Assignment

For each crab QS fishery for which the Applicant wishes the IFQ to be assigned to a Crab Harvesting Cooperative, enter the name of the Cooperative in the space provided. If the Applicant has joined the same cooperative for all QS fisheries for which the Applicant holds QS, the Applicant need only write the name of the cooperative on the line for “ALL QS FISHERIES.”

NOTE: If the Applicant has joined a cooperative, a copy of this IFQ application must be submitted by the Cooperative, together with the Cooperative’s completed application for its annual Crab Harvesting Cooperative IFQ permit.

Block D – Identification of Ownership Interest

If the Applicant is a non-individual (i.e., a corporation, partnership or other entity), provide the names of, and the percentage of ownership held by, all of its owners. Information should be provided to the individual level. See example below:

Name of Owner	% Interest
Joe Potpuller	25%
Alice Potpuller	25%
Quotaholder Family Holdings, Inc.	50%
C. Quotaholder	25% (of 50%)
R. Quotaholder	25% (of 50%)
A. Quotaholder	25% (of 50%)
B. Quotaholder	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 level).

Block E – Declaration of Affiliation

After reviewing the definition of “Affiliation” on the application form, declare whether the Applicant is Affiliated or not. If affiliated, provide (using a separate page) the name, business address, and business telephone number of the PQS/IPQ holder with which the Applicant is affiliated.

Note that the Declaration is considered to be valid for the entire crab fishing year for which the application has been submitted; any change in affiliation status would be reported on the following year’s IFQ/IPQ application.

An annual IFQ Permit will not be issued if this Block is not completed.


Block F – Applicant Signature

Applicant must print and sign name and enter the date the application was signed. If the application is completed by the Applicant’s authorized agent, attach proof of authorization.

Submit Application

Submit the completed application, which must be received **no later than August 1**, to:

<u>Mailing Address</u>	<u>Physical location</u>
NOAA Fisheries, Alaska Region (NMFS) Restricted Access Management (RAM) P.O. Box 21668 Juneau, Alaska 99802-1668	NOAA Fisheries, Alaska Region (NMFS/RAM) Federal Building 709 W. 9 th Street, Suite 713 Juneau, Alaska 99801

<p>Application For</p> <p>CRAB HARVESTING COOPERATIVE INDIVIDUAL FISHING QUOTA PERMIT</p>	<p>U.S. Department of Commerce NOAA/National Marine Fisheries Service Restricted Access Management (RAM) P.O. Box 21668 Juneau, AK 99802-1668</p> 
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NOTE: To be considered complete, this application must be accompanied by the following documents:

1. A copy of the completed annual IFQ application from every member of the Cooperative;
2. A copy of the Cooperative's business license;
3. A copy of the Cooperative's Articles of Incorporation or Partnership Agreement; and,
4. A copy of the Cooperative Agreement (if different from #3 above).

BLOCK A – IDENTIFICATION OF COOPERATIVE

1. Name of Cooperative:	2. Date of Incorporation:	
3. Business Mailing Address of Cooperative:	4. Business Mailing Address of Designated Representative (if different from Cooperative Business Mailing):	
5. Type of business entity: Cooperative <input type="checkbox"/> Partnership <input type="checkbox"/> Other <input type="checkbox"/> (Specify)	6. State in which the cooperative is legally registered as a business entity:	
7. Business Telephone No.:	8 Business FAX No.:	9. Business e-mail Address:
10. Name of Designated Representative:	11. Signature of Designated Representative:	12. Date Signed

Name of QS Holder:	NMFS Person ID
Name of QS Holder:	NMFS Person ID
Name of QS Holder:	NMFS Person ID
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PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 2.5 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 680, under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*) and under 16 U.S.C. 1862(j); 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

<p style="text-align: center;">Instructions Application for an Crab Harvesting Cooperative IFQ Permit</p>

A Crab Harvesting Cooperative IFQ Permit is an annual permit that authorizes the cooperative to harvest a defined annual amount of crab during a crab fishing year (July 1 through June 30). The amount of crab authorized by the permit is derived from the aggregate IFQ amounts that would otherwise have been issued to the members of the cooperative. Each cooperative will be issued a separate IFQ permit for each type of QS held by its members.

NOTE: To be considered complete, this application must be accompanied by the following documents:

- ◆ A copy of the completed annual IFQ application from every member of the Cooperative;
- ◆ A copy of the Cooperative's business license;
- ◆ A copy of the Cooperative's Articles of Incorporation or Partnership Agreement; and,
- ◆ A copy of the Cooperative Agreement (if different from Articles above).

Completing the Application


Block A –Identity of Cooperative:

1. Enter name of the cooperative.
2. Enter date of incorporation.
3. Enter business mailing address of cooperative.
4. Enter business mailing address of designated representative, if different from No. 2.
5. Provide the type of business entity under which the cooperative is organized (a cooperative may be formed as a partnership, a corporation, or as another legal business entity that is registered under the laws of one of the 50 states or the District of Columbia).
6. Provide the state in which the cooperative is legally registered as a business entity.
- 7-9. Provide the business telephone number, fax number, and e-mail address for the cooperative or its designated representative.
10. Provide the name of the cooperative's designated representative Affix signature of the cooperative's designated representative.
- 11-12. Designated representative's signature and date signed.

Block B – Members of the Cooperative

A crab harvesting cooperative must have a minimum of four unique QS holding entities. A unique QS holding entity is a QS holder or group of affiliated QS holders that are not affiliated with any other QS holders or QS holding entities in the crab harvesting cooperative

Provide the full name and NMFS Person ID for each member of the cooperative. Duplicate Block B as necessary to provide all names and ID numbers.

<p>Application for</p> <p>TRANSFER OF INDIVIDUAL FISHING QUOTA (IFQ) BETWEEN CRAB HARVESTING COOPERATIVES</p>	<p>U.S. Department of Commerce NOAA Fisheries Service, Alaska Region Restricted Access Management (RAM) Post Office Box 21668 Juneau, Alaska 99802-1668</p> 
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Notes:

1. Applications to transfer Individual Fishing Quota from one Crab Harvesting Cooperative to another will not be processed in a crab season until after Individual Fishing Quota (IFQ) amounts for that season have been calculated and issued.
2. This form may only be used to apply for a transfer of IFQ from one Crab Harvesting Cooperative to another; all other applications for transfers must be submitted on an appropriate transfer application form.

BLOCK A – IDENTIFICATION OF PROPOSED TRANSFEROR (“LESSOR”)		
1. Name of Crab Harvesting Cooperative:	2. NMFS Person ID:	
3. Name of Crab Harvesting Cooperative’s Authorized Representative (print):		
4. Permanent Business Mailing Address:	5. Temporary Business Mailing Address (see instructions):	
6. Business Telephone Number:	7. Business Fax Number:	8 E-Mail Address:

BLOCK B – IDENTIFICATION OF PROPOSED TRANSFEREE (“LESSEE”)		
1. Name of Crab Harvesting Cooperative:	2. NMFS Person ID:	
3. Name of Crab Harvesting Cooperative’s Authorized Representative:		
4. Permanent Business Mailing Address:	5. Temporary Business Mailing Address (see instructions):	

6. Business Telephone Number:	7. Business Fax Number:	8. E-Mail Address:
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BLOCK B₁ – IDENTIFICATION OF PROPOSED TRANSFEREE’S QUALIFYING MEMBER(S)

The Transferee’s Qualifying Member(s) is the member(s) of the receiving Crab Harvesting Cooperative to whom the IFQ pounds being transferred will be attributed. If attributing the IFQ amount to the Qualifying Member(s) would cause the member to exceed an IFQ cap, a different Qualifying Member must be identified. Attach additional pages if necessary.

1. Name of Qualifying Member (print):	2. NMFS Person ID:
3. Permit number: (from Block C):	4. Amount of IFQ:

1. Name of Qualifying Member (print):	2. NMFS Person ID:
3. Permit number: (from Block C):	4. Amount of IFQ:

1. Name of Qualifying Member (print):	2. NMFS Person ID:
3. Permit number: (from Block C):	4. Amount of IFQ:

1. Name of Qualifying Member (print):	2. NMFS Person ID:
3. Permit number: (from Block C):	4. Amount of IFQ:

1. Name of Qualifying Member (print):	2. NMFS Person ID:
3. Permit number: (from Block C):	4. Amount of IFQ:

1. Name of Qualifying Member (print):	2. NMFS Person ID:
3. Permit number: (from Block C):	4. Amount of IFQ:

BLOCK C – IDENTIFICATION AND COST OF IFQ TO BE TRANSFERRED (LEASE)

If Transfer Application is for more IFQ than the space provided on this form allows, duplicate this page as necessary to include all intended transfers with one application.

1. Identification of Individual Fishing Quota (IFQ) to be transferred:

<u>Permit Number</u>	<u>Fishery</u>	<u>Sector</u>	<u>Region</u>	<u>Class (A or B)</u>	<u>IFQ Pounds</u>
_____	_____	_____	_____	_____	_____

Complete the following for the IFQ identified above. If the transfer is part of a group of transfers for one consolidated price, determine the value of each segment and report it below. This information is being collected to facilitate analysis of the performance of the Crab Rationalization Program and will be held in strictest confidence.

2. What is the price per pound of IFQ, including all fees and other transaction costs? \$ _____
(Price divided by pounds)

3. Is a Permit Broker being used for this transaction? Yes [] No []

If “Yes,” how much is being paid in broker fees? \$ _____; or _____% of total price of IFQ

1. Identification of Individual Fishing Quota (IFQ) to be transferred:

<u>Permit Number</u>	<u>Fishery</u>	<u>Sector</u>	<u>Region</u>	<u>Class (A or B)</u>	<u>IFQ Pounds</u>
_____	_____	_____	_____	_____	_____

Complete the following for the IFQ identified above. If the transfer is part of a group of transfers for one consolidated price, determine the value of each segment and report it below. This information is being collected to facilitate analysis of the performance of the Crab Rationalization Program and will be held in strictest confidence.

2. What is the price per pound of IFQ, including all fees and other transaction costs? \$ _____
(Price divided by Pounds)

3. Is a Permit Broker being used for this transaction? Yes [] No []

If “Yes,” how much is being paid in broker fees? \$ _____; or _____% of total price of IFQ

1. Identification of Individual Fishing Quota (IFQ) to be transferred:

<u>Permit Number</u>	<u>Fishery</u>	<u>Sector</u>	<u>Region</u>	<u>Class (A or B)</u>	<u>IFQ Pounds</u>
_____	_____	_____	_____	_____	_____

Complete the following for the IFQ identified above. If the transfer is part of a group of transfers for one consolidated price, determine the value of each segment and report it below. This information is being collected to facilitate analysis of the performance of the Crab Rationalization Program and will be held in strictest confidence.

2. What is the price per pound of IFQ, including all fees and other transaction costs? \$ _____
(Price divided by Pounds)

3. Is a Permit Broker being used for this transaction? Yes [] No []

If “Yes,” how much is being paid in broker fees? \$ _____; or _____% of total price of IFQ

BLOCK D₁ – SIGNATURE OF PROPOSED TRANSFEROR (“LESSOR”)

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 Authorized Representative of the Crab Harvesting Cooperative:

2. Date Signed:

3. Printed Name of Authorized Representative of the Crab Harvesting Cooperative:

ATTEST:

Signature of Notary Public

Commission Expires: _____

NOTARY STAMP OR SEAL

BLOCK D₂ – SIGNATURE OF PROPOSED TRANSFEREE (“LESSEE”)

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 Authorized Representative of the Crab Harvesting Cooperative:

2. Date Signed:

3. Printed Name of Authorized Representative of the Crab Harvesting Cooperative:

ATTEST:

Signature of Notary Public

Commission Expires: _____

NOTARY STAMP OR SEAL

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 680, under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*) and under 16 U.S.C. 1862(j); 3) Responses to this information request are confidential under section 104(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.

Instructions for completing
APPLICATION FOR TRANSFER OF INDIVIDUAL FISHING QUOTA (IFQ)
BETWEEN CRAB HARVESTING COOPERATIVES

General Information

This application can not be processed or approved unless the parties to the proposed transfer (including the proposed transferor, the proposed transferee, and the receiving Qualifying Member) have met all the requirements and conditions of the BSAI Crab Rationalization Program, including (as appropriate):

- submission of Economic Data Reports to the NMFS Data Collection Agent; and,
- payment of all outstanding fees to NMFS.

The application will not be processed or approved unless it is complete; in addition to providing the information required by the Application for Transfer form, a complete application includes a copy of the terms and conditions of the transfer agreement; such documentation may consist of a bill of sale, promissory note, or other document that reveals the contract terms between the parties.

Additionally (and as stated on Page 1 of the Form):

1. Applications to transfer Individual Fishing Quota from one Crab Harvesting Cooperative to another will not be processed in a crab season until after Individual Fishing Quota (IFQ) amounts for that season have been calculated and issued.
2. This form may only be used to apply for a transfer of IFQ from one Crab Harvesting Cooperative to another; all other applications for transfers must be submitted on an appropriate transfer application form.

Please insure that all information provided on the form, or with the form, is clear and legible. Please note that an application that does not bear the original, notarized, signature of an authorized representative of the proposed transferor and the proposed transferee will not be processed.

Allow up to ten (10) working days for a transfer application to be reviewed, processed, and approved; the parties will be notified upon approval of the transfer.

When completed, mail (or deliver) the application to:

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

Items will be sent by first class mail, unless you provide alternate instructions *and* include a prepaid mailer with appropriate postage or a corporate account number for express delivery. Additional information is available from RAM, which may be reached at the above address or as follows:

Telephone (toll free): 800-304-4846 (press “2”)
Telephone (in Juneau): 907-586-7202 (press “2”)
Fax: 907-586-7354
E-Mail: RAM.Alaska@noaa.gov

Completing the Form

Block A – Identification of Proposed Transferor (“Lessor”)

1. Enter the full, legal, business name of the Crab Harvesting Cooperative that intends to transfer the IFQ to another Crab Harvesting Cooperative;
2. Enter the Cooperative’s NMFS “Person ID” number;
3. Enter (print) the name of the Cooperative’s Authorized Representative.
4. Enter the Cooperative’s Permanent Business Mailing Address.
5. Enter the Cooperative’s Temporary Business Mailing Address (this is the address, if different from #4, to which the applicant wishes materials to be sent);
- 6 – 8. Enter the Cooperative’s business telephone number, business fax number, and e-mail address.

Block B – Identification of Proposed Transferee (“Lessee”)

1. Enter the full, legal, business name of the Crab Harvesting Cooperative that intends to receive the IFQ from another Crab Harvesting Cooperative;
2. Enter the Cooperative’s NMFS “Person ID” number;
3. Enter (print) the name of the Cooperative’s Authorized Representative.
4. Enter the Cooperative’s Permanent Business Mailing Address.
5. Enter the Cooperative’s Temporary Business Mailing Address (this is the address, if different from #4, to which the applicant wishes materials to be sent);
- 6 – 8. Enter the Cooperative’s business telephone number, business fax number, and e-mail address.

Block B₁ – Identification of Proposed Transferee’s Qualifying Member(s)

The Transferee’s Qualifying Member(s) is the member(s) of the receiving Crab Harvesting Cooperative to whom the IFQ pounds being transferred will be attributed. If attributing the IFQ amount to the Qualifying Member would cause the member to exceed an IFQ cap, or if the designated person is otherwise ineligible, the proposed transferee will be notified and will be asked to identify a different Qualifying Member(s).

1. Enter the name of the proposed Transferee’s Qualifying Member.
2. Enter the Qualifying Member’s NMFS Person ID.
3. Enter the permit number from Block C.
4. Enter the IFQ attributed to the member.

Note: Attach additional pages with Qualifying Member’s names and NMFS ID’s as necessary.

Block C – Identification and Cost of Individual Fishing Quota to be Transferred



1. Enter the BSAI Crab Rationalization fishery (code), the IFQ permit number, the IFQ class (“A” or “B”), and the number of IFQ pounds that are intended to transfer.
2. Enter the price/pound of the Individual Fishing Quota, including all fees and other transaction costs.
3. Indicate whether a permit broker was used to facilitate this transfer; if so, enter the broker fees as either a “lump sum” (how much was paid to the Broker) or as a percentage of the total price.

Repeat this information for all IFQ pounds that are intended to be transferred. If more space is needed, duplicate Block C as may be necessary.

Blocks D₁ and D₂ – Signature of the Proposed Transferor and Proposed Transferee

1 – 3. Complete the Signature Blocks as prompted on the Form.

Note that, to be considered, the application must bear original signatures of the Authorized Representatives of the Proposed Transferor and the Proposed Transferee and the signatures must be witnessed by a Notary Public.

 <p>APPLICATION FOR REGISTERED CRAB RECEIVER (RCR) PERMIT</p>	U.S. Department of Commerce/ NOAA National Marine Fisheries Service (NMFS) Restricted Access Management (RAM) P.O. Box 21668 Juneau, AK 99802-1668	
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NOTE: a separate permit is required, and a separate application must be submitted, for each Shoreside Processing Facility (SPF) and each Stationary Floating Crab Processor (SFP) operated by a processor. Only one permit (and one application) is needed for any number of the applicant’s catcher/processor (CP) vessels.

BLOCK A – NATURE OF THE RCR FOR WHICH YOU ARE APPLYING <i>To be completed by all applicants.</i>		
New Application [<input type="checkbox"/>] Renewal of existing RCR Permit [<input type="checkbox"/>] Amendment to existing RCR Permit [<input type="checkbox"/>] If application is a renewal or an amended application, provide current RCR permit number: No. _____		
BLOCK B – APPLICANT IDENTIFICATION <i>To be completed by all applicants</i>		
1. Name of Applicant:	2. NMFS Person ID:	
	3. Taxpayer ID No. (Employer ID No. or SSN):	
	4. Date of Birth or Date of Incorporation:	
5. Name of Contact Person (if Applicant is company, partnership or other business entity)		
6. Permanent Business Mailing Address:		
7. Business Telephone No.:	8. Business Fax No.:	9. Business E-mail Address (if available):
BLOCK C – TYPE OF ACTIVITY <i>(Facility/Vessel Identification)</i>		
1. Registered Crab Receiver Operation Type:		
Shoreside Processor [<input type="checkbox"/>] Stationary Floating Crab Processor [<input type="checkbox"/>] Owner or Operator of Catcher/Processor Vessel(s) [<input type="checkbox"/>]		
2. Identity of Crab Receiver Operation:		
If a Shoreside Processing Facility, enter:	Name of Processing Facility:	
	Physical Location of Facility:	
If a Stationary Floating Crab Processor, enter:	Name of Vessel:	

		Vessel ADFG Number:
		Vessel's USCG Number:
BLOCK D – INDIVIDUAL RESPONSIBLE FOR SUBMISSION OF ECONOMIC DATA REPORT (EDR)		
1. Name of designated representative		2. Date of Birth:
3. Business Mailing Address:		
4. Business Telephone No.:	5. Business fax No.:	6. Business E-mail (if available):
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 herein is true, correct, and complete. (Note: If completed by an agent, attach authorization.)		
1. Signature of Applicant or Authorized Agent:		2. Date:
3. Printed Name of Applicant or Authorized Agent:		

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 30 minutes 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 680, under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*) and under 16 U.S.C. 1862(j); 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 RCR Permit

An RCR permit must be issued to, and displayed by, any processor that receives crab. A separate permit is required (and a separate application must be submitted) for each Shoreside Processing Facility and each Stationary Floating Crab Processor (SFCP) operated by a processor. Only one permit (and one application) is needed for any number of the permit holder's catcher/processors. RCR permits are issued annually, for crab fishing years (July 1 through June 30).

Application forms and instructions are available on the NOAA Fisheries Service Alaska Region web site at www.fakr.noaa.gov/ram. A separate application must be submitted for each vessel upon which the applicant's IFQ permit is to be fished by a hired skipper.

Additionally:

- Type or print legibly in ink.
- Retain a copy of completed application for your records.
- Applications may be faxed to RAM at (907) 586-7354; however, permits will not be returned by fax. Do not wait until right before an opening to apply for your permit, as you may not receive it on time.

When complete, mail the application to:

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

Or deliver to:

**NOAA Fisheries,
Alaska Region (NMFS/RAM)
Federal Building
709 W. 9th Street, Suite 713
Juneau, Alaska 99801**

COMPLETING THE FORM

BLOCK A – NATURE OF THE RCR FOR WHICH YOU ARE APPLYING

- Indicate in the space provided whether the application is for a new permit, a renewal or an amendment to an existing permit.
- If the application is a renewal or amendment, provide the current RCR permit number.

BLOCK B – APPLICANT IDENTIFICATION

1. Provide the name of the person applying to become an RCR.
2. Provide NMFS ID
3. Enter social security number (SSN) if applicant is an individual. Enter employer identification number (EIN) if applicant is a corporation, partnership, association or other non-individual business entity.

4. Enter date of birth if applicant is an individual; enter date of incorporation if applicant is a corporation, partnership, association or other non-individual business entity.
5. Provide the name of a contact person for the applicant, if the applicant is a corporation, partnership, association, or other non-individual business entity.
6. Provide the permanent business mailing address of the applicant. This is the address to which the RCR permit will be sent.
- 7-9. Provide the business telephone number, business fax number, and business e-mail address (if available) of the applicant.

BLOCK C – TYPE OF ACTIVITY (Facility/Vessel Identification)

1. Indicate the type of activity that the applicant intends to perform as an RCR. Applicant must check the activity that applies to the operation for which the application is submitted.
2. Identify the Shoreside Processing Facility or the SFCP for which the application is submitted. Provide identifying information as requested.

(Note: if the application is submitted for one or more catcher/processor vessels, only one RCR Permit is required).

BLOCK D – INDIVIDUAL RESPONSIBLE FOR SUBMISSION ECONOMIC DATA REPORT (EDR)


- ◆ All Registered Crab Receivers are responsible for submission of an EDR to Pacific States Marine Fisheries Commission, 205 SE Spokane, Suite 100, Portland, OR 97202. The annual EDR submission deadline is June 28.
- ◆ Payment of all outstanding fees to NMFS on or before July 31.

Each RCR must identify an individual who will be responsible for submission of this EDR on behalf of the RCR. The EDR will be sent to the individual identified on this application form. If the responsible individual changes during the crab fishing year, the RCR must submit an amended application naming a new responsible individual.

1. Provide the name of the person responsible for sending an EDR.
2. Enter date of birth.
3. Provide the permanent business mailing address.
- 4-6. Provide the business telephone number, business fax number, and business e-mail address (if available).

BLOCK E – SIGNATURE

1-3. Applicant must sign, print name, and enter date of the application. Representatives acting on behalf of an applicant must supply proof of authorization.

<p>Application for BSAI Crab</p> <p>HIRED MASTER (SKIPPER) PERMIT</p>	<p>U.S. Department of Commerce NOAA Fisheries Service, Alaska Region Restricted Access Management (RAM) Post Office Box 21668 Juneau, Alaska 99802-1668</p> 
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This application is to be submitted by IFQ permit holders, including cooperatives, to authorize an IFQ Hired Master (Hired Skipper) under the BSAI Crab Rationalization regulations. It may also be used to delete such authorization. Although more than one Hired Skipper may be authorized using this form, a separate form must be submitted for each vessel upon which the applicant's IFQ permit(s) is to be fished by the hired skipper(s). Note that for a crab harvesting cooperative, an application for a Hired Skipper permit must be submitted by the cooperative's Authorized Representative (designated agent), as set out on the cooperative's IFQ application.

BLOCK A – PURPOSE OF APPLICATION	
	Permit(s) numbers for which this authorization applies:
Add Authorized Hired Skipper: <input type="checkbox"/>	_____
Delete Authorized Hired Skipper: <input type="checkbox"/>	_____

BLOCK B – IFQ PERMIT HOLDER (APPLICANT) INFORMATION		
1. Name of IFQ Permit Holder:	2. NMFS Person ID:	
3. Name of Cooperative, if applicable:	4. Cooperative's NMFS ID:	
5. Name of Cooperative's Authorized Representative (Print):		
6. Business Mailing Address: Permanent <input type="checkbox"/> Temporary <input type="checkbox"/>		
7. Business Telephone Number:	8. Business Facsimile Number:	9. Business E-Mail Address:

BLOCK C – VESSEL UPON WHICH CRAB IFQ WILL BE HARVESTED		
1. Vessel Name:	2. ADF&G Number:	3. USCG Official Number:
4. Does the Crab IFQ Permit Holder hold an ownership interest of at least 10% in the named vessel? YES <input type="checkbox"/> NO <input type="checkbox"/>		

5. If the Crab IFQ Permit Holder is a Crab Harvesting Cooperative, does a member of the Cooperative hold an ownership interest of at least 10% in the named vessel?

YES [] NO []

5a. Name of Cooperative member holding an ownership interest of at least 10% in the named vessel (Print): _____

Notes: If the answer to Question 4 (or Question 5, if the applicant is a cooperative) is “NO” the applicant is not eligible to hire a skipper (master) to harvest the crab authorized by the permit, and this application will be denied.

If the answer to Question 4 is “YES” the applicant must attach a contemporary USCG *Abstract of Title* or *Certificate of Documentation* that demonstrates that the minimum ownership requirement has been satisfied with respect to the named vessel; no other documentation of ownership is satisfactory.

If the answer to Question 5 is “YES” the Cooperative must identify the member holding the vessel ownership interest and attach a contemporary USCG *Abstract of Title* or *Certificate of Documentation* with respect to the named vessel; no other documentation of ownership is acceptable.

BLOCK D – IDENTIFICATION OF HIRED SKIPPER(s)

(Complete a separate block for each Hired Skipper)

1. Name of Hired Skipper:		2. NMFS Person ID:
3. Business Mailing Address: Permanent [] Temporary []		
4. Business Telephone Number:	5. Business Fax Number:	6. Business E-Mail Address:

1. Name of Hired Skipper:		2. NMFS Person ID:
3. Business Mailing Address: Permanent [] Temporary []		
4. Business Telephone Number:	5. Business Fax Number:	6. Business E-Mail Address:

BLOCK E – 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.):

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 0.35 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 NOAA, National Marine Fisheries Service, Alaska Region, Attn: Assistant Regional Administrator, Sustainable Fisheries Division, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) The 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 mandatory and is required to manage commercial fishing effort in the BSAI under 50 CFR 680, under 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*), and under 16 U.S.C. 1862(j); 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.

Instructions

APPLICATION FOR CRAB IFQ HIRED MASTER (SKIPPER) PERMIT

Background Information

This application is to be submitted by IFQ permit holders, including cooperatives, to authorize an IFQ Hired Master (Hired Skipper) under the BSAI Crab Rationalization regulations. It may also be used to delete such authorization. A separate form must be submitted for each vessel upon which the applicant's Individual Fishing Quota (IFQ) permit(s) is to be fished by the hired skipper(s). Note that for a crab harvesting cooperative, an application for a Hired Master permit must be submitted by the cooperative's Authorized Representative (designated agent), as set out on the cooperative's IFQ application. Hired Master Permits may not be issued to harvest IFQ in the Captain/Crew (CVC, CPC) sectors.

Crab IFQ permits issued to non-individual Quota Share (QS) holders may only be legally fished if an individual IFQ Master (Hired Skipper) has been designated to fish such permit. RAM will not automatically provide a permit to the representative or the agent of non-individual QS Holders; therefore, Crab IFQ permit holders who are not individuals must designate a master to harvest their crab annual IFQ.

Note that for a crab harvesting cooperative, an application for a Hired Master permit must be submitted by the cooperative's Authorized Representative (designated agent), as set out on the cooperative's IFQ application.

If a Hired Master is harvesting IFQ, a legible copy of an IFQ Hired Master permit must be on board a vessel used to harvest IFQ crab at all times such crab are retained on board. Further, and except as specified in 50 CFR § 680.42, an individual who is issued a Crab IFQ Hired Master Permit must remain on board the vessel used to harvest IFQ crab during the crab QS fishing trip and at the landing site until all crab harvested under that permit are offloaded and the landing report for such crab has been completed.

Application forms and instructions are available on the NOAA Fisheries Service Alaska Region web site at www.fakr.noaa.gov/ram. A separate application must be submitted for each vessel upon which the applicant's IFQ permit is to be fished by a hired skipper.

Additionally:

- Type or print legibly in ink.
- Retain a copy of completed application for your records.
- Applications may be faxed to RAM at (907) 586-7354; however, permits will **not** be returned by fax. The original, signed permit must be on board the vessel. Please allow at least 10 days for processing your permit. **Do not wait until right before an opening to apply for your permit,** as you may not receive it on time.

Mail or deliver the completed application to:

Mailing Address
NOAA Fisheries, Alaska Region (NMFS)
Restricted Access Management (RAM)
P.O. Box 21668
Juneau, Alaska 99802-1668

Physical location
NOAA Fisheries, Alaska Region (NMFS/RAM)
Federal Building
709 W. 9th Street, Suite 713
Juneau, Alaska 99801

BLOCK A – PURPOSE OF APPLICATION

Indicate whether you are seeking to add an authorized Hired Skipper to fish your IFQ permit, or if you are seeking to delete authority for a Hired Skipper.

Enter the Permit Number(s) for which the authorization applies.

BLOCK B – PERMIT HOLDER (APPLICANT) INFORMATION

- 1 – 3. Enter the permit holder’s name and NMFS Person ID
- 4 – 6. If the applicant is a crab harvesting cooperative, enter the cooperative’s name, NMFS person ID, and the name of the cooperative’s authorized representative.
- 7 – 10. Enter the Applicant’s business mailing address (and indicate whether it is permanent address or a temporary address), telephone number, fax number, and e-mail address.

BLOCK C – VESSEL UPON WHICH CRAB IFQ WILL BE HARVESTED

- 1 – 3. Enter the name of the vessel upon which the IFQ will be harvested, the vessel’s ADF&G vessel registration number, and the vessel’s United States Coast Guard (USCG) documentation number.
- 4. Indicate whether the IFQ permit holder holds an ownership interest of at least 10% in the vessel.
- 5. If the applicant is a crab harvesting cooperative, indicate whether a member of the cooperative owns a minimum of 10% interest in the identified vessel.
- 5a. Print the name of the member of the cooperative who holds the required minimum ownership interest.

Notes:

If the answer to Question 4 (or Question 5, if the applicant is a cooperative) is “NO” the applicant is not eligible to hire a skipper (master) to harvest the crab authorized by the permit, and this application will be denied.

If the answer to Question 4 is “YES” the applicant must attach a contemporary USCG *Abstract of Title* or *Certificate of Documentation* that demonstrates that the minimum ownership requirement has been satisfied with respect to the named vessel; no other documentation of ownership is satisfactory.


If the answer to Question 5 is “YES” the applicant must attach a contemporary USCG *Abstract of Title* or *Certificate of Documentation* that demonstrates that the identified cooperative member satisfies the minimum ownership requirement with respect to the named vessel; no other documentation of ownership is satisfactory.

BLOCK D – IDENTIFICATION OF HIRED SKIPPER(s)

- 1 – 4. Enter the Hired Skipper’s name, NMFS Person ID, and Date of Birth.
- 5 – 8. Enter the Hired Skipper’s business mailing address (and indicate whether it is a permanent address or a temporary address), telephone number, facsimile number, and e-mail address.

BLOCK E – APPLICANT SIGNATURE

Enter the printed name and signature of the applicant and date signed.

<p>Application for a FEDERAL CRAB VESSEL PERMIT</p>	<p>U.S. Department of Commerce NOAA Fisheries Service, Alaska Region Restricted Access Management (RAM) Post Office Box 21668 Juneau, Alaska 99802-1668</p> 
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Notes:

- All vessels participating in the Bering Sea/Aleutian Island crab rationalization fisheries must have a valid Federal Crab Vessel Permit on board at all times. This Application is to be used to obtain and/or to amend the Permit. Permits are annual, issued for a crab fishing year (July 1 through June 30).
- Only U.S. Citizens are authorized to receive or to hold a Federal Crab Vessel Permit.
- NMFS will not process this application if the applicant has not submitted required Economic Data Collection information and any required fees.

BLOCK A – NATURE OF APPLICATION

Indicate whether this application is:

A request for a new Permit []

A renewal of an existing Permit [] – Permit Number: _____

An amendment to an existing Permit [] – Permit Number: _____

If the application is for a new Permit (or amends an existing permit by changing the owner(s), include a copy of the *U.S. Coast Guard Abstract of Title* or the *Certificate of Documentation* pertaining to the vessel.

If the application is to renew or amend an existing Permit, include the current Federal Crab Vessel Permit Number.

BLOCK B – VESSEL INFORMATION

1. Name of Vessel:	2. Home Port (city and state):	3. ADF&G Processor Code (if any):
4. Is the Vessel a “Vessel of the United States”? Yes [] No []	5. USCG Documentation Number:	6. ADF&G Vessel Registration Number:
7. Length Overall (LOA) _____ Ft. Registered Length: _____ Ft.	8. Gross Tonnage: _____ Net Tonnage: _____	9. Shaft Horsepower:
10. Type of Vessel Operation; indicate below the type(s) of crab operation(s) for which the vessel may be used during the crab fishing year:		
Catcher Vessel [] Catcher-Processor [] Stationary Floating Crab Processor []		

BLOCK C – CONTACT OWNER INFORMATION

1. Contact Owner's Name:

2. Contact Owner's Permanent Business Address:

3. Contact Owner's Temporary Business Address (if any):

4. Business Telephone Number:

5. Business Fax Number:

6. Business E-Mail Address:

7. Name of Managing Company (if any):

BLOCK C₁ – ADDITIONAL OWNER INFORMATION

Complete for each Vessel Owner - (Duplicate as necessary to provide information on all owners)

1. Name of Additional Vessel Owner:

2. Additional Owner's Permanent Business Address:

3. Business Telephone Number:

4. Business Fax Number:

5. Business E-Mail Address:

1. Name of Additional Vessel Owner:

2. Additional Owner's Permanent Business Address:

3. Business Telephone Number:

4. Business Fax Number:

5. Business E-Mail Address:

1. Name of Additional Vessel Owner:

2. Additional Owner's Permanent Business Address:

3. Business Telephone Number:

4. Business Fax Number:

5. Business E-Mail Address:

BLOCK D – DESIGNATED REPRESENTATIVE FOR EDR

The owner of a vessel that participates in any of the BSAI Crab Rationalization fisheries is responsible for submitting a crab “Economic Data Report” (EDR) to the NMFS-authorized data collection agent. In the space below, please provide the name and contact information of the individual who is responsible for insuring that the EDR is completed and timely submitted. The EDR forms will be sent to the address of the Designated Representative set out below. If the Designated Representative changes, the owner must provide NMFS with the name and contact information for the new Designated Representative within 30 days of the change.

1. Name of Designated Representative for EDR:

2. Designated Representative’s Permanent Business Address:

3. Business Telephone Number:

4. Business Fax Number:

5. Business E-Mail Address:

BLOCK E – CERTIFICATION

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.

Signature of Applicant or Applicant’s Representative:

Date Signed:

Printed Name of Applicant or Applicant’s Representative:

(Note: If this is completed by the Applicant’s Representative, attach authorization)

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 0.35 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 Fisheries Service (NMFS), 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 680, under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*) and under 16 U.S.C. 1862(j); 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.

**Application for a
FEDERAL CRAB VESSEL PERMIT**

- Any vessel participating in the Bering Sea/Aleutian Islands Management Area (BSAI) crab rationalization fisheries (CR fisheries) in any way (i.e., as a catcher vessel, catcher/processor, or a stationary floating processor) must have on board a valid Federal Crab Vessel Permit (FCVP). FCVPs are annual, issued for a crab fishing year (July 1 through June 30).
- Additionally, vessels that participate in any of the CR fisheries are required to have on board, and to use, a Vessel Monitoring System (VMS), while the CR fisheries are open, regardless of where the vessel is fishing (including State of Alaska waters) or for what the vessel is fishing.
- The owner of a vessel that participates in the CR fisheries has certain obligations to provide Economic Data Reports (EDRs) to the NMFS-authorized Data Collection Agent (DCA). The DCA will provide the owner (or the owner's designee) with the necessary EDR collection forms. If the person responsible for filing the EDRs is replaced, the owner must provide the name and the contact information of the new responsible individual within 30 days.

Additionally

- Type or print legibly in ink.
- Retain a copy of completed application for your records.
- Do not wait until right before an opening to apply for your permit, as you may not receive it on time.

- Mail, fax, or deliver the completed application to:

Mailing Address

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

Physical location

NOAA Fisheries, Alaska Region (NMFS/RAM)
Federal Building
709 W. 9th Street, Suite 713
Juneau, Alaska 99801

Fax number 907-586-7354

Block A – Nature of Application

Indicate whether the application is submitted as a request for:

- a new Permit (in which case, it should be accompanied by a valid U.S. Coast Guard Abstract of Title or Certificate of Documentation for the vessel);

- a renewal of an existing Permit (in which case, enter the Permit Number); or
- an amendment to an existing Permit (in which case, enter the Permit Number).

Block B – Vessel Information

1. Enter the name of the Vessel for which the Application is being submitted.
2. Enter the Vessel’s Home Port (city and state).
3. Enter the ADF&G Processor Code (if any).
4. Indicate (YES or NO) whether the Vessel is a “Vessel of the United States.”
5. Enter the Vessel’s USCG Documentation Number.
6. Enter the Vessel’s Alaska Department of Fish and Game (ADF&G) Vessel Registration Number.
7. Enter the Vessel’s length overall and registered length.
8. Enter the Vessel’s Gross Tonnage and Net Tonnage.
9. Enter the Vessel’s Shaft Horsepower.
10. Indicate the type(s) of crab operation(s) in which the Vessel will be engaged.

Block C – Contact Owner Information

1. Enter the name of the “Contact Owner”
(the person primarily responsible for the vessel on behalf of all owners).
2. Enter the Contact Owner’s Permanent Business Address.
3. Enter the Contact Owner’s Temporary Business Address (if any). This is the address to which notices and other information regarding the vessel permit will be sent.
- 4-6. Enter the Contact Owner’s business telephone number, business fax number, and E-Mail address.
7. Enter the name of the Vessel’s Managing Company (if any).

Block C₁ – Additional Owner Information

For each additional owner (in addition to the Contact Owner) enter the requested information. Duplicate the form as necessary to include the requested information on all of the Vessel’s owners.

Block D – Designated Representative for EDR

The owner of a vessel that participates in any of the BSAI Crab Rationalization fisheries is responsible for submitting a crab “Economic Data Report” (EDR) to the NMFS-authorized data collection agent. In the space below, please provide the name and contact information of the

individual who is responsible for insuring that the EDR is completed and timely submitted. The EDR forms will be sent to the address of the Designated Representative set out below. If the Designated Representative changes, the owner must provide NMFS with the name and contact information for the new Designated Representative within 30 days of the change.

Enter the requested information about the Designated Representative for EDR.

Block E – Certification

Enter printed name, signature, and date the Certification. Attach authorization if the application has been completed by the Applicant’s representative.

**Application to Become
 An Eligible
 Crab Community Organization (ECCO)**

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



BLOCK A - IDENTIFICATION OF APPLICANT

1. Name of Non-Profit Organization:		2. NMFS Person ID:	
3. Business Mailing Address: <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary			
4. Name of Contact Person:	5. Business Telephone No.:	6. Business Fax No.:	7. E-mail Address:
8. Name of Community Represented by Non-Profit:		9. Name of Contact Person for Community Governing Body	

BLOCK B - REQUIRED ATTACHMENTS

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 articles of incorporation under the laws of the State of Alaska for that non-profit organization
- A statement indicating the ECC(s) represented by that non-profit organization for purposes of holding QS;
- The bylaws of the non-profit organization;
- A list of key personnel of the management organization including, but not limited to, the board of directors, officers, representatives, and any managers;
- Additional contact information of the managing personnel for the non-profit organization and resumes of management personnel
- A description of how the non-profit organization is qualified to manage QS on behalf of the ECC it is designated to represent, and a demonstration that the non-profit organization has the management skills and technical expertise to manage QS and IFQ.
- A statement describing the procedures that will be used to determine the distribution of IFQ to residents of the ECC represented by that non-profit organization, including:
 - Procedures used to solicit requests from residents to lease IFQ;
 - Criteria used to determine the distribution of IFQ leases among qualified community residents; and
 - The relative weighting of those criteria.

BLOCK C –APPLICANT CERTIFICATION

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

2. Date:

3. Printed Name of Applicant (if authorized representative, attach proof of authorization to this application):

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

6. Affix Notary Stamp or Seal Here:

5. Commission Expires:

PUBLIC REPORTING BURDEN STATEMENT

Public reporting for this collection of information is estimated to average 2.5hours 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 680, under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*) and under 16 U.S.C. 1862(j).; 3) Responses to this information request are confidential under section 104(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.

<p>Instructions Application to Become an ECCO</p>


Prior to initially receiving quota share (QS) or individual fishing quota (IFQ) by transfer on behalf of a specific Eligible Crab Community (ECC), a non-profit organization that intends to represent that ECC as an Eligible Crab Community Organization (ECCO) must submit an Application to Become an ECCO and have that application approved by the Regional Administrator. This application is required to establish a person's eligibility to receive QS, processor quota share (PQS), IFQ, or individual processor quota (IPQ) by transfer, if the person is an ECCO.

BLOCK A - IDENTIFICATION OF APPLICANT

1. Name and NMFS Person ID of the non-profit organization.
2. Permanent (and temporary, if applicable) business mailing address of the Non-profit organization.
3. Name, telephone number, fax number, and e-mail address (if available) for non-profit organization's designated representative.
4. Name of community(ies) represented by non-profit.
5. Name of contact person for the governing body of each community represented.

BLOCK B - REQUIRED ATTACHMENTS

In order to file a complete application, attach the documents listed on application.

<p>Application For CRAB QUOTA SHARE (QS) or PROCESSOR QUOTA SHARE (PQS)</p>	<p>U.S. Dept. of Commerce/NOAA National Marine Fisheries Service (NMFS) Restricted Access Management (RAM) P.O. Box 21668 Juneau, AK 99802-1668</p>	
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<p><i>BLOCK A – TYPE OF CRAB QS OR PQS FOR WHICH YOU ARE APPLYING</i> (To be completed by all applicants.)</p>
<p><input type="checkbox"/> Catcher Vessel Owner(CVO) or Catcher Processor Owner (CPO) QS LLP (for LLP license holders) <input type="checkbox"/> Catcher Vessel Crew (CVC) QS or Catcher Processor Crew (CPC) QS (for Captain/Crew members) <input type="checkbox"/> Processor PQS</p>

<p><i>BLOCK B – APPLICANT INFORMATION</i> (To be completed by all applicants)</p>		
1. Applicant Name:	2. NMFS Person ID:	
3. Permanent Business Mailing Address:		
4. Business Telephone No.:	5. Business Fax No.:	6. Business E-mail Address:
7. Is the applicant a U.S. Citizen ? YES [] NO []		
8. Is the applicant a U.S. Corporation, Partnership, Association, or Other Non-individual Business Entity? YES [] NO []		
9. Is the applicant deceased? YES [] NO [] If YES, attach copy of Death Certificate		
10. Is the U.S. Corporation, Partnership, Association, or Other Business Entity no longer in existence? YES [] NO [] If YES, attach evidence of dissolution.		

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 K 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 Service, 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, as provided by NOAA Fisheries Service, 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 Service; below (in Block D) I indicate the QS category(ies) and fishery(ies) for which I make contrary claims.

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	BSS	SMB	PIK	WAI
CVO	%	%	%	%	%	%	%	%
CVC	%	%	%	%	%	%	%	%
CPO	%	%	%	%	%	%	%	%
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 block, Block E. If your claim is premised on the activities of more than one vessel, complete Block E for each vessel– you may **duplicate this form** as necessary.

1 Vessel Name:	2. ADF&G No.
	3. USCG No.

4. Moratorium Permit(s) Used:	5. LLP License(s) Used:																																
<table style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%; text-align: left;">Moratorium Crab Permit No.</th> <th style="width:50%; text-align: left;">Year (Season)</th> </tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> </table>	Moratorium Crab Permit No.	Year (Season)	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	<table style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%; text-align: left;">LLP Crab License No.</th> <th style="width:50%; text-align: left;">Year (Season)</th> </tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> </table>	LLP Crab License No.	Year (Season)	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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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 --			

Note: To facilitate processing this application, please **attach** fish tickets or other information to support your claim that the above vessel participated in the fishery(ies) in the indicated year(s) and was the vessel from which the claimed pounds were landed.

BLOCK F – CPO QS

To be completed by License Limitation Program (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 No. 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. ADF&G No.:	5. Moratorium Crab Permit No.:	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 No.:
		3. USCG No.:
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) <i>To be completed if you are claiming credit for landings under either “sunken vessel” provision (see Instructions)</i>	
1. Name of vessel that sank:	2. ADF&G No.:
	3. USCG No.:
	4. Date of loss:
5. Name of replacement vessel:	6. ADF&G No.:
	7. USCG No.:
8. Date replacement vessel construction began (keel laid):	9. Date replacement vessel entered fishery:

BLOCK I – FOR CVC OR CPC QS APPLICANTS <i>To be completed by eligible captains or crew members.</i> Note: “Crew Quota Share” is issued only to individual U.S. citizens who were named on State of Alaska Interim Use Permit(s) (IUPs), who used their permit(s) to record landings of BSAI crab during certain years, and who can demonstrate recent participation in the fishery for which they seek QS (see Instructions)					
<p>If you are premising your claim to QS in any fishery(ies) to a higher percentage of the QS Pool(s) for any CVC QS or CPC QS than set out in the Official Record, complete the table in Block I (below).</p> <p>Note: To facilitate processing this application, please attach ADF&G fish tickets, copies of permits, or other information to support your claims as set out on the table below.</p> <p>If your claim is to obtain quota for more than one fishery, use more than one table in Block I – you may duplicate this form as necessary.</p>					
<p>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 seasons are set out in the Instructions. Duplicate the table as may be necessary to record claims for all fisheries.</p>					
Fishery (Code)	Season(s)	Name of Vessel from which the landings were made	Vessel’s ADF&G No.	Your Interim-Use Permit No.	Pounds Landed in Season

Fishery (Code)	Season(s)	Name of Vessel from which the landings were made	Vessel's ADF&G No.	Your Interim-Use Permit No.	Pounds Landed in Season

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.

BLOCK J – FOR PQS APPLICANTS

To be completed by eligible processors

Note: An “eligible processor” is one that processed BSAI crab species during 1998 or 1999. A processor that did not process BSAI crab in either of those years may be eligible under the “hardship” provision in the regulations. To be eligible under that provision, an Applicant must have processed Bering Sea snow crab in every season, 1988 through 1997; additionally, in the time period beginning on January 1, 1996, and concluding on June 10, 2002, the Applicant must have invested at least \$1 million in increasing or improving crab processing capacity.

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, 1988 through 1997?

YES [] NO []

3. Did the Applicant invest a minimum of \$1 million in processing capacity in the time period beginning on January 1, 1996, and concluding on 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 seasons for each fishery are set out in the Instructions. **Duplicate the table** as may be necessary to record all claims.

Fishery (enter Fishery Code)	Plant Location (enter name of city or port)	Year	ADF&G Processor Code	Pounds
			F-	
			F-	
			F-	
Total Pounds: All 3 years				

Fishery (enter Fishery Code)	Plant Location (enter name of city or port)	Year	ADF&G Processor Code	Pounds
			F-	
			F-	
			F-	

		Total Pounds: All 3 years		
Fishery (enter Fishery Code)	Plant Location (enter name of city or port)	Year	ADF&G Processor Code	Pounds
			F-	
			F-	
			F-	
		Total Pounds: All 3 years		

Fishery (enter Fishery Code)	Plant Location (enter name of city or port)	Year	ADF&G Processor Code	Pounds
			F-	
			F-	
			F-	
		Total Pounds: All 3 years		

Fishery (enter Fishery Code)	Plant Location (enter name of city or port)	Year	ADF&G Processor Code	Pounds
			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 [<input type="checkbox"/>] NO [<input type="checkbox"/>]
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 [<input type="checkbox"/>] NO [<input type="checkbox"/>]
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 174E W. long.)?	YES [<input type="checkbox"/>] NO [<input type="checkbox"/>]
<p>Additional PQS Application Requirements <i>(Provisions for community right of first refusal (ROFR) for initial issuance of QS and PQS)</i></p> <ul style="list-style-type: none"> 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 56E20' 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 section 313(j) of the Magnuson-Stevens Act [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	
<i>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. (Note: If this is completed by an authorized representative, attach authorization.)</i>	
1. Signature of Applicant:	2. Date:
3. Printed Name of Applicant:	

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 680 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*) and under 16 U.S.C. 1862(j); 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.

Instructions
APPLICATION FOR CRAB QS AND PROCESSOR PQS

General Guidelines for Preparing Applications
The application period begins on April 4, 2005, and
expires at 5:00 p.m., Alaska Daylight Time, on
Friday, June 3, 2005

To be favorably considered, an application must be submitted to RAM by that date and time; an application that is postmarked, received by facsimile or hand-delivered after that date and time will be denied as untimely.

Why Impose an Application Deadline?

The application deadline serves two important purposes:

- a) first, it provides a degree of finality, stability, predictability, and certainty to the process; and,
- b) even more important, it insures that all applications are received before processing is completed and Quota is awarded, a feature that is particularly important in instances when Applicants submit competing applications for QS or PQS, premised on the same harvesting or processing activity.

Crab Rationalization Program Elements

Included in the application packet are a number of documents prepared by the NOAA Fisheries Service, Sustainable Fisheries Division. These documents summarize and explain all of the elements of the Crab Rationalization program and include a comprehensive list of Questions and Answers about the program. Applicants are strongly encouraged to read this material (which may also be found on the Internet at www.fakr.noaa.gov).

The Application Process

The “Official Crab Rationalization Record”

To assist with the application process, RAM has assembled a comprehensive database (the “Official Crab Rationalization Record” or “Official Record”) that contains relevant information on the BSAI crab fisheries, including permit holder and fish ticket landing files, processing information, and other data required for properly assigning harvesting and processing histories to qualified persons and calculating the amounts of QS and PQS to which they are entitled. The information in the Official Record has been derived from a variety of sources, including the Alaska Department of Fish and Game (ADFG), the Commercial Fisheries Entry Commission (CFEC), the Alaska Department of Revenue, and NMFS.

The Official Record is presumed to be correct. An Applicant who chooses to challenge the information in the Official Record, or the conclusions drawn from that information, bears the regulatory burden of demonstrating that the Official Record is inaccurate and should be changed.

To facilitate the application process, RAM has created a separate and unique document (the Summary of Official Record) for each person who appears to be eligible to receive QS or PQS by initial issuance. The Summary has been included with each person's application. The Summary displays non-confidential information in the Official Record that is specific to each Applicant, and shows the basis upon which RAM will allocate QS and PQS.

Making and Supporting Contrary Claims – RAM Determinations

RAM will review all timely submitted applications to identify claims that dispute the Official Record estimates of the QS or PQS that will be allocated. As noted above, an Applicant who claims QS or PQS that is not supported by the Official Record must provide sufficient evidence to cause RAM to amend the Official Record. If insufficient evidence is provided with the application, RAM will formally provide the Applicant with a Notice that s/he has 30 days during which to provide additional evidence. During the 30-day period, RAM will take no action on the application, thus insuring Applicants that their claims and evidence will be examined before a determination is made.

Following the 30-day period, RAM will review the record and determine whether the submitted evidence is sufficient to cause RAM to change the Official Record and issue the disputed QS or PQS. If it is, then the Official Record will be changed, the Applicant will be notified, and the claimed QS or PQS will be issued. If the evidence is insufficient, RAM will prepare a formal Initial Administrative Determination (IAD) to deny the claim (either partially or in its entirety). The IAD will be a formal document that will:

- identify the disputed issue(s) presented by the application;
- present the background (procedural and evidentiary) of the application and the action taken on it;
- discuss the claim and evidence in light of the contents of the Official Record and relevant regulations; and,
- set out a formal determination to deny all or part of the claim.

The IAD will also present detailed instructions for appealing it to the NOAA Fisheries Service Office of Administrative Appeals (OAA). The IAD will provide the Applicant 60 days during which an appeal may be filed. During the time that a claim is in dispute, no "interim" QS or PQS will be issued. If an Applicant eventually prevails on appeal and Final Agency Action is taken to approve the claim, the disputed QS or PQS will be issued at that time.

Why Will No Interim Quota be Issued?

Issuing interim shares is not required by the Administrative Procedures Act. Additionally, it is not in the interests of participants to encourage Applicants to present claims they cannot support. This is because every unit of Quota in a Quota Share Pool dilutes the relative value of every other unit. By focusing the process on favorably considering the more meritorious claims, the process is expedited and all participants will benefit.

The Office of Administrative Appeals (OAA) – Final Agency Action

The OAA is a separate unit within the office of the Regional Administrator for the Alaska Region of NMFS. The Office, which is independent of RAM, is charged with developing a record and preparing a formal decision on all appeals. Unless the Regional Administrator intervenes, the OAA's decision becomes the Final Agency Action thirty days after it is issued. An Applicant who is aggrieved by the Final Agency Action may then appeal to the U.S. District Court.

Completing the Application – Step by Step

The application is divided into a series of “Blocks” (Block A through Block K). Not all Applicants will need to complete all of the Blocks, but an application will not be complete unless all of the following blocks are completed:

- Block A (type of quota for which application is made);
- Block B (identification of Applicant);
- Block C (the “shortcut” application procedure); and
- Block K (the signature block).

Below, each block is explained and specific instructions for completing it are provided.

Please type or print legibly in ink, date and sign the application. Retain a copy of completed application and attachments for your records.

BLOCK A – TYPE OF CRAB QS OR PQS FOR WHICH YOU ARE APPLYING

Indicate on the form the type(s) of quota for which you are applying; note that an Applicant applying for more than one type (e.g., both CVO/CPO and CVC/CPC) may apply using the same form.

BLOCK B - APPLICANT INFORMATION

Complete all questions on the form (they are self-explanatory).

Additional documentation is needed if the person completing the form is acting on behalf of an eligible individual who has died or an eligible business entity that has dissolved or is otherwise no longer in business. Documentation should include, as appropriate, a Death Certificate, articles of dissolution, Power of Attorney, and any other documents that are necessary to clarify the Applicant’s status and the preparer’s authority to represent the Applicant.

BLOCK C – “SHORTCUT” APPLICATION PROCEDURE

To complete this block, it will be necessary to refer to the “Summary of Official Record” that has been provided with the application (if you did not receive a summary, or if one does not accompany the application forms mailed to you, it is because the Official Record does not contain information that indicates that you are an eligible Applicant).

If you agree with the estimates set out on the Summary(ies) provided, then so indicate in the space provided (“I accept the estimate...” in Block C and proceed to Block K (the signature block). If, for any reason, you do not agree with, or accept, all or part of the information provided on the Summary(ies), then so indicate in the appropriate space and move on through the application.

On the following pages, we provide an explanation of the steps taken to develop the Official Record estimates for each type of quota, from what data they were derived, and why the information provided can only be “estimates” of the amount of quota to be issued. This information is explained by category of eligible Applicants (LLP License Holders, Captain/Crew, and Processors). For a more general background of program requirements, please see the informational materials that are included in the application packet.

Summary of Official Record -- LLP License Holders

Basis for QS Allocation	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.	
Steps Taken to Develop Summary of Official Record		How Displayed on Summary
1. Sum landings for each vessel(s)		Not Displayed
2. Divide by LLP holder annual denominator to get percentage for that fishery and season		Not Displayed
3. Drop seasons with the lowest percentages (if required)		(Remaining Seasons) Displayed as: <i>Season(s) Selected</i>
4. Calculate average percentage for “best” years (i.e. divide sum of percentages by the number of allowed qualifying seasons)		Displayed as: <i>Average percentage of Fishery</i>
5. Compute “Percentage of Total Percentages” (i.e., divide average percentage by the sum of all persons’ average percentages)		Displayed as: <i>Percentage of Total Percentages</i>
6. Sum the percentages of total percentages of all licenses for that person		Displayed as: <i>= X% of LLP Holder Allocation</i>
7. Multiply the result times 0.97 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>
8. Calculate CVO and CPO percentages		Displayed as: <i>Percent CVO and Percent CPO</i>

In addition to the information described above, the appropriate annual denominators (sum of all estimated qualifying pounds for each fishery and season) are set out on the Summary. These amounts may differ somewhat from the amounts estimated by the North Pacific Fishery Management Council (Council), upon which many participants have relied to estimate their QS/PQS allocations. They differ because the Official Record has been developed with more recent data and has been adjusted for factors that were not known to the Council. Further, the Official Record has been adjusted to insure that it is compatible with the requirements of the Final Rule.

We may not display the amounts of the landings because of confidentiality constraints. Applicants who wish to challenge the Official Record calculations must independently determine their fishing/processing histories. The harvest data in the Official Record are “robust” and reliable, and comprise the best available information from all sources. The fish ticket data have been used to determine eligibility for harvest privileges under other programs (e.g., the Moratorium and the LLP) and have been reviewed by professional staff for a number of years. Accordingly, it is highly unlikely that landings information that has been submitted to the ADFG will not be included in the Official Record.

Recall that an Applicant who wishes to challenge the Official Record bears the burden of demonstrating that the Official Record is erroneous. In most cases (with respect to harvest amounts) doing so will require submission of fish tickets that were not entered into the ADF&G data base, but which nevertheless recorded harvests and landings that were made in compliance with all State and Federal regulations in effect at the time they were made.

**Why Are Amounts Displayed as
“Estimates”?**

The percentages and QS units to be issued displayed on the Summary are labeled as “estimates” because the exact amounts will not be known until all applications have been received and processed.

Summary of Official Record -- Captains/Crew Members

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.
Steps (for each CFEC Interim-Use Permit Holder and fishery)	
How Displayed on Summary	
1. Sum qualified landings in each season	See #3
2. Divide by Captain/Crew annual harvest denominator for each season, yielding your percentage of the fishery	See #3
3. Drop seasons with the lowest percentages (if required)	(Remaining Seasons) Displayed as: <i>(from step #1) Total Harvest Under CFEC Permit(s); and (from step #2) Percentage of Annual Harvest Denominator</i>
4. Calculate an average annual percentage (i.e., divide the sum of your best seasons’ “Percentage of Annual Harvest Denominators” by the total number of allowed qualifying seasons)	Not Displayed
5. Compute a “Percentage of Total Percentages” (i.e., divide your average annual percentage by the sum of all Captain/Crew Member average annual percentages for the fishery)	Displayed as: = <i>X% of Crew Allocation</i>
6. Multiply the result times 0.03 of the Initial QS Pool for the fishery, the amount set out in the regulations for Captains/Crew Members	Displayed as: <i>Estimated Number of QS Units to be Issued</i>
7. Calculate CVC and CPC percentages	Displayed as: <i>Percent CVC and Percent CPC</i>

In addition to the information above, the appropriate annual denominators (sum of all estimated qualifying pounds for each fishery and season) are set out on the Summary. These amounts differ from the amounts calculated by the Council, upon which many participants have relied to estimate their QS/PQS allocations. They differ because the Official Record has been developed with more recent data and has been adjusted for factors that were not known to the Council. Further, the Official Record has been adjusted to insure that it is compatible with the requirements of the Final Rule.

Captains and crew who held CFEC Interim-Use Permits and signed the fish tickets may view the landings information derived from those fish tickets. Therefore, we have displayed the landings totals (by season and fishery) in the Summary.

As noted earlier, the harvest data in the Official Record are “robust” and reliable, and comprise the best available information from all sources. The fish ticket data have been used to determine eligibility for harvest privileges under other programs (e.g., the Moratorium and the LLP) and have been reviewed by professional staff for a number of years. Accordingly, it is highly unlikely that landings information that has been submitted to the ADF&G will not be included in the Official Record.

Recall that an Applicant who wishes to challenge the Official Record bears the burden of demonstrating that the Official Record is erroneous. In most cases (with respect to harvest amounts) doing so will require submission of fish tickets that were not entered into the ADF&G data base, but which nevertheless recorded harvests and landings that were made in compliance with all State and Federal regulations in effect at the time they were made.

Summary of Official Record -- Processors

Basis for PQS Allocation	Initial PQS amounts are determined as the percentage of the harvest in each fishery that was processed by the Applicant during the combined qualifying seasons. The percentage for each shore facility and processing only vessel is summed to be the percentage of the Initial Quota Share Pool and further converted to PQS units.	
	Steps (for each Plant and Processing Only Vessel, and fishery)	How Displayed on Summary
	1. Sum pounds purchased for all qualifying seasons	Displayed as: <i>Total Pounds Processed **</i>
	2. Divide by the Total Processing Denominator (TPD), yielding a percentage of the TPD for that fishery	Displayed as: <i>Percentage of Fishery Total Processing Denominator **</i>
	3. Sum Percentage of TPDs for all plants and processing only vessels	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>

**Pounds will only be displayed if the sum is derived from deliveries from a minimum of four distinct CFEC Permit Holders

In addition to the information above, the appropriate denominator (sum of all estimated qualifying pounds for each fishery and all seasons) is set out on the Summary. This amount differs from the amounts calculated by the Council, upon which many participants have relied to estimate their anticipated QS/PQS allocations. They differ because the Official Record has been developed with more recent data and has been adjusted for factors that were not known to the Council. Further, the Official Record has been adjusted to insure that it is compatible with the requirements of the Final Rule.

Because harvest data are confidential, as a general rule we may display amounts processed only when the data are aggregated from the activities of a minimum of four permit holders. Applicants who wish to challenge the Official Record calculations must independently determine their fishing/processing histories. However, and as noted earlier, the harvest data in the Official Record are “robust” and reliable, and comprise the best available information from all sources. The fish ticket data have been used to determine eligibility for harvest privileges under other programs (e.g., the Moratorium and the LLP) and have been reviewed by professional staff for a number of years. Accordingly, it is highly unlikely that landings information that has been submitted to the ADF&G will not be included in the Official Record.

Recall that an Applicant who wishes to challenge the Official Record bears the burden of demonstrating that the Official Record is erroneous. In most cases (with respect to harvest amounts) doing so will require submission of fish tickets that were not entered into the ADF&G data base, but which nevertheless recorded harvests and landings that were made in compliance with all State and Federal regulations in effect at the time they were made.

BLOCK D – FISHERY(IES) AND QS/PQS TYPE(S)

If, after reviewing the information provided on the Summary of the Official Record and examining your own records, you believe that the estimates of Quota amounts provided on your Summary meet with your expectations, please so indicate by simply checking the appropriate box and signing the application.

On the other hand, if you feel that the Official Record amounts are inaccurate and differ from your own calculations, you must make a specific claim(s) in the matrix provided in Block D. It is particularly important that you provide a specific estimated percent of the Quota Share Pool(s); otherwise, it will not be possible to evaluate evidence and other information to determine if you have met your burden of demonstrating that the Official Record is erroneous.

BLOCK E – FOR CVO AND CPO QS APPLICANTS (LLP LICENSE HOLDERS) ONLY

CVO and CPO Quota will only be issued to persons who hold permanent, fully transferable LLP crab licenses. Nevertheless, if you hold an interim license because no Final Agency Action has been taken on your LLP application, we suggest you apply anyway; in that way, if you prevail and your license becomes permanent, you will be positioned to receive QS.

The fishing history upon which the Quota award is to be based is the combined fishing history(ies) of the vessel(s) that: a) gave rise to the LLP license; and b) participated in the fisheries under the authority of the LLP license. Therefore, to advance your claim, it is essential that you identify each vessel’s relevant history, by species and season, upon which that claim is predicated.

The Summary of the Official Record will display the name(s) of all vessels that, according to RAM’s record, are associated with each LLP license. If you believe the vessel(s) are improperly identified, or the percentages estimated are too small, complete Block E. Please note that failure to complete Block E to support the claim you made in Block D will result in your claim being rejected.

Note that a separate copy of Block E should be submitted for each vessel whose history gave rise to, and was developed under the authority of, your LLP license. Please duplicate and complete the Block as may be necessary.

BLOCK F - FOR CPO QS APPLICANTS (LLP LICENSE HOLDERS) ONLY

To be awarded Catcher/Processor (CPO) Quota, an LLP license holder must satisfy two conditions:

- a) your LLP license must be endorsed for use aboard a catcher/processor; and,
- b) at least one of the vessels whose history gave rise to the LLP license must have been used to process BSAI crab at sea during one or both years, 1998 and 1999.

Note that if you satisfy both conditions, you will receive CPO QS only the portion of your vessel's history that was actually processed at sea.

If you wish to make a claim for CPO Quota, please complete Block F. Indicate the LLP number under which you are applying, the name and ADF&G Number of the vessel used to harvest and process crab, the years in which such processing occurred, and the fishery code for the species that was processed.

BLOCK G – FOR CVO AND CPO QS APPLICANTS (LLP LICENSE HOLDERS) ONLY

Under limited circumstances, an Applicant may choose the fishing history of the vessel upon which the LLP license is currently being used instead of the fishing history of the vessel that gave rise to the license. However, to qualify to make this election, certain conditions must exist (see box).

When May an Applicant Choose?

- * The Applicant must have deployed a vessel in a crab QS fishery under the authority of an interim or permanent LLP license;
- * The Applicant must hold an LLP license and must have received that license by transfer before January 1, 2002; and
- * The Applicant must have obtained the license to insure that his/her vessel could continue to participate in one or more specific crab fishery(ies).

To make this claim, complete Block G. Most of the questions are self-explanatory. Note, however, that Question #G-7 is essential to your claim. Thoroughly explain the circumstances that led you to receive your LLP license by transfer and to use it on your vessel in the indicated fishery(ies). Use one or more separate sheets of paper, if necessary to fully explain the circumstance. An explanation in the form of an affidavit is acceptable.

BLOCK H – FOR CVO AND CPO QS APPLICANTS (LLP LICENSE HOLDERS) ONLY

There are two circumstances under which an Applicant may seek fishing history credit from vessels that were lost and did not participate in the fisheries. The two circumstances are as follows:

First, if an Applicant's vessel was lost and:

- a) if the Applicant was temporarily denied eligibility to replace it because of the provisions of Pub.L. No. 106-554;
- b) if a replacement vessel was under construction (keel laid) by June 10, 2002; and,
- c) if the completed replacement vessel participated in any Bering Sea crab fishery by no later than October 31, 2002,

RAM will presume landings for that vessel for the seasons between the time the vessel was lost and the time the vessel was replaced. The amount of the landings credited will be 50% of the Applicant's average legal landings for each fishery in the qualifying season(s) during which the Applicant's vessel did not participate.

Second, if an Applicant’s vessel was lost and subsequently replaced under the provisions of the “recent participation” requirements of the LLP program [see 50 CFR § 679.4(k)(5)(v)], then RAM will presume landings for that vessel in the relevant endorsement fishery(ies). The amount of the landings credited will be 50% of the Applicant’s average legal landings for each fishery in the qualifying season(s) during which the Applicant’s vessel did not participate.

To make a claim for qualifying landings under either lost vessel provision, complete Block H by identifying the lost vessel and the replacement vessel, and by further providing information on the date that reconstruction commenced and the date on which the replacement vessel first entered the crab fishery.

BLOCK I – FOR CVC AND CPC QS APPLICANTS (ELIGIBLE CAPTAIN AND CREW) ONLY

An individual who was named on a CFEC Interim-Use Permit (IUP) and who used that permit to make landings of crab QS species during certain qualifying seasons, is eligible for CVC or CPC Quota. Overall, 3% of the QS will be issued to this “Captain/Crew” sector. Appendix I to these Instructions (derived from the Regulations) displays the qualifying seasons, as well as the requirements for “recent participation” as it applies to each fishery.

Unlike the other sectors, confidentiality of data is not a problem for this sector. This is because the harvest information being displayed on the Summary of the Official Record is taken directly from fish tickets actually signed by the eligible IUP holder.

An individual who believes that the Summary amounts are incorrect should complete Block I to claim a specific number of pounds for each species and season. Block I contains a series of tables; complete a separate table for each fishery for which application is made. If necessary, duplicate Block I and submit additional tables to make your claim.

Block I contains a series of tables; complete a separate table for each fishery for which application is made. If necessary, duplicate Block I and submit additional tables to make your claim.

Estates of IUP Holders

If an otherwise eligible IUP holder has died, his/her Estate may apply for the QS. In that case, check the appropriate box in Block I and attach evidence of the demise of the eligible Applicant (e.g., a Death Certificate) as well as documentation that the person completing the application is authorized to act on behalf of the Estate.

BLOCK J – FOR PROCESSOR QUOTA SHARE (PQS) APPLICANTS

A Processor that disagrees with the information provided on the Summary of the Official Record should complete Block J to make an additional claim. Generally, to be eligible to receive PQS upon initial issuance, a Processor must have processed BSAI crab QS species in either 1997 or 1998 (or both). If that condition is met, then the amount of PQS that is issued for a fishery is determined by calculating the Processor’s total pounds over the relevant seasons as a percentage of the Total Processing Denominator (as set out on the Summary of the Official Record).

Additionally, a Processor who is a person “...to whom the legal processing of crab has been transferred by the express terms of a written contract that clearly and unambiguously provides that such legal processing of crab has been transferred...” may also be eligible. A Processor making such a claim should so indicate on the application form (space J-6).

A Processor who feels that the Official Record does not include all of the relevant processing history should complete the table(s) in Block J. Note that a separate table should be completed for each species and plant or processing vessel for which history is claimed by the Applicant. Duplicate the form as necessary to accommodate all claims for processing history.

Certain “Community Protection” measures pertain to Processors seeking PQS under the program. Before an application for PQS is considered complete, the Applicant must comply with the requirements set out in Block J (Application Page 7). Note that additional information pertaining to the requirements may be found on the Alaska Region website at: www.fakr.noaa.gov.

Processor Eligibility – “Hardship” Provision

If an Applicant did not process crab QS species in either 1998 or 1999, it may gain eligibility under the “Hardship” provision, as follows:

a) The Applicant must have processed BSS crab in every season from 1988 through 1997 (inclusive); and,

b) In the period beginning on January 1, 1996, and concluding on June 10, 2002, the Applicant must have spent a minimum of \$1,000,000 on expanding or improving its crab processing capacity

BLOCK K – APPLICANT’S SIGNATURE

Print the name of the Applicant, and then sign and date the Application. If the person who is signing is the authorized representative of the Applicant, submit appropriate documents to establish the authority to act on behalf of the Applicant.

FINAL STEPS

Assemble your completed and signed Application, together with all supporting documents and mail the Application to:

**NOAA Fisheries Service (NMFS)
Restricted Access Management
P.O. Box 21668
Juneau, AK 99802-1668**

Or fax to:

907-586-7354

Or deliver to:

**NOAA Fisheries Service
Restricted Access Management
709 W. 9th St., Suite 713
Juneau, AK 99801**

An application that is postmarked, faxed, or hand delivered after the ending date for the application period for the Crab QS Program will be denied.

Further Questions about the program and its many elements may be directed to the appropriate agency representatives, as follows:

Questions About...	Should be Directed to ...	Who May be Contacted as Follows ...
Applications/Appeals/Transfers/Quota Management, etc.	RAM	800-304-4846 (press "2") 907-586-7202 e-mail: RAM.Alaska@noaa.gov
Regulations/Arbitration System	Sustainable Fisheries Division	800-304-4846 (press "3") 907-586-7228 e-mail: Regs.Alaska@noaa.gov
Economic Data Reporting	Alaska Fisheries Science Center	206-526-4114
Monitoring and Enforcement	Office of Law Enforcement	907-586-7225

APPENDIX -- Table 7 to Part 680-- Initial Issuance of Crab QS by Crab QS Fishery

Column A: Crab QS Fisheries	Column B: Qualifying Years for QS	Column C: Eligibility Years for CVC and CPC QS	Column D: Recent Participation Seasons for CVC and CPC QS	Column E: Subset of Qualifying Years
For each crab QS fishery the Regional Administrator shall calculate (see §680.40(c)(2):	QS for any qualified person based on that person’s total legal landings of crab in each of the crab QS fisheries for any:	In addition, each person receiving CVC and CPC QS must have made at least one landing per year, as recorded on a State of Alaska fish ticket, in any three years during the base period described below:	In addition, each person receiving CVC or CPC QS, must have made at least one landing, as recorded on a State of Alaska fish ticket, in at least 2 of the last 3 fishing seasons in each of the crab QS fisheries as those seasons are described below:	The maximum number of qualifying years that can be used to calculate QS for each QS fishery is:
1. Bristol Bay red king crab (BBR)	4 years of the 5-year QS base period beginning on:	3 years of the 5-year QS base period beginning on:	(1) October 15-20, 1999.	4 years
	(1) November 1-5, 1996;	(1) November 1-5, 1996;	(2) October 16-20, 2000.	
	(2) November 1-5, 1997;	(2) November 1-5, 1997;	(3) October 15-18, 2001.	
	(3) November 1-6, 1998;	(3) November 1-6, 1998;		
	(4) October 15-20, 1999;	(4) October 15-0, 1999;		
	(5) October 16-20, 2000.	(5) October 16-20, 2000.		
2. Bering Sea snow crab (BSS)	4 years of the 5-year period beginning on:	3 years of the 5-year period beginning on:	(1) April 1-8, 2000.	4 years
	(1) January 15, 1996 through February 29, 1996;	(1) January 15, 1996 through February 29, 1996;	(2) January 15, 2001 through February 14, 2001.	
	(2) January 15, 1997 through March 21, 1997;	(2) January 15, 1997 through March 21, 1997;	(3) January 15, 2002 through February 8, 2002.	
	(3) January 15, 1998 through March 20, 1998;	(3) January 15, 1998 through March 20, 1998;		
	(4) January 15, 1999 through March 22, 1999;	(4) January 15, 1999 through March 22, 1999;		
	(5) April 1-8, 2000.	(5) April 1-8, 2000.		

Column A: Crab QS Fisheries	Column B: Qualifying Years for QS	Column C: Eligibility Years for CVC and CPC QS	Column D: Recent Participation Seasons for CVC and CPC QS	Column E: Subset of Qualifying Years
3. Eastern Aleutian Islands golden king crab (EAG)	5 years of the 5-year base period beginning on:	3 years of the 5-year base period beginning on:	(1) September 1 1999 through October 25, 1999.	5 years
	(1) September 1, 1996 through December 25, 1996;	(1) September 1, 1996 through December 25, 1996;	(2) August 15, 2000 through September 24, 2000.	
	(2) September 1, 1997 though November 24, 1997;	(2) September 1, 1997 though November 24, 1997;	(3) August 15, 2001 through September 10, 2001.	
	(3) September 1, 1998 through November 7, 1998;	(3) September 1, 1998 through November 7, 1998;		
	(4) September 1, 1999 through October 25, 1999;	(4) September 1, 1999 through October 25, 1999;		
	(5) August 15, 2000 through September 24, 2000.	(5) August 15, 2000 through September 25, 2000.		
4. Eastern Bering Sea Tanner crab (EBT)	4 of the 6 seasons beginning on:	3 of the 6 seasons beginning on:	In any 2 of the last 3 seasons prior to June 10, 2002 in the Eastern Aleutian Island golden (brown) king crab, Western Aleutian Island golden (brown) king crab, Bering Sea snow crab, or Bristol Bay red king crab fisheries.	4 years
	(1) November 15, 1991 through March 31, 1992;	(1) November 15, 1991 through March 31, 1992;		
	(2) November 15, 1992 through March 31, 1993;	(2) November 15, 1992 through March 31, 1993;		
	(3) November 1-10, 1993, and November 20, 1993 through January 1, 1994;	(3) November 1-10, 1993, and November 20, 1993 through January 1, 1994;		
	(4) November 1-21, 1994;	(4) November 1-21, 1994;		
	(5) November 1-16, 1995;	(5) November 1-16, 1995;		
	(6) November 1-5, 1996 and November 15-27, 1996.	(6) November 1-5, 1996 and November 15-27, 1996.		
5. Pribilof red king and blue king crab (PIK)	4 years of the 5-year period beginning on:	3 years of the 5-year period beginning on:	In any 2 of the last 3 seasons prior to June 10, 2002 in the Eastern Aleutian Island golden (brown) king crab, Western Aleutian Island golden (brown) king crab, Bering Sea snow crab, or Bristol Bay red king crab fisheries, except that persons applying for an allocation to receive QS based on legal landings made aboard a vessel less than 60 feet (18.3 m) LOA at the time	4 years
	(1) September 15-21, 1994;	(1) September 15-21, 1994;		
	(2) September 15-22, 1995;	(2) September 15-22, 1995;		
	(3) September 15-26, 1996;	(3) September 15-26, 1996;		
	(4) September 15-29, 1997;	(4) September 15-29, 1997;		
	(5) September 1-28, 1998.	(5) September 15-28, 1998.		

Column A: Crab QS Fisheries	Column B: Qualifying Years for QS	Column C: Eligibility Years for CVC and CPC QS	Column D: Recent Participation Seasons for CVC and CPC QS	Column E: Subset of Qualifying Years
			of harvest are exempt from this requirement.	
6. St. Matthew blue king crab (SMB)	4 years of the 5-year period beginning on:	3 years of the 5-year period beginning on:	In any 2 of the last 3 seasons prior to June 10, 2002 in the Eastern Aleutian Island golden (brown) king crab, Western Aleutian Island golden (brown) king crab, Bering Sea snow crab, or Bristol Bay red king crab fisheries.	4 years
	(1) September 15-22, 1994;	(1) September 15-22, 1994;		
	(2) September 15-20, 1995;	(2) September 15-20, 1995;		
	(3) September 15-23, 1996;	(3) September 15-23, 1996;		
	(4) September 15-22, 1997;	(4) September 15-22, 1997; and		
	(5) September 15-26, 1998.	(5) September 15-26, 1998.		
7. Western Aleutian Islands brown king crab (WAG)	5 of the 5 seasons beginning on:	3 of the 5 seasons beginning on:	(1) September 1, 1999 through August 14, 2000.	5 years
	(1) September 1, 1996 through August 31, 1997;	(1) September 1, 1996 through August 31, 1997;	(2) August 15, 2000 through March 28, 2001.	
	(2) September 1, 1997 through August 21, 1998;	(2) September 1, 1997 through August 31, 1998;	(3) August 15 2001 through March 30, 2002.	
	(3) September 1, 1998 through August 31, 1999;	(3) September 1, 1998 through August 31, 1999;		
	(4) September 1, 1999 through August 14, 2000;	(4) September 1, 1999 through August 14, 2000;		
	(5) August 15, 2000 through March 28, 2001.	(5) August 15, 2000 through March 28, 2001.		
8. Western Aleutian Islands red king crab (WAI)	3 of the 4 seasons beginning on:	3 of the 4 seasons beginning on:	In any 2 of the last 3 seasons prior to June 10, 2002 in the Eastern Aleutian Island golden (brown) king crab, Western Aleutian Island golden (brown) king crab, Bering Sea snow crab, or Bristol Bay red king crab fisheries.	3 years
	(1) November 1, 1992 through January 15, 1993;	(1) November 1, 1992 through January 15, 1993;		
	(2) November 1, 1993 through February 15, 1994;	(2) November 1, 1993 through February 15, 1994;		
	(3) November 1-28, 1994;	(3) November 1-28, 1994;		
	(4) November 1, 1995 through February 13, 1996.	(4) November 1, 1995 through February 13, 1996.		

Column A: Crab QS Fisheries	Column B: Qualifying Years for QS	Column C: Eligibility Years for CVC and CPC QS	Column D: Recent Participation Seasons for CVC and CPC QS	Column E: Subset of Qualifying Years
9. Western Bering Sea Tanner crab (WBT)	4 of the 6 seasons beginning on:	3 of the 6 seasons beginning on:	In any 2 of the last 3 seasons prior to June 10, 2002 in the Eastern Aleutian Island golden (brown) king crab, Western Aleutian Island golden (brown) king crab, Bering Sea snow crab, or Bristol Bay red king crab fisheries.	4 years
	(1) November 15, 1991 through March 31, 1992;	(1) November 15, 1991 through March 31, 1992;		
	(2) November 15, 1992 through March 31, 1993;	(2) November 15, 1992 through March 31, 1993;		
	(3) November 1-10, 1993, and November 20, 1993 through January 1, 1994;	(3) November 1-10, 1993, and November 20, 1993 through January 1, 1994;		
	(4) November 1-21, 1994;	(4) November 1-21, 1994;		
	(5) November 1-16, 1995;	(5) November 1-16, 1995;		
	(6) November 1-5, 1996 and November 15-27, 1996.	(6) November 1-5, 1996 and November 15-27, 1996.		

**APPLICATION FOR TRANSFER OF
 CRAB QS/IFQ or PQS/IPQ**

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



Notes:

- Applications to transfer Quota Share (QS), Individual Fishing Quota (IFQ), Processing Quota Share (PQS), or Individual Processing Quota (IPQ) will not be processed between August 1 of any year and the date of issuance of the IFQ or IPQ in any given Bering Sea or Aleutian Island Crab Rationalization Fishery.
- This form should not be used to apply for a transfer of QS/IFQ or PQS/IPQ to, or from, an Eligible Crab Community Organization (ECCO) or to, or from, a Crab Harvesting Cooperative.

BLOCK A – TYPE OF TRANSFER

1. Indicate the type(s) of Quota for which a transfer is being sought:

CPO QS/IFQ [] CVO QS/IFQ [] CPC QS/IFQ [] CVC QS/IFQ [] PQS/IPQ []

CVO/CPO IFQ Lease [] CVC/CPC IFQ lease [] IPQ lease []

2. If this is a transfer of PQS or IPQ, will the PQS or IPQ be used within the ROFR community with which the PQS is currently associated? YES [] NO []

If YES, indicate which community _____

and provide an affidavit stating that the ECC wishes to permanently waive ROFR for the PQS or that the proposed recipient of the PQS has completed a ROFR contract with the ECC for the PQS.

BLOCK B - TRANSFEROR (SELLER)

(The transferor is the person currently holding the QS, PQS, IFQ, or IPQ)

1. Name:

2. NMFS Person ID:

3. Permanent Business Mailing Address:

4. Temporary Business Mailing Address:

5. Business Telephone No.:

6. Business Fax No.:

7. E-mail address (if available)

BLOCK D₁ – IDENTIFICATION AND COST OF QUOTA TO BE TRANSFERRED

If Transfer Application is for more QS/IFQ or PQS/IPQ than the space provided on this form allows, duplicate this page as necessary to include all intended transfers with one application .

1. Identification of Quota Share or Processor Quota Share (QS/PQS) Quota (from Report of Quota Holdings):

Fishery	Sector*	Region	Beginning Serial Number	Ending Serial Number	QS
_____	_____	_____	_____	_____	_____

***Note: If transfer of CPO Quota, complete Questions 3 and 4 below**

2. Are any current year IFQ/IPQ Pounds to transfer with the QS/PQS?

YES [] NO []

If YES, complete the following:

Permit Number: _____ Class (A or B): _____ Pounds: _____

3. How is the CPO QS to be designated after the transfer?

CPO QS Only [] CVO QS and PQS []*

***Note: If CPO QS is transferred as both CPO QS and PQS, the resulting ratio of CVO shares to PQS shares will be 1:0.9 (i.e., 1 CVO share to 0.9 PQS shares)**

4. If intended to be designated as CVO QS and PQS, indicate the region (as appropriate for the fishery):

North [] South [] West [] Undesignated []

Complete the following for the Quota Share identified above. If the transfer is part of a group of transfers for one consolidated price, determine the value of each segment and report it below. This information is being collected to facilitate analysis of the performance of the Crab Rationalization Program and will be held in strictest confidence.

5. What is the total price of the Quota, including all fees and other transaction costs? \$ _____

6. What is the price per Unit of QS? \$ _____ What is the price per pound of crab? \$ _____

(Price divided by Units)

(Price divided by Pounds)

**BLOCK D₂ – TRANSFER OF ANNUAL IFQ OR IPQ ONLY [“LEASE” OF IFQ/IPQ]
IDENTIFICATION AND COST OF IFQ/IPQ**

If Transfer Application is for more IFQ or IPQ than the space provided on this form allows, **duplicate this page** as necessary to include all intended transfers with one application.

1. Identification of Annual IFQ or IPQ Permit to be transferred (“Leased”) – complete for each separate permit:

Permit No.	Fishery	Sector*	Region	Class (A or B)	IFQ Pounds
_____	_____	_____	_____	_____	_____

Complete the following for the IFQ/IPQ identified above. If the transfer is part of a group of transfers for one consolidated price, determine the value of each segment and report it below. This information is being collected to facilitate analysis of the performance of the Crab Rationalization Program and will be held in strictest confidence.

2. What is the total price of the IFQ/IPQ, including all fees and other transaction costs? \$ _____

a. Is the same price per pound applicable to both Class A and Class B IFQ? YES [] NO []

b. **If NO**, please provide price per pound by class.

3. What is the price per Pound of IFQ/IPQ? \$ _____

(Price divided by Units)

4. If the price is based on a percentage of the ex-vessel value, what is the percentage being charged? _____%

1. Identification of Annual IFQ or IPQ Permit to be transferred (“Leased”) – complete for each separate permit:

Permit No.	Fishery	Sector*	Region	Class (A or B)	IFQ Pounds
_____	_____	_____	_____	_____	_____

Complete the following for the IFQ/IPQ identified above. If the transfer is part of a group of transfers for one consolidated price, determine the value of each segment and report it below. This information is being collected to facilitate analysis of the performance of the Crab Rationalization Program and will be held in strictest confidence.

2. What is the total price of the IFQ/IPQ, including all fees and other transaction costs? \$ _____

a. Is the same price per pound applicable to both Class A and Class B IFQ? YES [] NO []

b. **If NO**, please provide price per pound by class.

3. What is the price per Pound of IFQ/IPQ? \$ _____

(Price divided by Units)

4. If the price is based on a percentage of the ex-vessel value, what is the percentage being charged? _____%

BLOCK E₁ – SURVEY QUESTIONS FOR TRANSFEROR (SELLER)

Why are you proposing to transfer the Quota (check all reasons that apply)?

- Retirement from fisheries Shares too small to fish Consolidation of shares
Pursue non-fishing activities Trading shares Other (please describe)
Health problems Enter other fisheries Hardship (please describe)

Describe “Hardship” or “Other” Reason (if applicable):

2. Is a Permit Broker being used for this transaction? YES NO

If YES,” how much is being paid in broker fees? \$ _____; or _____% of total price of Quota

BLOCK E₂ -- SURVEY QUESTIONS FOR TRANSFEREE (BUYER)

1. Will the Quota to be transferred under this application be used as collateral for a loan? YES NO

If YES, please identify the party with an interest in the Quota: _____

2. What is your primary source of financing for Quota to be transferred under this application?

- Self – Personal Resources AK – CFAB Gift (no financing)
 Private Bank/Credit Union Transferor/Seller NOAA Fisheries Loan
 AK Division of Investments Processor/Fishing Company Other (describe below)

Explain “Other” source of financing:

3. How was the Quota located (check all sources that apply)?

- Advertisement/Public Notice Direct Notice from Transferor
 Permit Broker Other (explain below)

Explain “Other” Source

4. What is the relationship, if any, between the proposed Transferor and the proposed Transferee?

- No Relationship Business Partner Other (explain below)
 Family Member Friend or Acquaintance

Describe “Other” Relationship:

BLOCK F₁ – CERTIFICATION OF TRANSFEROR

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 Transferor:		2. Date:
3. Printed Name Transferor (If completed by authorized representative, attach authorization):		
4. Notary Public Signature:	ATTEST	5. Affix Notary Stamp or Seal Here:
6. Commission Expires:		

BLOCK F₂ – CERTIFICATION OF TRANSFEREE

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 Transferee:		2. Date:
3. Printed Name of Transferee:		
4. Notary Public Signature:	ATTEST	5. Affix Notary Stamp or Seal Here:
6. Commission Expires:		

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 680, under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*) and under 16 U.S.C. 1862(j); 3) Responses to this information request are confidential under section 104(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.

<p>INSTRUCTIONS</p> <p>Application for Transfer of Crab QS/IFQ or PQS/IPQ</p>
--

GENERAL INFORMATION

This application can not be processed or approved unless both parties to the proposed transfer have met all the requirements and conditions of the BSAI Crab Rationalization Program, including (as appropriate):

- ◆ Submission of an Economic Data Report (EDR) to Pacific States Marine Fisheries Commission, 205 SE Spokane, Suite 100, Portland, OR 97202
- ◆ Payment of all outstanding fees to NMFS

The application will not be processed or approved unless it is complete; in addition to providing the information required by the Application for Transfer form, a complete application will include:

- ◆ *[for all applicants]*, a copy of the terms and conditions of the transfer agreement; such documentation may consist of a bill of sale, promissory note, or other document that reveals the contraction terms between the parties;
- ◆ *[for applicants seeking a transfer of IFQ to address a hardship]*, full documentation of the nature of the hardship and the need for the requested transfer is provided; and,
- ◆ *[for applicants seeking the transfer of PQS/IPQ for use outside an Eligible Crab Community (ECC) with a Right of First Refusal (ROFR) agreement]*, an affidavit stating that notice of the proposed transfer has been provided to the Eligible Crab Community Entity (ECCE) under civil contract terms for the transfer of any PQS or IPQ subject to ROFR.

Additionally:

- ◆ Applications for the Transfer QS/IFQ, PQS/IPQ will not be processed between August 1 of any year and the date of issuance of the IFQ or IPQ in any given Bering Sea or Aleutian Island Crab Rationalization Fishery.
- ◆ This form should not be used to apply for a transfer of QS/IFQ or PQS/IPQ to, or from, an Eligible Crab Community Organization (ECCO) or to, or from, a Crab Harvesting Cooperative.

Please insure that all information provided on the form, or with the form, is clear and legible. Further, an application that does not bear the original, notarized, signature of the proposed transferor and the proposed transferee (or their authorized representatives) will not be processed.

Allow up to ten (10) working days for a transfer application to be reviewed, processed, and approved; the parties will be notified upon approval of the transfer.

When complete, mail the application to:

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

Or deliver to:

**NOAA Fisheries,
Alaska Region (NMFS/RAM)
Federal Building
709 W. 9th Street, Suite 713
Juneau, Alaska 99801**

Items will be sent by first class mail, unless you provide alternate instructions and include a prepaid mailer with appropriate postage or a corporate account number for express delivery. Additional information is available from RAM, which may be reached at the above address or as follows:

**Telephone (toll free): 800-304-4846 (press “2”)
Telephone (in Juneau): 907-586-7202 (press “2”)
Fax: 907-586-7354
E-Mail: RAM.Alaska@noaa.gov**

COMPLETING THE FORM

BLOCK A – TYPE OF TRANSFER

Indicate the type(s) of Quota for which an Application to Transfer is being submitted. The different types of Quota that may be transferred using this form as an Application include:

Catcher-Processor “Owner” Quota and annual Individual Fishing Quota	(CPO QS/IFQ)
Catcher-Processor “Captain/Crew” Quota and annual Individual Fishing Quota	(CPC QS/IFQ)
Catcher Vessel “Owner” Quota and annual Individual Fishing Quota	(CVO QS/IFQ)
Catcher Vessel “Captain/Crew” Quota and annual Individual Fishing Quota	(CVC QS/IFQ)
Processing Quota Share and annual Individual Processing Quota	(PQS/IPQ)
Catcher Vessel Owner or Catcher Processor Owner Individual Fishing Quota	(CVO/CPC IFQ Only)
Catcher Vessel “Captain/Crew” or Catcher-Processor “Captain/Crew” Individual Fishing Quota	(CVC/CPC IFQ Only)
Annual Individual Processing Quota Only	(IPQ) Only

If a transfer of PQS, indicate whether the PQS will be used within the Right of First Refusal (ROFR) community within which the PQS is currently associated; if “YES,” provide an affidavit stating that the Eligible Crab Community wishes to permanently waive ROFR for the PQS or that the proposed recipient of the PQS has completed a ROFR contract with the ECC for the PQS.

BLOCK B – IDENTIFICATION OF PROPOSED TRANSFEROR (SELLER)

1. Enter the full, legal, business name of the person that holds Quota and wishes to transfer it;
2. Enter the person’s NMFS Person ID;

3. Enter the person's Permanent Business Mailing Address;
4. Enter the person's Temporary Business Mailing Address (this is the address, if different from #3, to which the applicant wishes materials to be sent);
- 5 – 7. Enter the person's business telephone number, business fax number, and e-mail address.

BLOCK C1 – IDENTIFICATION OF PROPOSED TRANSFEREE (BUYER)

1. Enter the full, legal, business name of the person that wishes to receive the Quota by transfer;
2. Enter the person's NMFS Person ID;
3. Enter the person's Permanent Business Mailing Address.
4. Enter the person's Temporary Business Mailing Address (this is the address, if different from #3, to which the applicant wishes materials to be sent);
- 5 – 7. Enter the person's business telephone number, business fax number, and e-mail address.

BLOCK C2 – ELIGIBILITY OF PROPOSED TRANSFEREE

The following standards pertain to eligibility to receive BSAI Crab Rationalization Quota by transfer:

Quota Type	Eligible Person	Eligibility Standards
PQS	Any Person	No other requirements
IPQ	Any Person	No other requirements
CVO or CPO QS	a) A person who received QS by initial issuance	No other requirements
	b) An Individual	who is a U.S. citizen and who has at least 150 days experience as part of the harvesting crew in any U.S. commercial fishery
	c) A corporation, partnership, association or other non-individual entity	that has at least one individual member (owner) who is a U.S. citizen and who: a) owns at least 20% of the entity, and b) has at least 150 days experience as part of the harvesting crew in any U.S. commercial fishery
	d) An ECCO	that meets other regulatory requirements
	e) A CDQ Group	No other requirements
CVO or CPO IFQ	All persons eligible for CVO or CPO QS	No other requirements
CVC or CPC QS	An Individual	who is a U.S. citizen and who has a) at least 150 days experience as part of the harvesting crew in any U.S. commercial fishery and, b) recent participation in a BSAI Crab Rationalization fishery in the 365 days prior to submitting an application for eligibility, and at time of transfer
CVC or CPC IFQ	An Individual	who satisfies the eligibility requirements for receiving CVC or CPC QS by transfer

1. Indicate whether the proposed transferee is seeking to receive CVO or CPO (and associated IFQ, if applicable) by transfer.

If YES, indicate whether the transferee is eligible to receive the CVO/CPO QS/IFQ according to the standards above and has verification to that effect issued by RAM;

If NO, the proposed transferee must apply for eligibility to receive CVO/CPO QS/IFQ by transfer and such application must be approved by RAM before the transfer application can proceed through processing.

2. Indicate whether the proposed transferee is seeking to receive CVC or CPC (and associated IFQ, if applicable) by transfer;

If YES, indicate whether the transferee is eligible to receive the CVC/CPC QS/IFQ according to the standards above and has verification to that effect issued by RAM;

If NO, the proposed transferee must apply for eligibility to receive CVC/CPC QS/IFQ by transfer and such application must be approved by RAM before the transfer application can proceed through processing.

BLOCK D₁ – IDENTIFICATION AND COST OF QUOTA TO BE TRANSFERRED

Each unit of BSAI Crab Rationalization QS and PQS is identified by an alpha-numeric code. The alphabetical portion of the code indicates the Fishery, the Type, and the Region for which the Quota will yield annual IFQ or IPQ. The possible combinations include:

Crab Fishery	Code	Sector of QS	Code	Region	Code
Bristol Bay red king	BBR	Catcher Vessel Owner	CVO	North	N
Bering Sea snow	BSS	Catcher/Processor Owner	CPO	South	S
Bering Sea Tanner	BST	Catcher Vessel Captain/Crew	CVC	West	W
Eastern Aleutian Golden	EAG	Catcher/Processor Captain/Crew	CPC	Undesignated	U
Pribilof red and blue king	PIK	Processor Quota	PQS		
St. Matthew blue king	SMB				
Western Aleutian golden	WAG				
Western Aleutian red king	WAI				

1. Enter the correct Fishery, Sector, and Region Code, as well as the beginning serial number and the ending serial number as set out on the Report of Quota Holding issued by RAM.
2. Indicate whether any current year IFQ or IPQ pounds are intended to transfer with the QS or PQS.

If YES, Enter the IFQ or IPQ Permit Number, the Class of IFQ (“A” - if delivery restrictions apply, or “B” - if such restrictions do not apply), and the number of Pounds from that Permit that are intended to transfer.

3. Indicate whether CPO QS will be re-designated upon transfer.

Note that, if CPO QS is being transferred, the prospective transferee may choose to re-designate the QS as CVO QS and PQS. If such an election is made, the resulting QS will transfer in the ratio of 1:0.9 [i.e., 1 CVO share to 0.9 PQS shares].

4. If the choice is made to re-designate the QS as CVO QS and PQS, indicate the Region to which the resulting re-designated Quota will be assigned.

Enter the same information for all CPO QS for which application is being made to transfer.

If necessary, duplicate the pages to include segments of CPO QS to be transferred.

Note that the IFQ and the IPQ that the re-designated QS will yield will not be issued until the crab fishing year following the year in which the transfer and re-designation was approved.

5. Enter the total price of the Quota, including all fees and other transaction costs.
6. Indicate the price/unit of QS and the price/pound of IFQ or IPQ crab.

BLOCK D2 – TRANSFER OF ANNUAL INDIVIDUAL FISHING QUOTA OR INDIVIDUAL PROCESSING QUOTA (IFQ OR IPQ) ONLY [“LEASE” OF IFQ/IPQ]

Enter the Permit Number, the Fishery Code, the Quota Type Code, the Regional Code, and the Quota Class associated with the Permit, and the number of pounds to be transferred.

Enter the requested information on the amount being paid for the IFQ/IPQ in the space provided.

BLOCK E1 – SURVEY QUESTIONS FOR TRANSFEROR (SELLER)

the information provided on this section of the Application for Transfer is used to analyze, and report on, BSAI Crab Rationalization Program performance. All information provided on this survey is confidential under the Privacy Act and will not be publicly released except as aggregated data such that the identity of the submitter can not be determined.

Complete the survey question; check all that apply. Provide an explanation if the proposed transfer is requested pursuant to a “hardship” (IFQ resulting from CVC or CPC QS) and/or if the proposed transfer is requested pursuant to some “other” reason.

Indicate whether a permit broker was used to facilitate this transfer; if so, enter the broker fees as either a “lump sum” (how much was paid to the Broker) or as a percentage of the total price of the Quota.

BLOCK E2 – SURVEY QUESTIONS FOR TRANSFEREE (BUYER)

The information provided on this section of the Application for Transfer is used to analyze, and report on, BSAI Crab Rationalization Program performance. All information provided on this survey is confidential under the Privacy Act and will not be publicly released except as aggregated data such that the identity of the submitter can not be determined.

1. Indicate whether the Quota to be transferred will be used as collateral for a loan.

If YES, identify the party with an interest in (“lien” against) the Quota.

RAM, as a courtesy, will enter the name of the party that has asserted an interest in the Quota on the Report of Quota Holdings that is provided to QS Holders; recording the asserted interest does not create a valid lien against the Quota, does not indicate that a valid lien exists; likewise, the absence of a recorded interest does not mean that no lien exists.

2. Indicate the major source of financing for the Quota; describe “Other” source of financing in the space provided.
3. Indicate how the Quota was located; i.e., how did the proposed transferee know that the Quota was available for

transfer?

4. Indicate the relationship, if any, between the proposed Transferor and the proposed Transferee; describe any “Other” relationship.

BLOCKS F1 AND F2 – SIGNATURE OF THE PROPOSED TRANSFEROR AND PROPOSED TRANSFEE

1 – 3. Complete the Signature Blocks as prompted on the Form.

Note that, to be considered, the application must bear original signatures of the Proposed Transferor and the Proposed Transferee (or their respective agents) and the signatures must be witnessed by a Notary Public.

<p>Application for Transfer of CRAB QS/IFQ to or from a Eligible Crab Community Organization (ECCO)</p>	<p>U.S. Dept. of Commerce/NOAA National Marine Fisheries Service Restricted Access Management (RAM) P.O. Box 21668 Juneau, AK 99802-1668</p>
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BLOCK A – GENERAL REQUIREMENTS

- This form may only be used if an Eligible Crab Community Organization (ECCO) is the proposed transferor (“seller”) or the proposed transferee (“buyer”) of the Quota Share (QS) or Individual Fishing Quota (IFQ). If that is not the case, a different RAM form must be used.
- The party to whom an ECCO is seeking to transfer the QS/IFQ must hold a Transfer Eligibility Certificate (TEC) issued by RAM.
- If the ECCO is applying to permanently transfer QS, a representative of the community on whose behalf the QS is held must sign the application.
- Attach a copy of the terms of agreement for the transfer, the bill of sale for QS or PQS, or lease agreement for IFQ or IPQ. This application will not be approved until the Regional Administrator has reviewed and approved the transfer agreement signed by the parties to the transaction.
- If authorized representative represents either the transferor or transferee, proof of authorization to act on behalf of transferor or transferee must be attached to the application.
- An affirmation must be attached to this applicant that the individual receiving IFQ from an ECCO has been a permanent resident in the ECC for a period of 12 months prior to the submission of this application to or from an ECCO on whose behalf the ECCO holds QS.
- The ECCO applying to receive or transfer crab QS must submit verification that he/she submitted a completed annual report.
- Prior to approving a transfer, NMFS must be able to verify that the person applying to make or receive the QS, PQS, IFQ or IPQ transfer has submitted an EDR, if required, and paid all fees.

BLOCK B – TRANSFEROR (SELLER) INFORMATION

1. Name:		2. NMFS Person ID:	
3. Permanent Business Mailing Address:		4. Temporary Business Mailing Address (if applicable):	
5. Business Telephone Number:	6. Business Fax Number:	7. E-mail address:	
8. Is transferor an ECCO?			
YES [<input type="checkbox"/>] NO [<input type="checkbox"/>]			
If YES, provide name of Community represented by the ECCO			
9. Name of Community:			

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. Additionally, applications involving the permanent transfer of Processor QS (PQS) outside the community in which the processing facility resides must include a statement by an authorized representative of that community indicating that the community has been offered the right of first refusal on the sale of this PQS.

BLOCK G – CERTIFICATION OF TRANSFEROR	
<i>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</i>	
1. Signature of Transferor or Authorized Agent:	2. Date:
3. Printed Name Transferor or Authorized Agent Note: If completed by an agent, attach authorization:	
4. Notary Public Signature: ATTEST	5. Affix Notary Stamp or Seal Here:
6. Commission Expires:	

BLOCK H – CERTIFICATION OF TRANSFEREE	
<i>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.</i>	
1. Signature of Transferee or Authorized Agent:	2. Date:
3. Printed Name Transferee or Authorized Agent Note: If completed by an agent, attach authorization:	
4. Notary Public Signature: ATTEST	5. Affix Notary Stamp or Seal Here:
6. Commission Expires:	

BLOCK I – CERTIFICATION OF ECCO COMMUNITY REPRESENTATIVE

(Required only when ECCO 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 ECCO is proposing to transfer QS; by my signature below, I attest that the applicant ECCO 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 of Community Representative:	
4. Notary Public Signature: ATTEST	5. Affix Notary Stamp or Seal Here:
6. Commission Expires:	

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 680, under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*), and 16 U.S.C. 1862(j); 3) Responses to this information request are confidential under section 104(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.

Instructions
APPLICATION TO TRANSFER QS/IFQ TO, OR FROM,
AN ELIGIBLE CRAB COMMUNITY ORGANIZATION (ECCO)

The Crab Individual Fishing Quota (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 IFQ must be approved, in advance, by RAM.

In 2005 the Secretary of Commerce adopted the Crab IFQ program, this program provides that cities and boroughs may hold, and to fish, QS and IFQ. Such communities are represented by an Eligible Crab Community Organization (ECCO), who must use a special application form to provide for transfers of QS/IFQ to and from (and between) ECCOs. These instructions are designed to help you to use that special transfer application form. Some general rules pertain, as follows:

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

- 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 ensure that signatures on the application are **original and are notarized**. RAM will not process an application that does not bear original signatures (fax'd applications will be returned); all signatures must be witnessed by a Notary Public (or, in some remote areas, the community Postmaster or Postmistress).
- 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

- When completed, deliver the original application to:

Alaska Region, National Marine Fisheries Service
Restricted Access Management (RAM)
Room 713, Federal Building
709 West 9th Street
Juneau, AK 99802-1668

- 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.alaskafisheries.noaa.gov/ram

BLOCK A – GENERAL REQUIREMENTS

This application is only to be used to apply for a transfer of Quota Share (QS) or Individual Fishing Quota (IFQ) to or from an Eligible Crab Community Organization (ECCO); if an ECCO 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 an ECCO to another party, the application must be signed by a representative of the community for whom the ECCO holds the QS.

BLOCK B – TRANSFEROR (SELLER) INFORMATION

1. Legibly (print or type) enter the name of the transferor; this should be the 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. Enter the permanent business mailing address including P.O. Box number or street, city, state, and zip code.
4. If appropriate, enter the temporary business mailing address (the address to which the transfer documentation should be sent, if different from the permanent address).
- 5-7. Enter business telephone number, business fax number, and E-mail address (if available).
8. If transferor is an ECCO, enter the name of the community on whose behalf the ECCO is applying.

BLOCK C – TRANSFEREE (BUYER) INFORMATION

1. Legibly print or type the name of the transferee; this should be the 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. Enter the permanent business mailing address including P.O. Box number or street, city, state, and zip code.

4. If appropriate, enter the temporary business mailing address (the address to which the transfer documentation should be sent, if different from the permanent address).
- 5-7. Enter business telephone number, business fax number, and E-mail address (if available).
8. If the proposed transferee is an ECCO, enter the name of the community on whose behalf the ECCO is applying.

BLOCK D – IDENTIFICATION OF QS/IFQ TO BE TRANSFERRED

1. Enter the QS species and QS type.
2. Enter the number of QS or IFQ units to be transferred, the total QS units, number of IFQ pounds, and the range of serial numbers to be transferred (shown on the QS certificate).
3. If the transfer application is submitted on behalf of the community represented by the applicant ECCO, enter the name of the community.
4. Indicate (YES or NO) whether all remaining IFQ pounds for the current fishing year are to be transferred; if NO, specify the number of pounds to be transferred.

BLOCK E – TRANSFER OF IFQ ONLY ("LEASE" OF IFQ)

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

1. Identify the IFQ to be transferred by entering the IFQ Permit Number and Year
2. Enter the actual number of IFQ pounds to be transferred

BLOCK F – REQUIRED SUPPLEMENTAL INFORMATION

If the proposed transferor is an ECCO, indicate the reasons you are proposing this transfer (check all that apply).

BLOCK G – PRICE PAID FOR QS, PQS, AND/OR IFQ, IPQ (TRANSFEROR)

Indicate (YES or NO) whether a broker was used for this transaction

If YES, enter total price paid to the broker or calculate how much was paid as a percentage of the total price.

Enter total amount being paid for the QS/IFQ in this transaction, including all fees.

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

Indicate reasons (check all that apply) for transferring QS/IFQ

BLOCK H - METHOD OF FINANCING FOR THE QS, PQS AND/OR IFQ, IPQ (TRANSFEREE)

Indicate (YES or NO) whether the QS/IFQ being purchased will have a lien attached.

If YES, enter name of lien holder.

Indicate one primary source of financing for this transfer.

Indicate all that apply describing how the QS/IFQ was located.

Indicate the relationship, if any, between the transferor and the transferee.

Indicate (YES or NO) whether an agreement exists to return the QS or IFQ to the transferor or any other person, or with a condition placed on resale; if YES, explain.

Attach a copy of the terms of agreement for the transfer, the bill of sale for QS, or lease agreement for IFQ.

CERTIFICATION OF TRANSFEROR

Printed name and signature of transferor and date signed.

Signature of Notary Public, date commission expires, and notary seal or stamp.

CERTIFICATION OF TRANSFEREE

Printed name and signature of transferee and date signed.

Signature of Notary Public, date commission expires, and notary seal or stamp.

CERTIFICATION OF ECCO COMMUNITY REPRESENTATIVE

Printed name and signature of ECCO community representative and date signed.

Signature of Notary Public, date commission expires, and notary seal or stamp.

REGISTERED CRAB RECEIVER (RCR) FEE SUBMISSION FORM	U.S. Department 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 RCR

1. Name of RCR:	2. NMFS Person ID:	
	3. TIN No. (EIN or SSN):	
	4. Date of Birth or Date of Incorporation:	
5. All RCR Permit No.'s held by Permit Holder:		
6. Business Mailing Address:		
7. Business Telephone No.:	8. Business Fax No.:	9. Business E-mail Address (if any):

BLOCK B -- AGREEMENT WITH CRAB FEE LIABILITY SUMMARY

Check if you agree your Crab Fee Liability Summary represents the actual value of all CR crab received:

YES NO

If YES, and you have not paid on-line, please date and sign your name where designated in Block D, complete Block E, and mail this Fee Submission Form with your payment.

If NO, you must complete Attachment A, Crab Fee Calculation Worksheet. You must complete this worksheet even if you have made an on-line payment. After you have completed this worksheet, you must complete Block A through D of this application form and return it with your payment and supporting documentation.

BLOCK C -- METHOD OF PAYMENT

1. Personal Check Cashiers Check Money Order Payment made On-Line

REMINDER! Sign your check.

If paying for multiple permit holders, include their completed/signed Fee Submission Forms.

All checks or money orders should be made payable to "National Marine Fisheries Service"

2. Credit Card: Visa Mastercard American Express Discover Novus

Card No: _____ Exp. Date: _____

Amount of Payment: _____

Name as Printed on Card: _____

Signature of Card Holder: _____ Date: _____

(Reminder! If paying for more than one RCR, include all Fee Submission forms.)

BLOCK D – APPLICANT SIGNATURE

Under penalties of perjury, I hereby declare that I, the undersigned, completed this application and that the information contained herein is true, correct, and complete to the best of my knowledge and belief. (If completed by representative, attach authorization).

1. Printed Name of RCR:

2. Signature of RCR:

3. Date:

**KEEP A COPY OF THIS FORM, AND ANY ACCOMPANYING DOCUMENTS,
FOR YOUR RECORDS**

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 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.

ATTACHMENT A -- CRAB FEE CALCULATION WORKSHEET

RCR Permit No.	Month/ Year of Landing	Port Location (use "AT SEA" for landings delivered to a Stationary Floating Crab Processor)	Fishery	Species	CR Program	CR Pounds	NMFS Calculated Ex-Vessel Price	Actual Ex-Vessel Price	Total
1. Sample	May 2006	Dutch Harbor	BBR	RED	IFQ	5000		\$2.20	\$11,000
2.									
3.									
4.									
5.									
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									
18.									
19.									
20.									
21. Total Pounds									
22. Total Ex-vessel value (add lines 2-20):									
23. Plus Total Adjustments (retros, bonuses):									
24. Subtotal (add lines 23 and 24):									
25. Fee Liability * (multiply the published fee percentage by line 24):									
26. Less Pre-payments or Credits (if any):									
27. Balance Due (enter result after subtracting line 25 from 26):									
28. Enclosed Payment Amount:									

Instructions RCR FEE SUBMISSION FORM

How are fees calculated?

By statute, fees must be split between the harvesting and processing sectors. NMFS will compute the annual fee percentage that will apply for each crab fishing year. For non-catcher/processor Registered Crab Receivers (RCRs), fee liability will be calculated by multiplying the applicable fee percentage by the ex-vessel value of the Crab Rationalization Program (CR) crab received by the RCR at the time of receipt.

For instance, suppose an RCR received 1 pound of crab from a harvester and the ex-vessel value of that crab was \$1 per pound. Using the maximum allowable fee percentage of 3%, each sector would owe half the fee percentage, which is 1.5% or, in this case \$0.015. Therefore, the RCR would pay the harvester \$0.985 for that pound of crab and would self-collect an additional \$0.015 per pound. The total fee payment made to NMFS for that pound of crab by the RCR would be 3% or \$0.03. Because catcher/processers must also be RCRs and participate in both the harvesting and processing sectors, they would be responsible for paying the full fee percentage for that same crab, which would be 3% or \$0.03 per pound. The fee liability percentage applies to all value paid/received for CR crab, whether in cash, goods, or services.

How are Catcher/Processor standard prices assessed?

NMFS developed an ex-vessel value methodology that calculates, as closely as possible by month and port or port-group, the variations in the actual ex-vessel values of CR crab landings based on information provided by shoreside buyers which includes:

- (1) landed pounds by CR crab species, port-group, and month;
- (2) total ex-vessel value by CR crab species, port-group, and month; and
- (3) price adjustments, including any retro-payments.

NMFS cannot implement standard price calculations more often than annually due to confidentiality issues and administrative constraints. Therefore, CPs will be responsible for calculating their fee liability at the end of a crab fishing year based on the current year's CP standard prices as provided to them by RAM. Each CP will be responsible for retaining their own estimated fees up to 3 percent of their estimated ex-vessel value until the end of the crab fishing year and must submit their actual fees based on the CP standard prices provided by RAM. CP standard prices would be based on the current year's shoreside ex-vessel value, thereby minimizing any disparity between the fee liability paid by shoreside processors and CPs

When are my fees due?

RCRs will deduct harvester fees at the time of receipt and payment for CR crab. Therefore, harvester's fees will be due each time they deliver crab to an RCR. The RCR will collect, document, and submit fees for all CR crab received from harvesters. The RCR will also collect, document, and submit their portion of fees for all CR crab received from harvesters. All RCRs, including catcher/processers, are responsible for submitting the cost recovery payment for all CR crab received during a crab fishing year by July 31st of the following crab fishing year.

What happens if I don't pay my fees?

If an RCR owes fees and fails to submit full payment for the previous crab fishing year by July 31, the Regional Administrator may disapprove any transfer of individual fishing quota (IFQ), individual processor quota (IPQ), quota share (QS), or initial processor quota share (PQS) to or from the RCR and may withhold issuance of any new CR crab permits, including IFQ, IPQ, federal crab fishing vessel, or RCR permits for the subsequent crab fishing year. If payment is not received by the 30th day after final agency action, the matter will be referred to the appropriate authorities for collection.

Send form and payment to:

Payment may be made payable to NMFS. Payment and related documents may be sent by mail to:

Administrator, Alaska Region, NMFS
Attn: Operations, Management, & Information Division (OMI)
P.O. Box 21668
Juneau, AK 99802-1668

or by fax to

Fax: 907-586-7354

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 no later than July 31 following the crab fishing year in which the CR landings were made.

Payments may also be submitted electronically to NMFS via forms available from Restricted Access Management (RAM) or on the RAM area of the Alaska Region Home Page at <http://www.alaskafisheries.noaa.gov/ram>.

Remember: You may pay on-line, even if you disagree with your fee liability summary, by logging on at <https://www.fakr.noaa.gov/webapps/crabaccounts/Login>.

COMPLETING THE FORM

BLOCK A – IDENTIFICATION OF RCR

1. Enter name of Registered Crab Receiver (RCR).
2. Enter NMFS Person ID
- 3-4. Enter TIN (EIN or SSN) and date of incorporation if a business or date of birth if an individual.
5. Provide all of the RCR permit numbers held by Permit Holder.
6. Provide the permanent business mailing address of the applicant. This is the address to which the RCR permit will be sent.
- 7-9. Provide the business telephone number, fax number, and e-mail address (if available) of the RCR.

BLOCK B -- AGREEMENT WITH CRAB FEE LIABILITY SUMMARY

Indicate whether you agree that your Crab Fee Liability Summary represents the actual value of all Crab Rationalization Program (CR) crab received.

If you checked YES, and you have not paid on-line, please date and sign your name where designated in Block D, complete Block E, and mail this Fee Submission Form with your payment.

If you checked NO, you must complete Attachment A, Crab Fee Calculation Worksheet. You must complete this worksheet even if you have made an on-line payment. After you have completed this worksheet, you must complete Block A through D of this application form and return it with your payment and supporting documentation.

BLOCK C – METHOD OF PAYMENT

Indicate method of Payment:

If Personal Check, Cashier's Check, or Money Order:

Make payable to National Marine Fisheries Service (NMFS).

If you paid using pay.gov, our on-line payment option, mark the box "Payment made On-Line".

(Reminder! Sign your check; and if paying for more than one RCR, include all Fee Submission forms.)

If Credit Card:

Enter type of card, card number, expiration date, printed name on card, and amount of payment.

Signature of credit card holder is required.

BLOCK D – CERTIFICATION AND SIGNATURE

Print and sign name of RCR and date signed. If completed by an authorized agent, attach authorization.

ATTACHMENT A -- CRAB FEE CALCULATION WORKSHEET

Complete this worksheet ONLY if you indicated in Block B that you do not agree with your Crab Fee Liability Summary.

- ◆ You must provide documentation supporting your calculated crab fee liability, if it is different then the amount on your CR Crab Liability Summary.
- ◆ Your fee liability is based on the total value received for CR crab reported under your RCR permit(s). It should represent the total dollar value of CR crab before any deductions are made for goods and services provided (i.e. bait, ice, fuel, repairs, machinery replacement, etc.), multiplied by the NMFS published fee percentage for the CR crab fishing year.
- ◆ Catcher/processors must use the standard price for all crab harvested and processed at sea. Complete this block ONLY if you indicated in Block B that you did not agree with your Crab Fee Liability Summary.
- RCR Permit Number: Enter permit number(s).
- Month/Year of Landing: Enter date(s) the landing(s) Month/Year.
- Port Location: Enter the port(s) where landing(s) was/were made.
- Fishery: Enter the CR Fishery in which these crab were harvested.
- Species: Enter the crab species (i.e. red, blue, tanner, opilio, etc.)
- CR Program: Enter the appropriate CR Program (IFQ, CDQ or Adak)
- CR Pounds: Enter the number of CR pounds landed (excluding deadloss, personal use, confiscated pounds or pounds of crab harvested and processed by a CP vessel) on permit(s) for specific date(s).

- Standard Ex-Vessel Price: Enter the standard ex-vessel price located on your Crab Fee Liability Summary.
 - Actual Ex-Vessel Price: Enter the actual ex-vessel price paid for crab accepted under this RCR permit for this landing.
 - Total: Multiply the total pounds landed on the permit(s) by the standard or actual ex-vessel price to get the total for each landing.
17. Ex-vessel Value Total: Add lines 2 through 16 to get the subtotal of fees owed for all permits.
 18. Plus Total Adjustments: Add total adjustments (retro payments or bonuses paid in previous year).
 19. Subtotal: Add lines 17 and 18.
 20. Fee Liability: Multiply the permit(s) subtotal (line 19) by the published fee percentage.
 21. Less Pre-Payments or Credits: Subtract any pre-payments or credits from line 20. If you have a pre-payment or credit, it will be indicated on your IFQ Fee Liability Summary.
 22. Balance Due: This indicates your balance due or credit after subtracting line 21 from 20.
 23. Enclosed Payment Amount: If you show a balance, enter the amount of the payment you will be submitting.

PUBLIC REPORTING BURDEN STATEMENT

Public reporting for this collection of information is estimated to average 30 minutes 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 680, under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.) and under 16 U.S.C. 1862(j); 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.

16 U.S.C. 1862
MSA § 313

101-627

SEC. 313. NORTH PACIFIC FISHERIES CONSERVATION

16 U.S.C. 1862

104-297, 109-479

(a) IN GENERAL.—The North Pacific Council may prepare, in consultation with the Secretary, a fisheries research plan for any fishery under the Council’s jurisdiction except a salmon fishery which—

(1) requires that observers be stationed on fishing vessels engaged in the catching, taking, or harvesting of fish and on United States fish processors fishing for or processing species under the jurisdiction of the Council, including the Northern Pacific halibut fishery, for the purpose of collecting data necessary for the conservation, management, and scientific understanding of any fisheries under the Council’s jurisdiction; and

(2) establishes a system, or system [sic]²⁴, of fees, which may vary by fishery, management area, or observer coverage level, to pay for the cost of implementing the plan.

102-582

(b) STANDARDS.—

(1) Any plan or plan amendment prepared under this section shall be reasonably calculated to—

(A) gather reliable data, by stationing observers on all or a statistically reliable sample of the fishing vessels and United States fish processors included in the plan, necessary for the conservation, management, and scientific understanding of the fisheries covered by the plan;

(B) be fair and equitable to all vessels and processors;

(C) be consistent with applicable provisions of law; and

(D) take into consideration the operating requirements of the fisheries and the safety of observers and fishermen.

109-479

(2) Any system of fees established under this section shall—

(A) provide that the total amount of fees collected under this section not exceed the combined cost of (i) stationing observers, or electronic monitoring systems, on board fishing vessels and United States fish processors, (ii) the actual cost of inputting collected data, and (iii) assessments necessary for a risk-sharing pool implemented under subsection (e) of this section, less any amount received for such purpose from another source or from an existing surplus in the North Pacific Fishery Observer Fund established in subsection (d) of this section;

(B) be fair and equitable to all participants in the fisheries under the jurisdiction of the Council, including the Northern Pacific halibut fishery;

(C) provide that fees collected not be used to pay any costs of administrative overhead or other costs not directly incurred in carrying out the plan;

(D) not be used to offset amounts authorized under other provisions of law;

(E) be expressed as a fixed amount reflecting actual observer costs as described in subparagraph (A) or a percentage, not to exceed 2 percent, of the unprocessed ex-vessel value of the fish and shellfish harvested under the jurisdiction of the Council, including the Northern Pacific halibut fishery;

(F) be assessed against some or all fishing vessels and United States fish processors, including those not required to carry an observer or an electronic monitoring system under the plan, participating in fisheries under the jurisdiction of the Council, including the Northern Pacific halibut fishery;

(G) provide that fees collected will be deposited in the North Pacific Fishery Observer Fund established under subsection (d) of this section;

(H) provide that fees collected will only be used for implementing the plan established under this section;

(I) provide that fees collected will be credited against any fee for stationing observers or electronic monitoring systems on board fishing vessels and United States fish processors and the actual cost of inputting collected data to which a fishing vessel or fish processor is subject under section 304(d) of this Act; and

(J) meet the requirements of section 9701(b) of title 31, United States Code.

(c) ACTION BY SECRETARY.—

(1) Within 60 days after receiving a plan or plan amendment from the North Pacific Council under this section, the Secretary shall review such plan or plan amendment and either (A) remand such plan or plan amendment to the Council with comments if it does not meet the requirements of this section, or (B) publish in the Federal Register proposed regulations for implementing such plan or plan amendment.

(2) During the 60-day public comment period, the Secretary shall conduct a public hearing in each State represented on the Council for the purpose of receiving public comments on the proposed regulations.

(3) Within 45 days of the close of the public comment period, the Secretary, in consultation with the Council, shall analyze the public comment received and publish final regulations for implementing such plan.

(4) If the Secretary remands a plan or plan amendment to the Council for failure to meet the requirements of this section, the Council may resubmit such plan or plan amendment at any time after taking action the Council believes will address the defects identified by the Secretary. Any plan or plan amendment resubmitted to the Secretary will be treated as an original plan submitted to the Secretary under paragraph (1) of this subsection.

16 U.S.C. 1862
MSA § 313

(d) **FISHERY OBSERVER FUND.**—There is established in the Treasury a North Pacific Fishery Observer Fund. The Fund shall be available, without appropriation or fiscal year limitation, only to the Secretary for the purpose of carrying out the provisions of this section, subject to the restrictions in subsection (b)(2) of this section. The Fund shall consist of all monies deposited into it in accordance with this section. Sums in the Fund that are not currently needed for the purposes of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(e) **SPECIAL PROVISIONS REGARDING OBSERVERS.**—

(1) The Secretary shall review—

(A) the feasibility of establishing a risk sharing pool through a reasonable fee, subject to the limitations of subsection (b)(2)(E) of his section, to provide coverage for vessels and owners against liability from civil suits by observers, and

(B) the availability of comprehensive commercial insurance for vessel and owner liability against civil suits by observers.

(2) If the Secretary determines that a risk sharing pool is feasible, the Secretary shall establish such a pool, subject to the provisions of subsection (b)(2) of this section, unless the Secretary determines that—

(A) comprehensive commercial insurance is available for all fishing vessels and United States fish processors required to have observers under the provisions of this section, and

(B) such comprehensive commercial insurance will provide a greater measure of coverage at a lower cost to each participant.

104-297

(f) **BYCATCH REDUCTION.**—In implementing section 303(a)(11) and this section, the North Pacific Council shall submit conservation and management measures to lower, on an annual basis for a period of not less than four years, the total amount of economic discards occurring in the fisheries under its jurisdiction.

104-297

(g) BYCATCH REDUCTION INCENTIVES.—

(1) Notwithstanding section 304(d), the North Pacific Council may submit, and the Secretary may approve, consistent with the provisions of this Act, a system of fines in a fishery to provide incentives to reduce bycatch and bycatch rates; except that such fines shall not exceed \$25,000 per vessel per season. Any fines collected shall be deposited in the North Pacific Fishery Observer Fund, and may be made available by the Secretary to offset costs related to the reduction of bycatch in the fishery from which such fines were derived, including conservation and management measures and research, and to the State of Alaska to offset costs incurred by the State in the fishery from which such penalties were derived or in fisheries in which the State is directly involved in management or enforcement and which are directly affected by the fishery from which such penalties were derived.

(2)(A) Notwithstanding section 303(d), and in addition to the authority provided in section 303(b)(10), the North Pacific Council may submit, and the Secretary may approve, conservation and management measures which provide allocations of regulatory discards to individual fishing vessels as an incentive to reduce per vessel bycatch and bycatch rates in a fishery, *Provided, That*—

(i) such allocations may not be transferred for monetary consideration and are made only on an annual basis; and

(ii) any such conservation and management measures will meet the requirements of subsection (h) and will result in an actual reduction in regulatory discards in the fishery.

(B) The North Pacific Council may submit restrictions in addition to the restriction imposed by clause (i) of subparagraph (A) on the transferability of any such allocations, and the Secretary may approve such recommendation.

104-297

(h) CATCH MEASUREMENT.—

(1) By June 1, 1997 the North Pacific Council shall submit, and the Secretary may approve, consistent with the other provisions of this Act, conservation and management measures to ensure total catch measurement in each fishery under the jurisdiction of such Council. Such measures shall ensure the accurate enumeration, at a minimum, of target species, economic discards, and regulatory discards.

(2) To the extent the measures submitted under paragraph (1) do not require United States fish processors and fish processing vessels (as defined in chapter 21 of title 46, United States Code) to weigh fish, the North Pacific Council and the Secretary shall submit a plan to the Congress by January 1, 1998, to allow for weighing, including recommendations to assist such processors and processing vessels in acquiring necessary equipment, unless the Council determines that such weighing is not necessary to meet the requirements of this subsection.

104-297

(i) FULL RETENTION AND UTILIZATION.—

(1) The North Pacific Council shall submit to the Secretary by October 1, 1998 a report on the advisability of requiring the full retention by fishing vessels and full utilization by United States fish processors of economic discards in fisheries under its jurisdiction if such economic discards, or the mortality of such economic discards, cannot be avoided. The report shall address the projected impacts of such requirements on participants in the fishery and describe any full retention and full utilization requirements that have been implemented.

(2) The report shall address the advisability of measures to minimize processing waste, including standards setting minimum percentages which must be processed for human consumption. For the purpose of the report, 'processing waste' means that portion of any fish which is processed and which could be used for human consumption or other commercial use, but which is not so used.

108-199

(j) BERING SEA AND ALEUTIAN ISLANDS CRAB RATIONALIZATION.

(1) By not later than January 1, 2005, the Secretary shall approve and hereafter implement by regulation the Voluntary Three-Pie Cooperative Program for crab fisheries of the Bering Sea and Aleutian Islands approved by the North Pacific Fishery Management Council between June 2002 and April 2003, and all trailing amendments including those reported to Congress on May 6, 2003. This section shall not preclude the Secretary from approving by January 1, 2005, and implementing any subsequent program amendments approved by the Council.

(2) Notwithstanding any other provision of this Act, in carrying out paragraph (1) the Secretary shall approve all parts of the Program referred to in such paragraph. Further, no part of such Program may be implemented if, as approved by the North Pacific Fishery Management Council, individual fishing quotas, processing quotas, community development quota allocation, voluntary cooperatives, binding arbitration, regional landing and processing requirements, community protections, economic data collection, or the loan program for crab fishing vessel captains and crew members, is invalidated subject to a judicial determination not subject to judicial appeal. If the Secretary determines that a processor has leveraged its Individual Processor Quota shares to acquire a harvesters open-delivery "B shares", the processor's Individual Processor Quota shares shall be forfeited.

(3) Subsequent to implementation pursuant to paragraph (1), the Council may submit and the Secretary may implement changes to or repeal of conservation and management measures, including measures authorized in this section, for crab fisheries of the Bering Sea and Aleutian Islands in accordance with applicable law, including this Act as amended by this subsection, to achieve on a continuing basis the purposes identified by the Council.

(4) The loan program referred to in paragraph (2) shall be carried out pursuant to the authority of sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f, 1279g).

(5) For purposes of implementing this section \$ 1,000,000 shall be made available each year until fully implemented from funds otherwise made available to the National Marine Fisheries Service for Alaska fisheries activities.

(6) Nothing in this Act shall constitute a waiver, either express or implied, of the antitrust laws of the United States. The Secretary, in consultation with the Department of Justice and the Federal Trade Commission, shall develop and implement a mandatory information collection and review process to provide any and all information necessary for the Department of Justice and the Federal Trade Commission to determine whether any illegal acts of anti-competition, anti-trust, or price collusion have occurred among persons receiving individual processing quotas under the Program. The Secretary may revoke any individual processing quota held by any person found to have violated a provision of the antitrust laws of the United States.

(7) An individual processing quota issued under the Program shall be considered a permit for the purposes of sections 307, 308, and 309, and may be revoked or limited at any time in accordance with this Act. Issuance of an individual processing quota under the program shall not confer any right of compensation to the holder of such individual processing quota if it is revoked or limited and shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is purchased from an individual fishing quota holder.

(8) The restriction on the collection of economic data in section 303 shall not apply with respect to any fish processor who is eligible for, or who has received, individual processing quota under the Program. The restriction on the disclosure of information in section 402(b)(1) shall not apply when the information is used to determine eligibility for or compliance with an individual processing quota program.

(9) The provisions of sections 308, 310, and 311 shall apply to the processing facilities and fish products of any person holding individual processing quota, and the provisions of subparagraphs (D), (E), and (L) of section 307(l) shall apply to any facility owned or controlled by a person holding individual processing quota.

§ 680.4 Permits

§ 680.4 Permits.

(a) General information.

Persons participating in the CR fisheries are required to possess the permits described in this section.

(1) Approval.

Approval of applications under this part may be conditioned on the payment of fees under § 680.44 or the submission of an EDR as described under § 680.6.

(2) Issuance.

The Regional Administrator may issue or amend any permits under this section or under § 680.21 annually or at other times as needed under this part.

(3) Transfer.

Crab QS and PQS permits issued under § 680.40 and Crab IFQ and IPQ permits issued under this section are transferable, as provided under § 680.41. Crab IFQ hired master permits, Federal crab vessel permits, and RCR permits issued under this section are not transferable.

(4) Inspection.

The holder of a Federal crab vessel permit, crab IFQ permit, crab IPQ permit, or crab IFQ hired master permit, must present a legible copy of the permit on request of any authorized officer or RCR receiving a crab IFQ landing. A legible copy of the RCR permit must be present at the location of a crab IFQ landing and an individual representing the RCR must make the RCR permit available for inspection on request of any authorized officer.

(b) Crab QS permit.

(1) Crab QS is issued by the Regional Administrator to persons who successfully apply for an initial allocation under § 680.40 or receive QS by transfer under § 680.41. Once issued, a crab QS permit is valid until modified **under paragraph (b)(2) of this section, or by transfer** under § 680.41; or until the permit is revoked, suspended, or modified pursuant to § 679.43 **of this chapter** or under 15 CFR part 904. To qualify for a crab QS permit, the applicant must be a U.S. Citizen.

(2) Each unit of Crab QS initially issued under § 680.40 for the Bering Sea Tanner crab (*Chionoecetes bairdi*) CR fishery shall be reissued as one unit of Eastern Bering Sea Tanner crab (EBT)

QS and one unit of Western Bering Sea Tanner crab (WBT) QS.

(c) Crab PQS permit.

(1) Crab PQS is issued by the Regional Administrator to persons who successfully apply for an initial allocation under § 680.40 or receive PQS by transfer under § 680.41. Once issued, a **crab PQS permit is valid until modified under paragraph (c)(2) of this section, or** by transfer under § 680.41; or until the permit is revoked, suspended, or modified pursuant to § 679.43 **of this chapter** or under 15 CFR part 904.

(2) Each unit of Crab PQS initially issued under § 680.40 for the Bering Sea Tanner crab (*Chionoecetes bairdi*) CR fishery shall be reissued as one unit of Eastern Bering Sea Tanner crab (EBT) PQS and one unit of Western Bering Sea Tanner crab (WBT) PQS.

(d) Crab IFQ permit.

(1) A crab IFQ permit authorizes the person identified on the permit to harvest crab in the fishery identified on the permit at any time the fishery is open during the crab fishing year for which the permit is issued, subject to conditions of the permit. A crab IFQ permit is valid under the following circumstances:

- (i) Until the end of the crab fishing year for which the permit is issued;
- (ii) Until the amount harvested is equal to the amount specified on the permit;
- (iii) Until the permit is modified by transfers under § 680.41; or
- (iv) Until the permit is revoked, suspended, or modified pursuant to § 679.43 or under 15 CFR part 904.

(2) A legible copy of the crab IFQ permit must be carried on board the vessel used by the permitted person at all times that IFQ crab are retained on board.

(3) A crab IFQ permit is issued on an annual basis by the Regional Administrator to persons who hold crab QS, of the type specified on the crab QS permit, and who have submitted a complete annual application for crab IFQ/IPQ permit, described at paragraph (f) of this section, that is subsequently approved by the Regional Administrator.

§ 680.4 Permits

(4) To qualify for a crab IFQ permit, the applicant must be a U.S. Citizen.

(e) Crab IPQ permit.

(1) A crab IPQ permit authorizes the person identified on the permit to receive/process the IFQ crab identified on the permit during the crab fishing year for which the permit is issued, subject to conditions of the permit. A crab IPQ permit is valid under the following circumstances:

(i) Until the end of the crab fishing year for which the permit is issued;

(ii) Until the amount received/processed is equal to the amount specified on the permit;

(iii) Until the permit is modified by transfers under § 680.41; or

(iv) Until the permit is revoked, suspended, or modified pursuant to § 679.43 or under 15 CFR part 904.

(2) A legible copy of the crab IPQ permit authorizing receiving/processing of IFQ crab must be retained on the premises or vessel used by the permitted person to process the IFQ crab at all times that IFQ crab are retained on the premises or vessel.

(3) A crab IPQ permit is issued on an annual basis by the Regional Administrator to persons who hold crab PQS, and who have submitted a complete annual application for crab IFQ/IPQ permit, described at paragraph (f) of this section, that is subsequently approved by the Regional Administrator.

(f) Contents of annual application for crab IFQ/IPQ permit.

(1) A complete application must be received by NMFS no later than August 1 of the crab fishing year for which a person is applying to receive IFQ or IPQ. If a complete application is not received by NMFS by this date, that person will not receive IFQ or IPQ for that crab fishing year.

(2) For the application to be considered complete, all fees required by NMFS must be paid, and any EDR required under § 680.6 must be submitted to the DCA. In addition, the applicant must include the following information:

(i) Applicant information. Enter applicant's name and NMFS Person ID; applicant's date of birth or, if a non-individual, date of incorporation; applicant's social security number (optional) or tax identification number; applicant's permanent business mailing address and any temporary mailing address the applicant wishes to use; and applicant's business telephone number, facsimile number, and e-mail address.

(ii) Crab IFQ or IPQ permit identification. Indicate the type of crab IFQ or IPQ permit for which applicant is applying by QS fishery(ies) and indicate (YES or NO) whether applicant has joined a crab harvesting cooperative. If YES, indicate cooperative's name and ensure that this application is submitted by the applicant's cooperative with its completed application for an annual crab harvesting cooperative IFQ permit.

(iii) Identification of ownership interests. If the applicant is not an individual, provide the names of all persons, to the individual level, holding an ownership interest in the entity and the percentage ownership each person and individual holds in the applicant.

(iv) Documentation of affiliation. Complete a documentation of affiliation declaring any and all affiliations, as the term "affiliation" is defined at § 680.2. A documentation of affiliation includes affirmations by the applicant pertaining to relationships that may involve direct or indirect ownership or control of the delivery of IFQ crab and any supplemental documentation deemed necessary by NMFS to determine whether an affiliation exists. Indicate whether any entity that holds PQS or IPQ is affiliated with the applicant, as affiliation is defined in § 680.2. If the applicant is considered affiliated, the applicant must provide a list of all PQS or IPQ holders with which he/she is affiliated, including full name, business mailing address, and business telephone number.

(v) Certification of applicant. The applicant must sign and date the application certifying that all information is true, correct, and complete to the best of his/her knowledge and belief. Print the name of the applicant. If the application is completed by an authorized representative, proof of authorization must accompany the application.

(g) Crab IFQ hired master permit.

(1) A crab IFQ hired master permit is issued on an annual basis and authorizes the individual identified on the permit to harvest and land IFQ crab for debit

§ 680.4 Permits

against the specified crab IFQ permit until the crab IFQ hired master permit expires or is revoked, suspended, or modified pursuant to § 679.43 or under 15 CFR part 904, or on request of the crab IFQ permit holder.

(2) A legible copy of the crab IFQ hired master permit must be on board the vessel used by the hired master to harvest IFQ crab at all times IFQ crab are retained on board. Except as specified in § 680.42, an individual who is issued a crab IFQ hired master permit must remain aboard the vessel used to harvest IFQ crab, specified under that permit, during the crab fishing trip and at the landing site until all crab harvested under that permit are offloaded and the landing report for IFQ crab is completed.

(h) Contents of application for crab IFQ hired master permit.

In order for the application to be considered complete, a copy of the USCG Abstract Of Title or Certificate Of Documentation must be included with this application to demonstrate percent of vessel ownership by the IFQ permit holder. A complete application for a crab IFQ hired master permit must include the following information:

(1) Purpose of application.

Indicate whether the application is to add or to delete a hired master and identification of crab IFQ permit(s) for which this application is submitted.

(2) IFQ permit holder information.

Enter permit holder's name, NMFS Person ID, and social security number (optional) or tax identification number; permit holder's permanent or temporary business mailing address; and permit holder's business telephone number, facsimile number, and e-mail address (if available).

(3) Identification of vessel upon which crab IFQ will be harvested.

Enter the vessel's name, ADF&G vessel registration number, and USCG documentation number. Indicate whether (YES or NO) the permit holder has at least a 10 percent ownership interest in the vessel the crab IFQ hired master will use to fish permit holder's IFQ crab. If YES, provide documentation of IFQ permit holder's 10 percent ownership interest.

(4) IFQ hired master permit holder information.

Complete a separate section for each crab IFQ hired master. Enter the hired master's name, NMFS Person ID, social security number (optional) or tax

identification number, and date of birth; hired master's permanent or temporary business mailing address; and hired master's business telephone number, facsimile number, and e-mail address (if available).

(5) Applicant certification.

The applicant must sign and date the application certifying that all information is true, correct, and complete to the best of his/her knowledge and belief. If the application is completed by an authorized representative, then authorization must accompany the application.

(i) RCR permit.

(1) An RCR permit is issued on an annual basis. An RCR permit is valid during the crab fishing year for which it is issued until the RCR permit expires or is revoked, suspended, or modified pursuant to § 679.43 or under 15 CFR part 904.

(2) An RCR permit is required for any person who receives unprocessed CR crab from the person(s) who harvested the crab, the owner or operator of a vessel that processes CR crab at sea, any person holding IPQ, and any person required to submit a Departure Report under 50 CFR 679.5(1)(4).

(j) Contents of application for RCR permit.

For the application to be considered complete, all fees required by NMFS must be paid, and any EDR required under § 680.6 must be submitted to the DCA. In addition, the applicant must include the following information:

(1) Purpose of application.

Indicate whether the application is a request for a new RCR permit, a renewal of an existing RCR permit, or an amendment to an existing RCR permit. If a renewal of or amendment to an existing RCR permit, include the applicant's RCR permit number.

(2) Applicant identification.

Enter applicant's name and NMFS Person ID; applicant's social security number or tax ID number (required); name of contact person for the applicant, if applicant is not an individual; applicant's permanent business mailing address; and business telephone number, facsimile number, and e-mail address (if available).

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(3) Type of activity.

Select type of receiving or processing activity and whether catcher/processor or shoreside processor.

(4) Individual responsible for submission of EDR.

Enter the name of the designated representative submitting the EDR on behalf of the RCR, if an EDR is required at § 680.6. If different from the RCR's contact information, also enter the designated representative's business mailing address, telephone number, facsimile number, and e-mail address (if available).

(5) Application certification.

The applicant must sign and date the application certifying that all information is true, correct, and complete to the best of his/her knowledge and belief. If the application is completed by an authorized representative, then proof of authorization must accompany the application.

(k) *Federal crab vessel permit.*

The owner of a vessel must have a Federal crab vessel permit on board that vessel when used to fish for CR crab.

(1) A Federal crab vessel permit is issued on an annual basis to the owner of the vessel and is in effect from the date of issuance through the end of the crab fishing year for which the permit was issued, unless it is revoked, suspended, or modified under § 600.735 or § 600.740.

(2) A Federal crab vessel permit may not be surrendered at any time during the crab fishing year for which it was issued.

(3) A Federal crab vessel permit issued under this paragraph is not transferable or assignable and is valid only for the vessel for which it is issued.

(4) To qualify for a Federal crab vessel permit, the applicant must be a U.S. Citizen.

(5) The holder of a Federal crab vessel permit must submit an amended application for a Federal crab vessel permit within 10 days of the date of change in: the ownership of the vessel (a copy of the current USCG documentation for the vessel showing the change in ownership must accompany the amended application), or the individual responsible for submission of the EDR on behalf of the vessel's owner(s).

(l) *Contents of application for federal crab vessel permit.*

For the application to be considered complete, all fees required by NMFS must be paid, and any EDR required under § 680.6 must be submitted to the DCA. Also, if ownership of the vessel has changed or if the permit application for a vessel to which a Federal crab vessel permit has never been issued, a copy of the USCG Abstract Of Title or Certificate Of Documentation. In addition the applicant must include the following information:

(1) Purpose of application.

Indicate whether the application is a request for a new permit, a renewal of an existing permit, or an amendment to an existing permit. If a renewal of or amendment to an existing permit, include the current Federal crab vessel permit number.

(2) Contact owner information.

The name(s), permanent business mailing address, social security number (voluntary) or tax ID number, business telephone number, business facsimile number, business e-mail address (if available) of all vessel owners, and the name of any person or company (other than the owner) that manages the operation of the vessel.

(3) Vessel information.

Enter the vessel's name and home port (city and state); ADF&G processor code, if vessel is a catcher/processor or stationary floating crab processor; whether a vessel of the United States; USCG documentation number; ADF&G vessel registration number; and vessel's LOA (in feet), registered length (in feet), gross tonnage, net tonnage, and shaft horsepower. Indicate all types of operations the vessel may conduct during a crab fishing year.

(4) Designated representative for EDR.

Enter the name of the designated representative who is responsible for completion and submission of the EDR, and the representative's business mailing address, telephone number, facsimile number, and e-mail address (if available).

(5) Applicant certification.

The applicant must sign and date the application certifying that all information is true, correct, and complete to the best of his/her knowledge and belief. Print the applicant name. If the application is completed by an authorized representative, then authorization must accompany the application.

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(m) Annual crab harvesting cooperative IFQ permit. (See § 680.21)

§ 680.21 Crab Harvesting Cooperatives

§ 680.21 Crab harvesting cooperatives.

This section governs the formation and operation of crab harvesting cooperatives. The regulations in this section apply only to crab harvesting cooperatives that have formed for the purpose of applying for and fishing under a crab harvesting cooperative IFQ permit issued by NMFS. Members of crab harvesting cooperatives that are not FCMA cooperatives should consult counsel before commencing any activity if the members are uncertain about the legality under the antitrust laws of the crab harvesting cooperative's proposed conduct.

(a) Formation of crab harvesting cooperatives.

The following requirements apply to the formation of crab harvesting cooperatives.

(1) Membership requirements.

A crab harvesting cooperative is limited to QS holders that hold any amount of CPO, CVO, CPC, or CVC QS, and that NMFS has determined are eligible to receive crab IFQ.

(i) Minimum number of members. Each crab harvesting cooperative must include at least four unique QS holding entities. A unique QS holding entity is a QS holder or group of affiliated QS holders that are not affiliated with any other QS holders or QS holding entities in the crab harvesting cooperative. For the purpose of this paragraph, the term "affiliation" is defined at § 680.2.

(ii) Voluntary nature of membership. Membership in a crab harvesting cooperative is voluntary. No person may be required to join a crab harvesting cooperative, and no crab harvesting cooperative may be required to accept a member who the crab harvesting cooperative chooses not to accept.

(iii) Membership in more than one crab harvesting cooperative.

(A) A QS holder may join one crab harvesting cooperative per CR fishery.

(B) Upon joining a crab harvesting cooperative for a CR fishery, NMFS will convert all of a QS holder's QS holdings for that CR fishery to crab harvesting cooperative IFQ, except that after June 30, 2008, a CVC QS holder that joins a crab harvesting cooperative may retain his or her Class B IFQ from use by the crab harvesting cooperative.

(2) Legal and organizational requirements.

A crab harvesting cooperative must meet the following legal and organizational requirements before it is eligible to apply for a crab harvesting cooperative IFQ permit:

(i) Registered business entity. Each crab harvesting cooperative must be formed as a partnership, corporation, or other legal business entity that is registered under the laws of one of the 50 states or the District of Columbia.

(ii) Appointment of a designated representative. Each crab harvesting cooperative must appoint an individual as designated representative to act on the crab harvesting cooperative's behalf and serve as contact point for NMFS for questions regarding the operation of the crab harvesting cooperative. The designated representative may be a member of the crab harvesting cooperative or some other individual authorized by the crab harvesting cooperative to act on its behalf.

(b) Application for annual crab harvesting cooperative IFQ permits.

A crab harvesting cooperative IFQ permit is an annual permit issued to a crab harvesting cooperative that establishes an annual catch limit of crab that is based on the collective QS holdings of the members of the crab harvesting cooperative that have been contributed by the members. A crab harvesting cooperative IFQ permit will list the IFQ amount, by fishery, held by the crab harvesting cooperative and identify the members of the crab harvesting cooperative. Each crab harvesting cooperative will be issued a separate IFQ permit for each type of QS held by a member (or members) of the crab harvesting cooperative.

(1) August 1 application deadline.

A completed application for an annual crab harvesting cooperative IFQ permit must be submitted annually by each crab harvesting cooperative and received by NMFS no later than August 1, together with the signed annual application for crab IFQ/IPQ permit forms of all the members of the crab harvesting cooperative.

(2) Contents of application for annual crab harvesting cooperative IFQ permit.

A completed application also must contain the following information:

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(i) Cooperative identification. Enter the crab harvesting cooperative's legal name; type of business entity under which the crab harvesting cooperative is organized; state in which the crab harvesting cooperative is legally registered as a business entity; printed name of the crab harvesting cooperative's designated representative; the permanent business address, telephone number, facsimile number, and e-mail address (if available) of the crab harvesting cooperative or its designated representative; and the signature of the crab harvesting cooperative's designated representative and date signed.

(ii) Members of the cooperative. Full name and NMFS Person ID of each member of the crab harvesting cooperative.

(iii) Additional documentation. For the application to be considered complete, the following documents must be attached to the application: the completed and signed annual application for crab IFQ/IPQ permit for all members of the crab harvesting cooperative, a copy of the business license issued by the state in which the crab harvesting cooperative is registered as a business entity, a copy of the articles of incorporation or partnership agreement of the crab harvesting cooperative, and a copy of the crab harvesting cooperative agreement signed by the members of the crab harvesting cooperative (if different from the articles of incorporation or partnership agreement of the crab harvesting cooperative).

(3) Issuance of crab harvesting cooperative IFQ permits.

Upon receipt of a completed application for an annual crab harvesting cooperative IFQ permit that is subsequently approved, NMFS will issue one-year crab harvesting cooperative IFQ permits to the crab harvesting cooperative. The crab harvesting cooperative IFQ permits will list the crab IFQ amounts that are generated by the aggregate QS holdings of all members of the crab harvesting cooperative for each fishery, region, sector, and Class A/B IFQ categories. Issuance by NMFS of a crab harvesting cooperative IFQ permit is not a determination that the crab harvesting cooperative is formed or is operating in compliance with antitrust law.

(4) Appeals.

A crab harvesting cooperative or person that is adversely affected by an initial administrative determination (IAD) that is associated with the issuance of a crab harvesting cooperative IFQ permit may appeal the IAD using the appeals procedures described in § 680.43.

(c) *Restrictions on fishing under a crab harvesting cooperative IFQ permit.*

The following restrictions govern fishing for IFQ crab under a crab harvesting cooperative IFQ permit:

(1) Maintenance of permit on board.

A copy of a crab harvesting cooperative IFQ permit must be maintained on board any vessel that is being used to harvest crab under the permit.

(2) Persons eligible to harvest crab under a crab harvesting cooperative IFQ permit.

The only person eligible to harvest crab under a crab harvesting cooperative IFQ permit is the crab IFQ hired master under § 680.4(g) who is operating a vessel in which at least a 10 percent ownership share is held by a member of the crab harvesting cooperative to whom the IFQ permit is issued.

(3) Liability.

Each member of a crab harvesting cooperative is responsible for ensuring that members of the crab harvesting cooperative and crab IFQ hired masters of the crab harvesting cooperative comply with all regulations applicable to fishing for CR crab.

(d) *Transfers by members of a crab harvesting cooperative.*

The following requirements address transfers of QS and IFQ by members of a crab harvesting cooperative.

(1) Transfer of QS.

A member of a crab harvesting cooperative may acquire or divest QS at any time using the transfer procedures described in § 680.41. However, transfers of QS that occur after the August 1 deadline for crab harvesting cooperative IFQ permit applications will not be reflected in the type or amount of IFQ permit issued to the crab harvesting cooperative for the **current** fishing season.

(2) Transfer of individually held IFQ.

A member of a crab harvesting cooperative may acquire or divest individually held IFQ using the transfer procedures described in § 680.41. However, any vessel used to harvest IFQ not held by a crab harvesting cooperative loses the vessel use cap exemption.

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(3) Transfer of crab harvesting cooperative IFQ prohibited.

A member of a crab harvesting cooperative may not acquire or divest crab harvesting cooperative IFQ. Crab harvesting cooperative IFQ may only be transferred between two crab harvesting cooperatives.

(e) *Transfers by crab harvesting cooperatives.*

The following requirements address transfers of QS, IFQ, PQS, and IPQ by crab harvesting cooperatives that have been issued crab harvesting cooperative IFQ permits.

(1) Acquisition of QS, PQS, and IPQ prohibited.

A crab harvesting cooperative that has been issued a crab harvesting cooperative IFQ permit is prohibited from acquiring any amount of QS, PQS, or IPQ for the valid duration of the crab harvesting cooperative IFQ permit. A crab harvesting cooperative that acquires any amount of QS, PQS, or IPQ becomes ineligible to receive a crab harvesting cooperative IFQ permit.

(2) Transfer of crab harvesting cooperative IFQ.

A crab harvesting cooperative may transfer its IFQ only to another crab harvesting cooperative. Crab harvesting cooperatives wishing to engage in an inter-cooperative transfer must complete an application for inter-cooperative transfer to transfer crab IFQ between crab harvesting cooperatives. A crab harvesting cooperative is prohibited from transferring any amount of crab harvesting cooperative IFQ to any entity that is not a crab harvesting cooperative operating under a crab harvesting cooperative IFQ permit.

(3) Use Caps.

Inter-cooperative transfers of IFQ will apply to the individual use caps of crab harvesting cooperative members through the designation of the crab harvesting cooperative members conducting the transfer.

(f) *Application for inter-cooperative transfer.*

An application for inter-cooperative transfer is to be used only to apply for a transfer of crab harvesting cooperative IFQ from one crab harvesting cooperative to another crab harvesting cooperative. A complete application must also contain the following information:

(1) Identification of transferor.

Enter the name; NMFS Person ID; date of incorporation; Tax ID number; name of crab harvesting cooperative's designated representative; permanent

business mailing address; and business telephone number, facsimile number, and e-mail address (if available) of the crab harvesting cooperative transferor. A temporary mailing address for each transaction may also be provided in addition to the permanent business mailing address.

(2) Identification of crab harvesting cooperative member.

Enter the name and NMFS Person ID of the member to whose use cap the crab harvesting cooperative IFQ will be applied.

(3) Identification of transferee.

Enter the name; NMFS Person ID; date of incorporation; Tax ID number; name of crab harvesting cooperative's designated representative; permanent business mailing address; and business telephone number, facsimile number, and e-mail address (if available) of the crab harvesting cooperative transferee. A temporary mailing address for each transaction may also be provided in addition to the permanent business mailing address.

(4) Identification of crab harvesting cooperative member.

Enter the name and NMFS person ID of the member from whose use cap the crab harvesting cooperative IFQ will be removed.

(5) Crab harvesting cooperative IFQ to be transferred.

Identify the crab harvesting cooperative IFQ being transferred, including the type of crab harvesting cooperative IFQ being transferred, crab harvesting cooperative permit number and year that permit was issued. Indicate (YES or NO) whether all remaining pounds for the current fishing year are to be transferred; if NO, specify number of pounds to be transferred.

(6) Transferor information.

Indicate (YES or NO) whether a broker is being used for this transaction. If YES, indicate the dollar amount to be paid in brokerage fees or percentage of total price. Enter the total amount being paid for the IFQ in this transaction, including all fees, and the price per pound of IFQ.

(7) Certification of transferor.

The crab harvesting cooperative transferor's designated representative must sign and date the application certifying that all information is true, correct, and complete to the best of his or her knowledge and belief. Only an application with an original, notarized signature will be accepted. Also

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enter the printed name of the crab harvesting cooperative transferor's representative or authorized representative. If the application is completed by an authorized representative, proof of authorization to act on behalf of the transferor must accompany the application. A Notary Public must sign the application, enter the date commission expires, and affix notary stamp or seal.

(8) Certification of Transferee.

The crab harvesting cooperative transferee's representative must sign and date the application certifying that all information is true, correct, and complete to the best of his or her knowledge and belief. Only an application with an original, notarized signature will be accepted. Also enter the printed name of the crab harvesting cooperative transferee's representative or authorized representative. If the application is completed by an authorized representative, proof of authorization to act on behalf of the transferee must accompany the application. A Notary Public must sign the application, enter the date commission expires, and affix notary stamp or seal.

(g) Inseason changes to crab harvesting cooperative membership.

The following requirements address inseason changes to crab harvesting cooperative membership.

(1) Eligible membership changes.

A crab harvesting cooperative may add a new member if that person becomes eligible to join the crab harvesting cooperative through the acquisition of any amount of the QS upon which the crab harvesting cooperative's annual IFQ permit was based, provided that the person acquiring the QS in question has been determined by NMFS to be eligible to hold IFQ. Likewise, a crab harvesting cooperative may remove a member if that person no longer holds any of the QS upon which the crab harvesting cooperative's annual IFQ permit was based.

(2) Inseason membership changes are voluntary.

A crab harvesting cooperative is not required to add or remove members during the fishing season to reflect inseason transfers of QS. Each crab harvesting cooperative is free to establish its own process for deciding whether or not to admit new members or to remove existing members during the fishing season to reflect changes in the QS holdings. No crab harvesting cooperative is required to admit a new QS holder that the crab harvesting cooperative chooses not to admit, regardless of whether the person in question has acquired any amount of QS upon which the crab

harvesting cooperative's annual IFQ is based. If a crab harvesting cooperative chooses to make inseason membership changes, then it must comply with paragraph (g)(3) of this section.

(3) Application for an inseason change in cooperative membership.

To change crab harvesting cooperative membership, a crab harvesting cooperative must submit to NMFS a revised application for an annual crab harvesting cooperative IFQ permit together with any revised supporting documents that are required to be submitted with the application. The revised application for an annual crab harvesting cooperative IFQ permit must be accompanied by a cover letter that indicates the revisions that have been made. Upon approval of the membership change, NMFS will issue a revised crab harvesting cooperative IFQ permit that reflects the change. A new member may not fish on behalf of a cooperative except as a crab IFQ hired master until NMFS issues a revised crab harvesting cooperative IFQ permit that reflects the change in membership.

(4) Successors-in-interest.

If a member of a crab harvesting cooperative dies (in the case of an individual) or dissolves (in the case of a business entity), the QS held by that person will be transferred to the legal successor-in-interest. However, the crab harvesting cooperative IFQs generated by that person's QS holdings remain under the control of the crab harvesting cooperative for the valid duration of the crab harvesting cooperative IFQ permit. Each crab harvesting cooperative is free to establish its own internal procedures for admitting a successor-in-interest during the fishing season to reflect the transfer of QS due to the death or dissolution of a QS holder. The regulations in this section do not require any crab harvesting cooperative to admit a successor-in-interest that the cooperative chooses not to admit. If a crab harvesting cooperative chooses to admit the successor-in-interest for membership, then the crab harvesting cooperative must comply with paragraph (g)(3) of this section.

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Subpart C - Quota Management Measures

applicant's LLP license is based processed such crab in those years.

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(b) QS Sectors and Regional Designations.

(a) Crab QS and Crab QS Fisheries.

The Regional Administrator will issue crab QS for the crab QS fisheries defined in paragraph (a)(1) of this section. The Regional Administrator will annually issue IFQ based on the amount of QS a person holds. Crab harvested and retained in each crab QS fishery may be harvested and retained only by persons holding the appropriate crab IFQ for that crab QS fishery.

(1) General.

The Regional Administrator shall initially assign to qualified persons, crab QS that are specific to the crab QS fisheries defined in paragraph (a)(1) of this section. The crab QS amount issued will be based on legal landings made on vessels authorized to participate in those fisheries in four QS sectors:

(1) Allocations.

With the exception of the WAI golden king crab fishery, the Regional Administrator shall annually apportion 10 percent of the TAC specified by the State of Alaska for each of the fisheries described in Table 1 to this part to the Western Alaska CDQ program. Ten percent of the TAC in the Western Aleutian Islands golden king crab fishery will be allocated to the Adak community entity. The remaining TACs for the crab QS fisheries will be apportioned for use by QS holders in each fishery.

(i) Catcher Vessel Owner (CVO) QS shall be initially issued to qualified persons defined in paragraph (b)(3) of this section based on legal landings of unprocessed crab.

(ii) Catcher Vessel Crew (CVC) QS shall be initially issued to qualified persons defined in paragraph (b)(3) of this section based on legal landings of unprocessed crab. After July 1, 2008, CVC QS shall yield an annual IFQ of CVC Class A or CVC Class B as defined under paragraph (h)(2) of this section.

(2) Official Crab Rationalization Record.

The official crab rationalization record will be used to determine the amount of QS that is to be allocated for each crab QS fishery. The official crab rationalization record is presumed to be correct. An applicant for QS has the burden to prove otherwise. For the purposes of creating the official crab rationalization record the Regional Administrator will presume the following:

(iii) Catcher/Processor Owner (CPO) QS shall be initially issued to qualified persons defined in paragraph (b)(3) of this section based on legal landings of crab that were harvested and processed on the same vessel.

(iv) Catcher/Processor Crew (CPC) QS shall be initially issued to qualified persons defined in paragraph (b)(3) of this section based on legal landings of crab that were harvested and processed on the same vessel.

(i) An LLP license is presumed to have been used onboard the same vessel from which that LLP is derived, unless documentation is provided establishing otherwise.

(2) Regional Designations.

(i) Regional designations apply to:

(ii) If more than one person is claiming the same legal landings or legal processing activities, then each person eligible to receive QS or PQS based on those activities will receive an equal share of any resulting QS or PQS unless the applicants can provide written documentation establishing an alternative means for distributing the QS or PQS.

(A) North QS if the legal landings that gave rise to the QS for a crab QS fishery were landed in the Bering Sea subarea north of 56 20' N. lat.; or

(B) South QS if the legal landings that gave rise to the QS for a crab QS fishery were not landed in the North Region;

(iii) For the purposes of determining eligibility for CPO QS, a person is presumed to have processed BSAI crab in 1998 or 1999 if the vessel on which the

(1) CVO QS allocated to the WAI crab QS fishery; and

(2) CVC QS for the WAI crab QS fishery on and after July 1, 2008.

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(C) West QS for a portion of the QS allocated to the WAG crab QS fishery subject to the provisions under § 680.40(c)(4).

(ii) Regional designations do not apply (Undesignated QS) to:

(A) Crab QS for the **EBT or WBT** crab QS fishery;

(B) Crab QS for that portion of the WAG QS fishery not regionally designated for the West region;

(C) CVC QS prior to July 1, 2008;

(D) CPO QS unless that QS is transferred to the CVO QS sector, in which case the regional designation is made by the recipient of the resulting CVO QS at the time of transfer; and

(E) CPC QS.

(iii) The regional designations that apply to each of the crab QS fisheries are specified in the following table:

Crab QS Fishery	North Region	South Region	West Region	Undesignated Region
(A) EAG	X	X		
(B) WAG			X	X
(C) EBT				X
(D) WBT				X
(E) BSS	X	X		
(F) BBR	X	X		
(G) PIK	X	X		
(H) SMB	X	X		
(I) WAI		X		

(iv) The regional designation ratios applied to QS and PQS for each crab QS fishery will be established based on the regional designations determined on August 1, 2005. QS or PQS issued after this date will be issued in the same ratio.

(3) Qualified person means, for the purposes of QS issuance, a person, as defined in § 679.2, who at the time of application for QS meets the following criteria for each of the QS sectors:

(i) CVO QS. Holds one or more permanent, fully transferable crab LLP licenses and is a citizen of the United States;

(ii) CPO QS.

(A) Holds one or more permanent, fully transferable crab LLP licenses with a Catcher/Processor designation and is a citizen of the United States; and

(B) Harvested and processed at sea any crab species in any BSAI crab fishery during the years 1998 or 1999.

(iii) CVC QS and CPC QS.

(A) Is an individual who is a citizen of the United States, or his or her successor-in-interest if that individual is deceased;

(B) Has historical participation in the fishery demonstrated by being the individual named on a State of Alaska Interim Use Permit for a QS crab fishery and made at least one legal landing per year for any 3 eligibility years under that permit based on data from fish tickets maintained by the State of Alaska. The qualifying years are described in Column C of Table 7 to this part.

(C) Has recent participation in the fishery demonstrated by being the individual named on a State of Alaska Interim Use Permit for a QS crab fishery and made at least one legal landing under that permit in any 2 of 3 seasons based on data from fish tickets maintained by the State of Alaska. Those seasons are defined in Column D of Table 7 to this part; except that the requirement for recent participation does not apply if:

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(1) The legal landings that qualify the individual for QS in the PIK crab QS fishery were made from a vessel that was less than 60 feet length overall; or

(2) If the individual who is otherwise eligible to receive an initial issuance of QS died while working as part of a harvesting crew in any U.S. commercial fishery.

(4) Qualification for Initial Allocation of QS.

(i) Qualifying Year. The qualifying years for each crab QS fishery are described in Column B of Table 7 to this part.

(ii) Legal landing of crab means, for the purpose of initial allocation of QS, crab harvested during the qualifying years specified in Column B of Table 7 to this part and landed in compliance with state and Federal permitting, landing, and reporting regulations in effect at the time of the landing.

(A) Legal landings exclude any deadloss, test fishing, fishing conducted under an experimental, exploratory, or scientific activity permit, or the fishery conducted under the Western Alaska CDQ Program.

(B) Landings made onboard a vessel that gave rise to a crab LLP license or made under the authority of an LLP license are non-severable from the crab LLP license until QS has been issued for those legal landings, except as provided for in paragraph (c)(2)(vii) of this section.

(C) Landings may only be used once for each QS sector for the purposes of allocating QS.

(D) Landings made from vessels which are used for purposes of receiving compensation through the BSAI Crab Capacity Reduction Program may not be used for the allocation of CVO QS or CPO QS.

(E) Legal landings for purposes of allocating QS for a crab QS fishery only include those landings that resulted in the issuance of an LLP license endorsed for that crab QS fishery, or landings that were made in that crab QS fishery under the authority of an LLP license endorsed for that crab QS fishery, except as provided for in paragraph (c)(2)(vii) of this section.

(iii) Documentation. Evidence of legal landings shall be limited to State of Alaska fish tickets.

(c) Calculation of QS allocation.

(1) General.

(i) For each permanent, fully transferable crab LLP license under which an applicant applies, CVO and CPO QS will be based on legal landings that resulted in the issuance of that license or from legal landings that were made under the authority of that license.

(ii) For each State of Alaska Interim Use Permit under which an applicant applies for CVC QS or CPC QS, the initial allocation of QS will be based on the legal landings that were made under the authority of that permit.

(2) Computation for Initial Issuance of QS.

(i) Based on the official crab rationalization record the Regional Administrator shall derive the annual harvest denominator (AHD) that represents the amount of legally landed crab in each crab QS fishery in each qualifying year as established in Column B of Table 7 to this part.

(ii) The initial QS pool is described in Table 8 to this part.

(iii) A person's initial allocation of QS shall be based on a percentage of the legal landings for the applicable sector in each crab QS fishery:

(A) Associated with crab LLP licenses held by the applicant for CVO or CPO QS; or

(B) Authorized under a State of Alaska Interim Use Permit held by the applicant for CVC or CPC QS.

(iv) The Regional Administrator shall calculate the allocation of CVO and CPO QS for each crab QS fishery "P" based on each fully transferable LLP license "I" held by a qualified person by the following formulas:

(A) Sum legal landings for each qualifying year, as described in Column B of Table 7 to this part, and divide that amount by the AHD for that year as follows:

$$\left(\frac{\sum \text{legal landings}_{if}}{\text{AHD}_{if}} \right) \times 100$$

$$= \text{Percentage of the AHD}_{if}$$

(B) In those fisheries where only a subset of the qualifying years are applied, the Regional Administrator will use the years that yield the highest

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percentages of each AHD as calculated in paragraph (c)(2)(iv)(A) of this section.

(C) Sum the highest percentages of the AHD's for that license as calculated under paragraph (c)(2)(iv)(B) of this section and divide by the number in Column E of Table 7 to this part (Subset of Qualifying Years). This yields the Average Percentage as presented in the following equation:

$$\frac{\sum \text{Percentages of the AHD}_{if}}{\text{Subset of Qualifying Years}_f} = \text{Average Percentage}_{if}$$

(D) Divide the Average percentage in paragraph (c)(2)(iv)(C) of this section for a license and fishery by the Sum of all Average Percentages for all licenses for that fishery as presented in the following equation:

$$\text{Average Percentage}_{if} \div \sum \text{Average Percentage}_{sf} = \text{Percentage of the Total Percentages}_{if}$$

(E) Multiply the Percentage of the Total Percentages in paragraph (c)(2)(iv)(D) of this section by the Initial QS Pool as described in Table 8 to this part. This yields the unadjusted number of QS units derived from a license for a fishery.

(F) Multiply the unadjusted number of QS units in paragraph (c)(2)(iv)(E) of this section by 97 percent. This yields the number of QS units to be allocated.

(G) Determine the percentage of legal landings in the subset of qualifying years associated with a LLP license with a catcher/processor designation that were processed on that vessel and multiply the amount calculated in paragraph (c)(2)(iv)(F) of this section by this percentage. This yields the amount of CPO QS to be allocated.

(H) Determine the percentage of legal landings in the subset of qualifying years associated with a LLP license that were not processed on that vessel and multiply the amount calculated in paragraph (c)(2)(iv)(F) of this section by this percentage. This yields the amount of CVO QS to be allocated.

(I) Determine the percentage of legal landings associated with an LLP license in the subset of qualifying years that were delivered in each region as defined in paragraph (b)(2) of this section. The amount calculated in paragraph (c)(2)(iv)(H) of this section is multiplied by the percentage for each region.

(J) The percentage calculated in paragraph (c)(2)(iv)(I) of this section may be adjusted according

to the provisions at paragraphs (c)(3) and (c)(4) of this section.

(v) As shown in the formulas under this paragraph (c)(2)(v), the allocation of CVC and CPC QS for each crab QS fishery "f" based on each State of Alaska Interim Use Permit "i" held by each qualified person shall be calculated by the Regional Administrator as follows:

(A) Sum legal landings for each qualifying year as described in Column B of Table 7 to this part and divide that amount by the AHD for that year using the following equation:

$$\left(\frac{\text{legal landings}_{if}}{\text{AHD}_f} \right) \times 100 = \text{Percentage of the AHD}_{if}$$

(B) In those fisheries where only a subset of the qualifying years are applied, the Regional Administrator will use the years that yield the highest percentages of the AHD as calculated in paragraph (c)(2)(v)(A) of this section.

(C) Sum the highest percentages of the AHDs for that license calculated under paragraph (c)(2)(v)(B) of this section and divide by the number in Column E of Table 7 to this part (Subset of Qualifying Years). This yields the Average Percentage as presented in the following equation:

$$\frac{\text{Percentages of the AHD}_{if}}{\text{Subset of Qualifying Year}_{sf}} = \text{Average Percentage}_{if}$$

(D) Divide the Average Percentage in paragraph (c)(2)(v)(C) of this section for a permit and fishery by the Sum of all Average Percentages for all permits for that fishery as presented in the following equation:

$$\frac{\text{Average Percentage}_{if}}{\text{Average Percentage}_{sf}} = \text{Percentage of the Total Percentages}_{if}$$

(E) Multiply the Percentage of the Total Percentages in paragraph (c)(2)(v)(D) of this section by the Initial QS Pool as described in Table 8 to this part. This yields the unadjusted number of QS units derived from a permit for a fishery.

(F) Multiply the unadjusted number of QS units in paragraph (c)(2)(v)(E) of this section by 3 percent. This yields the number of QS units to be allocated.

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(G) Determine the percentage of legal landings in the subset of qualifying years associated with a permit that were processed on that vessel and multiply the amount calculated in paragraph (c)(2)(v)(F) of this section by this percentage. This yields the amount of CPC QS to be allocated.

(H) Determine the percentage of legal landings in the subset of qualifying years associated with a permit that were not processed on that vessel and multiply the amount calculated in paragraph (c)(2)(v)(F) of this section by this percentage. This yields the amount of CVC QS to be allocated.

(I) Determine the percentage of legal landings associated with a permit in the subset of qualifying years that were delivered in each region as defined in paragraph (b)(2) of this section. The amount calculated in paragraph (c)(2)(v)(H) of this section is multiplied by the percentage for each region.

(J) The percentage calculated in paragraph (c)(2)(v)(I) of this section may be adjusted according to the provisions at paragraphs (c)(3) and (c)(4) of this section. The amount calculated in paragraph (c)(2)(v)(H) of this section is multiplied by the percentage for each region. These regional QS designations do not apply in the CVC QS sector until July 1, 2008.

(vi) Sunken vessel provisions.

(A) If a person applies for CVO QS or CPO QS based, in whole or in part, on the activities of a vessel that sank, the Regional Administrator shall presume landings for that vessel for the crab fishing years between the time of vessel loss and the replacement of the vessel under § 679.40(k)(5)(v). These presumed landings shall be equivalent to 50 percent of the average legal landings for the qualifying years established in Column B of Table 7 to this part unaffected by the sinking. If the vessel sank during a qualifying year, the legal landings for that year will not be used as the basis for presumed landings;

(B) If a person applies for CVO QS or CPO QS based, in whole or in part, on the activities of a vessel that sank and:

(1) The person who owned the vessel that sank would have been denied eligibility to replace a sunken vessel under the provisions of Public Law 106-554; and

(2) The vessel that sank was replaced with a newly constructed vessel, with that vessel under construction

no later than June 10, 2002. For purposes of this section a vessel is considered under construction once the keel for that vessel has been laid; and

(3) The newly constructed vessel participated in any Bering Sea crab fishery no later than October 31, 2002;

(4) Then the Regional Administrator shall presume landings for that vessel for the crab fishing years between the time of vessel loss and the replacement of the vessel. These presumed landings shall be equivalent to 50 percent of the average legal landings for the qualifying years established in Column B of Table 7 to this part unaffected by the sinking. If the vessel sank during a qualifying year, the legal landings for that year will not be used as the basis for presumed landings.

(vii) LLP license history exemption. An applicant for CVO or CPO QS who:

(A) Deployed a vessel in a crab QS fishery under the authority of an interim or permanent fully transferable LLP license; and

(B) Prior to January 1, 2002, received by transfer, as authorized by NMFS, a permanent fully transferable LLP license for use in that crab QS fishery to insure that a vessel would remain authorized to participate in the fishery, may choose to use as the legal landings which are the basis for QS allocation on his or her application for crab QS or PQS either:

(1) The legal landings made on that vessel for that crab QS fishery prior to the transfer of the permanent fully transferable LLP license for use on that vessel; or

(2) The legal landings made on the vessel that gave rise to the permanent fully transferable LLP license and the legal landings made under the authority of that same LLP license in that crab QS fishery prior to January 1, 2002.

(C) If the history described in paragraph (c)(2)(vii)(B)(1) of this section is being used by another person for an allocation with an LLP license, then the allocation in paragraph (vii) will be based on the legal landings as described under paragraph (c)(2)(vii)(B)(2) of this section.

(3) Adjustment of CVO and CVC QS allocation for North and South regional designation.

The Regional Administrator may adjust the regional designation of QS to ensure that it is initially allocated in the same proportion as the regional

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designation of PQS for that crab QS fishery. A person who would receive QS based on the legal landings in only one region, will receive QS with only that regional designation. A person who would receive QS with more than one regional designation for that crab QS fishery would have his or her QS holdings regionally adjusted on a pro rata basis as follows:

(i) Determine the ratio of the Initial PQS pool in the North and South regions.

(ii) Multiply the Initial QS pool by the ratio of North and South PQS. This will yield the target QS pool for each region.

(iii) Sum the QS for all persons who are eligible to receive North QS yielding the unadjusted North QS pool, and sum the QS for all persons who are eligible to receive South QS yielding the unadjusted South QS pool.

(iv) To calculate the amount of QS available for adjustment, subtract the amount of QS for persons receiving North only QS from the unadjusted North QS pool and subtract the amount of QS for persons receiving South only QS from the unadjusted South QS pool, as presented in the following equations:

$$(A) \text{ Unadj. North QS - North QS only} \\ = \text{North QS for [North \& South] QS holders.}$$

$$(B) \text{ Unadj. South QS - South QS only} \\ = \text{South QS for [North \& South] QS holders.}$$

(v) Determine which region becomes the gaining region if the target QS pool is greater than the unadjusted QS pool.

(vi) Subtract the gaining region unadjusted QS pool from the gaining region target QS pool to calculate the number of QS units that need to be applied to the gaining region. This amount is the Adjustment Amount as presented in the following equation:

$$\text{Unadj. gaining region QS - Target gaining region} \\ \text{QS pool} = \text{Adjustment Amount}$$

(vii) Divide the Adjustment Amount by the unadjusted losing region QS pool for North and South QS holders. This yields the regional adjustment factor (RAF) for each person as presented in the following equation:

$$\text{Adj. Amount} / \text{unadjusted losing region QS pool} \\ \text{for [North \& South] QS holders} = \text{RAF}$$

(viii) For each person (p) who holds both North and South Region QS, the QS adjustment (QS Adj. (p)) to that person's Unadjusted losing region QS is expressed in the following equation as:

$$\text{QS adj. p} = \text{Unadjusted losing region QS p} \times \text{RAF}$$

(ix) The QS adjustment for person (p) is made by subtracting the QS adjustment from that person's unadjusted losing region QS amount and added to that person's unadjusted gaining region QS. These adjustments will yield the regional adjustment QS amounts for that person.

(4) Regional designation of Western Aleutian Islands golden king crab.

Fifty percent of the CVO and CVC QS that is issued in the WAG crab QS fishery will be initially issued with a West regional designation. The West regional designation applies to QS for delivery West of 174 W. longitude. The remaining 50 percent of the CVO and CVC QS initially issued for this fishery is not subject to regional designation (Undesignated QS). A person (p) who would receive QS based on the legal landings in only one region, will receive QS with only that regional designation. A person who would receive QS with more than one regional designation for that crab QS fishery would have his or her QS holdings regionally adjusted on a pro rata basis as follows:

(i) The West QS pool is equal to 50 percent of the initial QS pool.

(ii) The Undesignated QS pool is equal to 50 percent of the initial QS pool.

(iii) Sum the QS for all persons who are eligible to receive West QS yielding the unadjusted West QS pool, and sum the QS for all persons who are eligible to receive undesignated QS yielding the unadjusted undesignated QS pool.

(iv) To calculate the amount of QS available for adjustment, subtract the amount of QS for persons receiving West only QS from the unadjusted West QS pool and subtract the amount of QS for persons receiving undesignated only QS from the unadjusted undesignated QS pool, as presented in the following equation:

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(A) Unadj. West QS - West QS only

= West QS for [West & Undesignated] QS holders.

(B) Unadj. Undesignated QS – Undesignated QS only

= Undesignated QS for [West & Undesignated] QS holders.

(v) Subtract the gaining region Unadjusted QS pool from the gaining region Target QS pool to calculate the number of QS units that will need to be applied to the gaining region. This amount is the Adjustment Amount as presented in the following equation:

Target gaining region QS pool - unadjusted region QS = Adjustment Amount

(vi) Divide the Adjustment Amount by the unadjusted losing region QS pool for West and Undesignated QS holders. This yields the regional adjustment factor (RAF) for each person as presented in the following equation:

Adj. Amount/ unadjusted losing region QS pool for West & Undesignated QS holders = RAF

(vii) For each person (p) who holds both unadjusted West and Undesignated Region QS, the QS adjustment (QS Adj. p) to that person's Unadjusted West QS is expressed in the following equation as:

QS adj. p = Unadjusted West QS p x RAF

(viii) The QS adjustment for person (p) is made by subtracting the QS adjustment for that person's unadjusted losing region QS amount and subtracted from that person's unadjusted gaining region QS. These adjustments will yield the regional adjustment QS amounts for that person.

(d) Crab PQS and Crab PQS Fisheries.

(1) General.

The Regional Administrator shall initially assign to qualified persons defined in paragraph (d)(3) of this section crab PQS specific to crab QS fisheries defined in paragraph (a)(1) of this section. The crab PQS amount issued will be based on total legal processing of crab made in those crab QS fisheries. PQS shall yield annual IPQ as defined under paragraph (j) of this section.

(2) Regional Designations.

For each crab QS fishery, PQS shall be initially regionally designated based on the legal processing that gave rise to the PQS as follows:

(i) North PQS if the processing that gave rise to the PQS for a crab QS fishery occurred in the Bering Sea subarea north of 56° 20' N. lat.; or

(ii) South PQS if the processing that gave rise the PQS for a crab QS fishery did not occur in the North Region, and PQS allocated to the WAI crab QS fishery; or

(iii) West PQS for a portion of the PQS allocated to the WAG crab QS fishery subject to the provisions under paragraph (e)(2) of this section; or

(iv) Undesignated. Regional designations do not apply to:

(A) That portion of the WAG crab QS fishery that is not regionally designated as West Region PQS; and

(B) The **EBT or WBT** crab QS fishery.

(v) The specific regional designations that apply to PQS in each of the crab QS fisheries are described in paragraph (b)(2)(iii) of this section.

(3) Qualified person.

for the purposes of PQS issuance, means a person, as defined at § 679.2, who at the time of application for PQS is a U.S. citizen, or a U.S. corporation, partnership, association, or other entity, and who:

(i) Legally processed any crab QS species established in paragraph (a)(1) of this section during 1998 or 1999 as demonstrated on the official crab rationalization record; or

(ii) Did not legally process any crab QS species during 1998 or 1999 according to the official crab rationalization record, but who:

(A) Processed BSS crab QS species in each crab season for that fishery during the period from 1988 through 1997; and

(B) From January 1, 1996, through June 10, 2002, invested in a processing facility, processing equipment, or a vessel for use in processing operations, including any improvements made to existing facilities with a total expenditure in excess of \$1,000,000; or

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(C) Is the person to whom the history of legal processing of crab has been transferred by the express terms of a written contract that clearly and unambiguously provides that such legal processing of crab has been transferred. This provision would apply only if that applicant for PQS:

(1) Legally processed any crab QS species established in paragraph (a)(1) of this section during 1998 or 1999, as demonstrated on the official crab rationalization record; or

(2) Received history of crab processing that was legally processed during 1998 or 1999, as demonstrated on the official crab rationalization record.

(iii) Qualified persons, or their successors-in-interest, must exist at the time of application for PQS.

(iv) A former partner of a dissolved partnership or a former shareholder of a dissolved corporation who would otherwise be a qualified person may apply for PQS in proportion to his or her ownership interest in the dissolved partnership or corporation.

(v) A person who has acquired a processing corporation, partnership, or other entity that has a history of legal processing of crab is presumed to have received by transfer all of that history of legal processing of crab unless a clear and unambiguous written contract establishes otherwise.

(4) Qualification for Initial Allocation of PQS.

(i) Years. The qualifying years for each crab QS fishery are designated in Table 9 to this part.

(ii) Ownership interest. Documentation of ownership interest in a dissolved partnership or corporation, association, or other entity shall be limited to corporate documents (e.g., articles of incorporation) or notarized statements signed by each former partner, shareholder or director, and specifying their proportions of interest.

(iii) Legal Processing of crab means, for the purpose of initial allocation of PQS, raw crab pounds processed in the crab QS fisheries designated under paragraph (a)(1) of this section in compliance with state and Federal permitting, landing, and reporting regulations in effect at the time of the landing. Legal processing excludes any deadloss, processing of crab harvested in a test fishery or under a scientific, education, exploratory, or experimental permit, or under the Western Alaska CDQ Program.

(iv) Documentation. Evidence of legal processing shall be limited to State of Alaska fish tickets, except that:

(A) NMFS may use information from a State of Alaska Commercial Operators Annual Report, State of Alaska fishery tax records, or evidence of direct payment from a receiver of crab to a harvester if that information indicates that the buyer of crab differs from the receiver indicated on State of Alaska fish ticket records; however:

(B) Information on State of Alaska fish tickets shall be presumed to be correct for the purpose of determining evidence of legal processing of crab. An applicant will have the burden of proving the validity of information submitted in an application that is inconsistent with the information on the State of Alaska fish ticket.

(e) Calculation of PQS allocation.

(1) Computation for Initial Issuance of PQS.

(i) The Regional Administrator shall establish the Total Processing Denominator (TPD) which represents the amount of legally processed raw crab pounds in each crab QS fishery in all qualifying years.

(ii) For each crab QS fishery, the percentage of the initial PQS pool that will be distributed to each qualified person shall be based on their percentage of the TPD according to the following procedure:

(A) Sum the raw crab pounds purchased for each person for all qualifying years.

(B) Divide the sum calculated in paragraph (e)(1)(ii)(A) of this section by the TPD. Multiply by 100. This yields a person's percentage of the TPD.

(C) Sum the TPD percentages of all persons.

(D) Divide the percentage for a person calculated in paragraph (e)(1)(ii)(B) of this section by the sum calculated in paragraph (e)(1)(ii)(C) of this section for all persons. This yields a person's percentage of the TPD.

(E) Multiply the amount calculated in paragraph (e)(1)(ii)(D) of this section by the PQS pool for that crab QS fishery as that amount is defined in Table 8 to this part.

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(F) Determine the percentages of legally processed crab that were processed in each region. The percentages calculated in paragraph (e)(1)(ii)(E) of this section are multiplied by the amount determined within each regional designation. Regional designations will apply to that PQS according to the provisions established in paragraphs (d)(2) and (e)(2) of this section.

(2) Regional designation of Western Aleutian Islands golden king crab.

(i) Fifty percent of the PQS that is issued in the WAG crab QS fishery will be issued with a West regional designation. The West regional designation applies to PQS for processing west of 174° N. long. The remaining 50 percent of the PQS issued for this fishery is Undesignated region PQS.

(ii) A person will receive only West PQS if, at the time of application, that person owns a crab processing facility that is located in the West region. A person will receive West region and Undesignated Region PQS if, at the time of application, that person does not own a crab processing facility located in the West region. Expressed algebraically, for any person (p) allocated both West region PQS and undesignated region PQS the formula is as follows:

(A) $PQS\ West = PQS \times 0.50$

(B) $PQS\ Und. = PQS \times 0.50$

(C) $PQS\ West\ for\ PQS\ West\ \&\ Und.\ Holders = PQS\ West - PQS\ West\ only$

(D) $PQS\ West\ for\ Person\ p\ West\ \&\ Und. = PQS\ p \times PQS\ West\ for\ PQS\ West\ \&\ Und.\ holders / (PQS\ West\ for\ PQS\ West\ \&\ Und.\ holders + PQS\ Und.)$

(E) $PQS\ Und.\ for\ Person\ p = PQS\ p - PQS\ West\ for\ Person\ p$

(iii) For purposes of the allocation of PQS in the WAG crab fishery:

(A) Ownership of a processing facility is defined as:

(1) A sole proprietor; or

(2) A relationship between two or more entities in which a person directly or indirectly owns a 10 percent or greater interest in another, or a third entity directly

or indirectly owns a 10 percent or greater interest in both.

(B) A processing facility is a shoreside crab processor or a stationary floating crab processor.

(f) Application for crab QS or PQS process.

(1) General.

The Regional Administrator will issue QS and/or PQS to an applicant if a complete application for crab QS or PQS is submitted by or on behalf of the applicant during the specified application period, and if the applicant meets all criteria for eligibility as specified at paragraphs (b)(3) and (d)(3) of this section.

(i) The Regional Administrator will send application materials to the person identified by NMFS as an eligible applicant based on the official crab rationalization record. An application form may also be obtained from the Internet or requested from the Regional Administrator.

(ii) An application for crab QS or PQS may be submitted by mail to

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

by facsimile
(907-586-7354),

or by hand delivery to the
NMFS,
709 West 9th Street, room 713,
Juneau, AK.

(iii) An application that is postmarked, faxed, or hand delivered after the ending date for the application period for the Crab QS Program specified in the ***Federal Register*** will be denied.

(2) Contents of application.

A complete application for crab QS or PQS must be signed by the applicant, or the individual representing the applicant, and include the following, as applicable:

(i) Type of QS or PQS for which the person is applying. Select the type of QS or PQS for which the applicant is applying.

(A) If applying for CVO QS or CPO QS, submit information required in paragraphs (f)(2)(ii) through (f)(2)(iv) of this section;

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(B) If applying for CVC QS or CPC QS, submit information required in paragraphs (f)(2)(ii), (f)(2)(iii) and (f)(2)(v) of this section;

(C) If applying for PQS, submit information required in paragraphs (f)(2)(ii), (f)(2)(iii) and (f)(2)(vi) of this section.

(ii) Applicant information.

(A) Enter the applicant's name, NMFS person ID (if applicable), tax ID or social security number (required), permanent business mailing address, business telephone number, facsimile number, and e-mail (if available);

(B) Indicate (YES or NO) whether applicant is a U.S. citizen; if YES, enter his or her date of birth. You must be a U.S. citizen or U.S. corporation, partnership, or other business entity to obtain CVO, CPO, CVC, or CPC QS.

(C) Indicate (YES or NO) whether applicant is a U.S. corporation, partnership, association, or other business entity; if YES, enter the date of incorporation;

(D) Indicate (YES or NO) whether applicant is deceased; if YES, enter date of death. A copy of the death certificate must be attached to the application;

(E) Indicate (YES or NO) whether applicant described in paragraph (f)(2)(ii)(C) of this section is no longer in existence; if YES, enter date of dissolution and attach evidence of dissolution to the application;

(iii) Fishery and QS/PQS type. Indicate the crab QS fishery and type of QS/PQS for which applying.

(iv) CVO or CPO QS. (A) For vessels whose catch histories are being claimed for purposes of the crab QS program, enter the following information: name of the vessel, ADF&G vessel registration number, USCG documentation number, moratorium crab permit number(s), and crab LLP license number(s) held by the applicant and used on that vessel, qualifying years or seasons fished by fishery, and dates during which those permits were used on that vessel.

(B) Indicate (YES or NO) whether applicant is applying for QS for any crab QS fishery for which the applicant purchased an LLP license prior to January 1, 2002, in order to remain in that fishery. If YES, include LLP crab license number, and the vessel's name, ADF&G vessel registration number, and USCG documentation number.

(C) Indicate (YES or NO) whether QS is being claimed based on the fishing history of a vessel that was lost or destroyed. If YES, include the name, ADF&G registration number, and USCG documentation number of the lost or destroyed vessel, the date the vessel was lost or destroyed, and evidence of the loss or destruction.

(D) Indicate (YES or NO) whether the lost or destroyed vessel described in paragraph (f)(2)(iv)(C) of this section was replaced with a newly constructed vessel. If YES, include the name, ADF&G vessel registration number, and USCG documentation number of the replacement vessel, date of vessel construction, and date vessel entered fishery(ies). Indicate (YES or NO) if the replacement vessel participated in a Bering Sea crab fishery by October 31, 2002. If YES, provide documentation of the replacement vessel's participation by October 31, 2002, in a Bering Sea crab fishery.

(E) If the applicant is applying for CPO QS, indicate (YES or NO) whether the applicant processed crab from any of the crab QS fisheries listed on Table 1 to this part on board a vessel authorized by one of the LLP licenses listed in paragraph (f)(2)(iv)(A) of this section in 1998 or 1999. If YES, enter information for the processed crab, including harvest area, date of landing, and crab species.

(v) CVC or CPC QS.

(A) Indicate (YES or NO) whether applicant had at least one landing in three of the qualifying years for each crab species for which the applicant is applying for QS (see Table 7 to this part).

(B) Indicate (YES or NO) whether applicant has recent participation in a crab QS fishery as defined in Table 7 to this part.

(C) If the answer to paragraph (f)(2)(v)(A) or paragraph (f)(2)(v)(B) of this section is YES, enter State of Alaska Interim Use Permit number and the name, ADF&G vessel registration number, and USCG documentation number of vessel on which harvesting occurred. Select the qualifying years or seasons fished by QS fishery, and the dates during which those permits were used on that vessel;

(D) Indicate (YES or NO) whether a person is applying as the successor-in-interest to an eligible applicant. If YES, attach to the application documentation proving the person's status as a successor-in-interest and evidence of the death of the eligible applicant.

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(vi) Processor QS.

(A) Indicate (YES or NO) whether applicant processed any of the crab species included in the Crab QS program (see Table 1 to this part) in 1998 or 1999.

(B) If answer to paragraph (f)(2)(vi)(A) of this section is YES, enter the facility name and ADF&G processor code for each processing facility where crab, from any of the crab QS fisheries listed in Table 1 of this part, were processed and the qualifying years or seasons by fishery for which applicant is claiming eligibility for PQS.

(C) If answer to paragraph (f)(2)(vi)(A) of this section is NO, indicate (YES or NO) whether applicant is claiming eligibility under hardship provisions;

(D) If answer to paragraph (f)(2)(vi)(C) of this section is YES, both of the following provisions must apply to a processor to obtain hardship provisions. Attach documentation of the following circumstances:

(1) Applicant processed QS crab during 1998 or 1999, or processed BSS crab in each season between 1988 and 1997; and

(2) Applicant invested a total expenditure in excess of \$1,000,000 for any processing facility, processing equipment, or a vessel for use in processing operations, including any improvements made to existing facilities from January 1, 1996, to June 10, 2002;

(E) Indicate (YES or NO) whether applicant has entered into a Community Right of First Refusal (ROFR) contract consistent with paragraph (f)(3) of this section pertaining to the transfer of any PQS and/or IPQ subject to ROFR and issued as a result of this application.

(F) 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; and

(G) Any other information deemed necessary by the Regional Administrator.

(H) If applicant is applying to receive PQS for the WAG crab QS fishery, indicate (YES or NO) whether applicant owns a crab processing facility in the West region (see paragraph (b)(2) (iii) of this section).

(vii) Applicant signature and certification. The applicant must sign and date the application certifying

that all information is true, correct, and complete to the best of his/her knowledge and belief. If the application is completed by an authorized representative, then authorization must accompany the application.

(3) Notice and contract provisions for community right of first refusal (ROFR) for initial issuance of PQS.

(i) To be complete, an application for PQS from a person based on legal processing that occurred in an ECC, other than Adak, must also include an affidavit signed by the applicant stating that notice has been provided to the ECC of the applicant's intent to apply for PQS. If the ECC designates an entity to represent it in the exercise of ROFR under § 680.41(l), then the application also must include an affidavit of completion of a contract for ROFR that includes the terms enacted under section 313(j) of the Magnuson-Stevens Act. The affidavit must be signed by the applicant for initial allocation of PQS and the ECC entity designated under § 680.41(l)(2). A list of contract terms is available from the NMFS Alaska Region website at www.fakr.noaa.gov. A copy of these contract terms also will be made available by mail or facsimile by contacting the Regional Administrator at 907-586-7221.

(ii) To be complete, an application for crab QS or PQS from a person based on legal processing that occurred in the GOA north of a line at 56°20' N. lat. must also include an affidavit signed by the applicant stating that notice has been provided to the City of Kodiak and Kodiak Island Borough of the applicant's intent to apply for PQS. If the City of Kodiak and Kodiak Island Borough designate an entity to represent it in the exercise of ROFR under § 680.41(l), then the application also must include an affidavit of completion of a contract for ROFR that includes the terms enacted under the Consolidated Appropriations Act of 2004 (Public Law 108-199) and that is signed by the applicant for initial allocation of PQS and the ECC entity designated by the City of Kodiak and Kodiak Island Borough under § 680.41(l)(2). A list of contract terms is available from the NMFS Alaska Region website at www.fakr.noaa.gov. A copy of these contract terms also will be made available by mail or facsimile by contacting the Regional Administrator at 907-586-7221.

(4) Application evaluation.

The Regional Administrator will evaluate Applications for Crab QS or PQS submitted during the specified application period and compare all claims in an application with the information in the official crab rationalization record. Claims in an application that are

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consistent with information in the official crab rationalization record will be accepted by the Regional Administrator. Inconsistent claims in the Applications for Crab QS or PQS, unless verified by documentation, will not be accepted. An applicant who submits inconsistent claims, or an applicant who fails to submit the information specified in paragraph (f)(2) of this section, will be provided a single 30-day evidentiary period as provided in paragraph (f)(5) of this section to submit the specified information, submit evidence to verify his or her inconsistent claims, or submit a revised application with claims consistent with information in the official crab rationalization record. An applicant who submits claims that are inconsistent with information in the official crab rationalization record has the burden of proving that the submitted claims are correct.

(5) Additional information or evidence.

The Regional Administrator will evaluate additional information or evidence to support an applicant's inconsistent claims submitted prior to or within the 30-day evidentiary period. If the Regional Administrator determines that the additional information or evidence meets the applicant's burden of proving that the inconsistent claims in his or her application are correct, the official crab rationalization record will be amended and the information will be used in determining whether the applicant is eligible for QS or PQS. However, if the Regional Administrator determines that the additional information or evidence does not meet the applicant's burden of proving that the inconsistent claims in his or her application are correct, the applicant will be notified by an IAD, that the applicant did not meet the burden of proof to change the information in the official crab rationalization record.

(6) 30-day evidentiary period.

The Regional Administrator will specify by letter a single 30-day evidentiary period during which an applicant may provide additional information or evidence to support the claims made in his or her application, or to submit a revised application with claims consistent with information in the official crab rationalization record, if the Regional Administrator determines that the applicant did not meet the burden of proving that the information on the application is correct through evidence provided with the application. Also, an applicant who fails to submit information as specified in paragraphs (b)(3)(iii) and (b)(3)(iv) of this section will have 30 days to provide that information. An applicant will be limited to one 30-day evidentiary period per application. Additional information or evidence, or a revised application, received after the

30-day evidentiary period specified in the letter has expired will not be considered for purposes of the IAD.

(7) Right of First Refusal (ROFR) Contract Provisions.

If an ECC designates an entity to represent it in the exercise of ROFR under § 680.41(1), then the Regional Administrator will not prepare an IAD on unverified claims or issue PQS until an affidavit is received from the applicant confirming the completion of a civil contract for ROFR as required under section 313(j) of the Magnuson-Stevens Act.

(8) Initial administrative determinations (IAD).

The Regional Administrator will prepare and send an IAD to the applicant following the expiration of the 30-day evidentiary period if the Regional Administrator determines that the information or evidence provided by the applicant fails to support the applicant's claims and is insufficient to rebut the presumption that the official crab rationalization record is correct, or if the additional information, evidence, or revised application is not provided within the time period specified in the letter that notifies the applicant of his or her 30-day evidentiary period. The IAD will indicate the deficiencies in the application, including any deficiencies with the information, the evidence submitted in support of the information, or the revised application. The IAD will also indicate which claims cannot be approved based on the available information or evidence. An applicant who receives an IAD may appeal pursuant to § 679.43. An applicant who avails himself or herself of the opportunity to appeal an IAD will not receive crab QS or PQS until after the final resolution of that appeal in the applicant's favor.

(g) Annual allocation of IFQ. IFQ is assigned based on the underlying QS.

The Regional Administrator shall assign crab IFQs to each person who holds QS and submits a complete annual application for crab IFQ/IPQ permit as described under § 680.4. IFQ will be assigned to a crab QS fishery with the appropriate regional designation, QS sector, and IFQ class. This amount will represent the maximum amount of crab that may be harvested from the specified crab QS fishery by the person to whom it is assigned during the specified crab fishing year, unless the IFQ assignment is changed by the Regional Administrator because of an approved transfer, revoked, suspended, or modified under 15 CFR part 904.

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(h) Calculation of annual IFQ allocation.

(1) General.

The annual allocation of IFQ to any person (p) in any crab QS fishery (f) will be based on the TAC of crab for that crab QS fishery less the allocation to the Western Alaska CDQ Program (“CDQ Reserve”) and Western Aleutian Islands golden king crab fishery. Expressed algebraically, the annual IFQ allocation formula is as follows:

(i) $IFQ_{TAC_f} = TAC_f - (CDQ\ reserve_f + Allocation\ for\ the\ Western\ Aleutian\ Island\ golden\ king\ crab\ fishery)$

(ii) $IFQ_{p_f} = IFQ_{TAC_f} \times (QS_{p_f} / QS_{pool_f})$

(2) Class A/B IFQ.

(i) QS shall yield Class A or Class B IFQ if:

(A) Initially assigned to the CVO QS sector;

(B) Transferred to the CVO QS sector from the CPO QS sector; or

(C) After July 1, 2008, if initially issued to the CVC QS sector.

(ii) The Class A/B IFQ TAC is the portion of the TAC assigned as Class A/B IFQ under paragraphs (h)(2)(i)(A) through (C) of this section.

(3) Class A/B IFQ issuance ratio.

(i) Class A and Class B IFQ shall be assigned on an annual basis such that the total amount of Class A and B IFQ assigned in a crab fishing year in each crab QS fishery for each region will be in a ratio of 90 percent Class A IFQ and 10 percent Class B IFQ.

(ii) The Regional Administrator will determine the amount of Class A and Class B IFQ that is assigned to each QS holder. The Class A IFQ is calculated by allocating 90 percent of the Class A/B IFQ TAC (TAC_a) to Class A IFQ. A portion of the IFQ TAC_a is allocated to persons eligible to hold only Class A IFQ (TAC_a only), the remaining IFQ TAC (TAC_r) is allocated for harvest by a person (p) eligible to receive both Class A IFQ and Class B IFQ. Expressed algebraically, for an individual person (p) eligible to hold both Class A and Class B IFQ the annual allocation formula is as follows:

(A) $TAC_a = Class\ A/B\ IFQ\ TAC \times 0.90$

(B) $TAC_r = TAC_a - TAC_{a\ only}$

(C) $IFQ_{ap} = \frac{TAC_r}{(Class\ A/B\ IFQ\ TAC - TAC_{a\ only})} \times IFQ_p$

(D) $IFQ_{bp} = IFQ_p - IFQ_{ap}$

(4) Class A IFQ and Class B IFQ issuance to IPQ holders.

If a person holds IPQ and IFQ, then that person will be issued Class A IFQ only for the amount of IFQ equal to the amount of IPQ held by that person. Any remaining IFQ held by that person will be issued as Class A and Class B IFQ in a ratio so that the total Class A and Class B IFQ issued in that crab QS fishery is issued as 90 percent Class A IFQ and 10 percent Class B IFQ;

(5) Class A IFQ and Class B IFQ issuance to persons affiliated with IPQ holders.

If an IPQ holder holds IPQ in excess of the amount of IFQ held by that person, all IFQ holders affiliated with that IPQ holder will receive only Class A IFQ in proportion to the amount of IFQ held by those affiliated persons relative to that amount of IPQ held by that IPQ holder. Any remaining IFQ held by persons affiliated with the IPQ holder will be issued as Class A and Class B IFQ in a ratio so that the total Class A and Class B IFQ issued in that fishery is issued as 90 percent Class A IFQ and 10 percent Class B IFQ.

(6) CVC IFQ.

(i) QS that is initially allocated to the CVC QS sector shall yield CVC IFQ.

(ii) After July 1, 2008, CVC IFQ will be assigned as CVC Class A and CVC Class B IFQ under the provisions established in paragraph (h)(5)(ii) of this section.

(7) CPO IFQ.

(i) QS that is initially allocated to the CPO QS sector shall yield CPO IFQ.

(ii) CPO IFQ is not subject to regional designation.

(8) CPC IFQ.

(i) QS that is initially allocated to the CPC QS sector shall yield CPC IFQ.

§ 680.40 Quota Share (QS), Processor QS (PQS), Individual Fishing Quota (IFQ), and Individual Processor Quota (IPQ) Issuance

(ii) CPC IFQ is not subject to regional designation.

(9) QS amounts for IFQ calculation.

For purposes of calculating IFQ for any crab fishing year, the amount of a person's QS and the amount of the QS pool for any crab QS fishery will be the amounts on record with the Alaska Region, NMFS, at the time of calculation.

(10) Class A IFQ.

(i) The amount of Class A IFQ issued in excess of the IPQ issuance limits for the BSS or BBR crab QS fisheries, as described in paragraph (j)(3) of this section, will be issued to all Class A IFQ recipients on a pro rata basis in proportion to the amount of Class A IFQ held by each person.

(ii) Any amount of Class A IFQ that is issued in excess of the IPQ issuance limits for the BSS or BBR crab QS fisheries, as described in paragraph (j)(3) of this section, is not required to be delivered to an RCR with unused IPQ.

(i) Annual allocation of IPQ.

IPQ is assigned based on the underlying PQS. The Regional Administrator shall assign crab IPQs to each person who submits a complete annual application for crab IFQ/IPQ permit as described under § 680.4. Each assigned IPQ will be specific to a crab QS fishery with the appropriate regional designation. This amount will represent the maximum amount of crab that may be received from the specified crab QS fishery by the person to whom it is assigned during the specified crab fishing year, unless the IPQ assignment is changed by the Regional Administrator because of an approved transfer, revoked, suspended, or modified under 15 CFR part 904.

(j) Calculation of annual IPQ allocation.

(1) General.

The annual allocation of TAC to PQS and the resulting IPQ in any crab QS fishery (f) is the Class A IFQ TAC (TAC_a). A person's annual IPQ is based on the amount of PQS held by a person (PQS_p) divided by the PQS pool for that crab QS fishery for all PQS holders ($PQS_{pool f}$). Expressed algebraically, the annual IPQ allocation formula is as follows:

$$IPQ_{pf} = TAC_{af} \times PQS_{pf} / PQS_{pool f}$$

(2) PQS amounts for IPQ calculation.

For purposes of calculating IPQs for any crab fishing year, the amount of a person's PQS and the amount of the PQS pool for any crab PQS fishery will be the amounts on record with the Alaska Region, NMFS, at the time of calculation.

(3) IPQ issuance limits.

The amount of IPQ issued in any crab fishing year shall not exceed:

(i) 175,000,000 raw crab pounds (79,378.6 mt) in the BSS crab QS fishery; and

(ii) 20,000,000 raw crab pounds (9,071.8 mt) in the BBR crab QS fishery.

(k) Timing for Issuance of IFQ or IPQ.

IFQ and IPQ will be issued once the TAC for that crab QS fishery in that crab fishing year has been specified by the State of Alaska. All IFQ and IPQ for all persons will be issued once for a crab fishing year for a crab QS fishery. QS issued after NMFS has issued annual IFQ for a crab QS fishery for a crab fishing year will not result in IFQ for that crab QS fishery for that crab fishing year.

(l) Harvesting and processing privilege.

QS and PQS allocated or permits issued pursuant to this part do not represent either an absolute right to the resource or any interest that is subject to the "takings" provision of the Fifth Amendment of the U.S. Constitution. Rather, such QS, PQS, or permits represent only a harvesting or processing privilege that may be revoked or amended pursuant to the Magnuson-Stevens Act and other applicable law. IPQs do not create a right, title, or interest in any crab until that crab is purchased from a fisherman.

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§ 680.41 Transfer of QS, PQS, IFQ and IPQ.

(a) General.

(1) Transfer of crab QS, PQS, IFQ, or IPQ means any transaction, approved by NMFS, requiring QS or PQS, or the use thereof in the form of IFQ or IPQ, to pass from one person to another, permanently or for a fixed period of time, except that:

(2) A crab IFQ hired master permit issued by NMFS, as described in § 680.4, is not a transfer of crab QS or IFQ; and

(3) The use of IFQ assigned to a crab harvesting cooperative and used within that cooperative is not a transfer of IFQ.

(b) Transfer applications.

An application is required to transfer any amount of QS, PQS, IFQ, or IPQ. The Regional Administrator shall provide applications to any person on request or on the Internet at <http://www.fakr.noaa.gov/>. Any transfer application will not be approved until the necessary eligibility application in paragraph (c) of this section has been submitted and approved by NMFS.

(1) Application for transfer of crab QS/IFQ or PQS/IPQ.

This application, as described in paragraph (h) of this section, is required to transfer any amount of QS, PQS, IFQ, or IPQ from an entity that is not an ECCO or a crab harvesting cooperative.

(2) Application for transfer of crab QS/IFQ to or from an ECCO.

This application, as described in paragraph (k) of this section, is required to transfer any amount of QS or IFQ to or from an entity that is an ECCO.

(3) Application for inter-cooperative transfer.

This application, as described in § 680.21, is required to transfer any amount of IFQ from an entity that is a crab harvesting cooperative to another crab harvesting cooperative.

(4) Application deadline.

The Regional Administrator will not approve any transfers of QS, PQS, IFQ, or IPQ in any crab QS

fishery from August 1 until the date of the issuance of IFQ or IPQ for that crab QS fishery.

(5) Notification of approval or disapproval of applications.

(i) Applicants submitting any application under § 680.41 will be notified by mail of the Regional Administrator's approval of an application. The Regional Administrator will notify applicants if an application submitted under § 680.41 is disapproved. This notification of disapproval will include an explanation why the application was not approved.

(ii) Reasons for disapproval. Reasons for disapproval of an application include, but are not limited to:

(A) Lack of U.S. citizenship, where U.S. citizenship is required.;

(B) Failure to meet minimum requirements for sea time as a member of a harvesting crew;

(C) An incomplete application, including fees and an EDR, if required;

(D) An untimely application; or

(E) Fines, civil penalties, or other payments due and owing, or outstanding permit sanctions resulting from Federal fishery violations.

(6) QS, PQS, IFQ, or IPQ accounts.

QS, PQS, IFQ, or IPQ accounts affected by a transfer approved by the Regional Administrator will change on the date of approval. Any necessary IFQ or IPQ permits will be sent with the notification of approval if the receiver of the IFQ or IPQ permit has completed an annual application for crab IFQ/IPQ permit for the current fishing year as required under § 680.4.

(c) *Eligibility to receive QS, PQS, IFQ, or IPQ by transfer.*

Persons, other than persons initially issued QS or PQS, must establish eligibility to receive QS, PQS, IFQ, or IPQ by transfer.

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(1) To be eligible to receive QS, PQS, IFQ, or IPQ by transfer, a person must first meet the requirements specified in the following table:

Quota Type	Eligible Person	Eligibility Requirements
(i) PQS	Any person	None.
(ii) IPQ	Any person	None.
(iii) CVO or CPO QS	(A) A person initially issued QS	No other eligibility requirements
	(B) An individual	who is a U.S. citizen with at least 150 days of sea time as part of a harvesting crew in any U.S. commercial fishery.
	(C) A corporation, partnership, or other entity	with at least one individual member who is a U.S. citizen and who (1) owns at least 20 percent of the corporation, partnership, or other entity; and (2) has at least 150 days of sea time as part of a harvesting crew in any U.S. commercial fishery.
	(D) An ECCO	that meets the eligibility requirements described under paragraph (j) of this section.
	(E) A CDQ group	No other eligibility requirements
(iv) CVO or CPO IFQ	All eligible persons for CVO or CPO QS	according to the requirements in paragraph (c)(1)(iii) of this section.
(v) CVC or CPC QS	An individual who is a U.S. citizen with:	(A) at least 150 days of sea time as part of a harvesting crew in any U.S. commercial fishery; and (B) recent participation in a CR crab fishery in the 365 days prior to submission of the application for eligibility.
(vi) CVC or CPC IFQ	All eligible persons for CVC or CPC QS	according to the requirements in paragraph (c)(1)(v) of this section.

(2) Application for Eligibility to Receive QS/IFQ and PQS/IPQ by Transfer.

(i) This application is required to establish a person's eligibility to receive QS, PQS, IFQ, or IPQ by transfer, if the person is not an ECCO. See paragraph (j) of this section for eligibility to transfer of QS/IFQ to or from an ECCO. The Regional Administrator shall provide an application to any person on request or on the Internet at <http://www.fakr.noaa.gov/>.

(ii) Contents. A complete Application for Eligibility to Receive QS/IFQ or PQS/IPQ by Transfer must include the following:

(A) Type of QS, IFQ, PQS, or IPQ for which the applicant is seeking eligibility. Indicate type of QS, IFQ, PQS, IPQ for which applicant is seeking eligibility.

(1) If seeking CVO or CPO QS/IFQ, complete paragraphs (c)(2)(ii)(B), (c)(2)(ii)(D) if applicable, (c)(2)(ii)(E), and (c)(2)(ii)(F) of this section;

(2) If seeking CVC or CPC QS/IFQ, complete paragraphs (c)(2)(ii)(B), (c)(2)(ii)(C), (c)(2)(ii)(E), and (c)(2)(ii)(F) of this section;

(3) If seeking PQS/IPQ, complete paragraphs (c)(2)(ii)(B) and (c)(2)(ii)(F) of this section;

(B) Applicant information.

(1) Enter applicant's name and NMFS Person ID, applicant's date of birth or, if not an individual, date of incorporation; applicant's social security number or tax ID number; applicant's permanent business mailing address and any temporary business mailing address the applicant wishes to use, and the applicant's business telephone number, business facsimile number, and e-mail address (if available).

(2) Indicate (YES or NO) whether the applicant is a U.S. citizen or U.S. corporation, partnership or other business entity. Applicants for CVO, CPO, CVC or CPC QS (and associated IFQ) must be U.S. Citizens or U.S. Corporations, Partnerships or Other Business Entity. Applicants for PQS (and associated IPQ) are not required to be U.S. Citizens.

(C) Eligibility for CVC or CPC QS/IFQ. Indicate (YES or NO) whether this application is intended for a person who wishes to buy CVC or CPC QS/IFQ. If YES, provide evidence of at least one delivery of a crab species in any CR crab fishery in the 365 days prior to submission of this application. Acceptable

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evidence of such delivery shall be limited to an ADF&G fish ticket imprinted with applicant's State of Alaska permit card and signed by the applicant, an affidavit from the vessel owner, or a signed receipt for an IFQ crab landing on which applicant was acting as the permit holder's crab IFQ hired master.

(D) U.S. Corporations, partnerships, or business entities.

(1) Indicate (YES or NO) whether this application is submitted by a CDQ Group. If YES, complete paragraph (c)(2)(ii)(F) of this section;

(2) Indicate (YES or NO) whether this application is submitted on behalf of a corporation, partnership or other business entity (not including CDQ groups). If YES: At least one member of the corporation, partnership or other business entity must submit documentation showing at least 20 percent interest in the corporation, partnership, or other entity and must provide evidence of at least 150 days as part of a harvesting crew in any U.S. commercial fishery. Identify the individual member and provide this individual's commercial fishing experience, name, NMFS person ID, and social security number, and business mailing address, business telephone number, and business facsimile number.

(E) Commercial fishing experience.

(1) Species; enter any targeted species in a U.S. commercial fishery;

(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) Starting date and ending date of claimed fishing period (MMYY);

(5) Number of actual days spent harvesting;

(6) Duties performed while directly involved in the harvesting of (be specific):

(7) Name and ADF&G vessel registration number or USCG documentation number of the vessel upon which above duties were performed;

(8) Name of vessel owner;

(9) Name of vessel operator;

(10) Reference name. Enter the name of a person (other than applicant) who is able to verify the above experience;

(11) Reference's relationship to applicant;

(12) Reference's business mailing address and telephone number.

(F) Applicant certification.

(1) Printed name and signature of applicant and date signed;

(2) Notary Public signature, date commission expires, and notary stamp or seal.

(G) Verification that the applicant applying for eligibility to receive crab QS/IFQ or PQS/IPQ by transfer has submitted an EDR, if required to do so under § 680.6;

(H) A non-profit entity seeking approval to receive crab QS or IFQ by transfer on behalf of a ECCO must first complete an Application to Become an ECCO under paragraph (j) of this section.

(d) Transfer of CVO, CPO, CVC, CPC QS or PQS.

(1) General.

PQS or QS may be transferred, with approval of the Regional Administrator, to persons qualified to receive PQS or QS by transfer. However, the Regional Administrator will not approve a transfer of any type of PQS or QS that would cause a person to exceed the maximum amount of PQS or QS allowable under the use limits provided for in § 680.42, except as provided for under paragraph (f) of this section.

(2) CVO QS.

CVO QS may be transferred to any person eligible to receive CVO or CPO QS as defined under paragraph (c) of this section.

(3) CPO QS.

Persons holding CPO QS may transfer CPO QS as CVO QS and PQS to eligible recipients under the following provisions:

(i) Each unit of CPO QS shall yield 1 unit of CVO QS, and 0.9 units of PQS; and

(ii) The CVO QS and PQS derived from the transfer of CPO QS may be transferred separately,

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except that these shares must receive the same regional designation. The regional designation shall be determined at the time of transfer by the person receiving the CVO QS.

(4) CVC or CPC QS.

CVC or CPC QS may be transferred to any person eligible to receive CVC or CPC QS as defined under paragraph (c) of this section. CVC and CPC QS may only be used in the sector for which it is originally designated.

(e) *Transfer of IFQ or IPQ by Lease.*

(1) IFQ derived from CVO or CPO QS.

IFQ derived from CVO or CPO QS may be transferred by lease until June 30, 2010. IFQ derived from CVO or CPO QS must be leased:

(i) If the IFQ will be used on a vessel on which the QS holder has less than a 10 percent ownership interest; or

(ii) If the IFQ will be used on a vessel on which the QS holder or the holder of a crab IFQ hired master permit, under § 680.4, is not present.

(2) Ownership of a vessel,
for the purposes of this section, means:

(i) A sole proprietor; or

(ii) A relationship between 2 or more entities in which one directly or indirectly owns a 10 percent or greater interest in a vessel.

(3) IFQ derived from CVC QS or CPC QS.

(i) IFQ derived from CVC or CPC QS may be transferred by lease only until June 30, 2008, unless the IFQ permit holder demonstrates a hardship.

(ii) In the event of a hardship, as described at paragraph (e)(2)(iii) in this section, a holder of CVC or CPC QS may lease the IFQ derived from this QS for the term of the hardship. However, the holder of CVC or CPC QS may not lease the IFQ under this provision for more than 2 crab fishing years total in any 10 crab fishing year period. Such transfers are valid only during the crab fishing year for which the IFQ permit is issued and the QS holder must re-apply for any subsequent transfers.

(iii) NMFS will not approve transfers of IFQ under this provision unless the QS holder can demonstrate a

hardship by an inability to participate in the crab QS fisheries because:

(A) Of a medical condition of the QS holder. The QS holder is required to provide documentation of the medical condition from a licensed medical doctor who verifies that the QS holder cannot participate in the fishery because of the medical condition.

(B) Of a medical condition involving an individual who requires the QS holder's care. The QS holder is required to provide documentation of the individual's medical condition from a licensed medical doctor. The QS holder must verify that he or she provides care for that individual and that the QS holder cannot participate in the fishery because of the medical condition of that individual.

(C) Of the total or constructive physical loss of a vessel. The QS holder must provide evidence that the vessel was lost and could not be replaced in time to participate in the fishery for which the person is claiming a hardship.

(4) IPQ derived from PQS.
IPQ derived from PQS may be leased.

(f) *Transfer of QS, PQS, IFQ or IPQ with restrictions.*

If QS, PQS, IFQ or IPQ must be transferred as a result of a court order, operation of law, or as part of a security agreement, but the person receiving the QS, PQS, IFQ or IPQ by transfer does not meet the eligibility requirements of this section, the Regional Administrator will approve, with restrictions, an Application for transfer of crab QS/IFQ or PQS/IPQ. The Regional Administrator will not assign IFQ or IPQ resulting from the restricted QS or PQS to any person. IFQ or IPQ with restrictions may not be used for harvesting or processing species covered under the CR program. The QS, PQS, IFQ or IPQ will remain restricted until:

(1) The person who received the QS, PQS, IFQ or IPQ with restrictions meets the eligibility requirements of this section and the Regional Administrator approves an application for eligibility for that person; or

(2) The Regional Administrator approves the application for transfer from the person who received the QS, PQS, IFQ or IPQ with restrictions to a person who meets the eligibility requirements of this section.

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(g) Survivorship transfer privileges.

(1) On the death of an individual who holds QS or PQS, the surviving spouse or, in the absence of a surviving spouse, a beneficiary designated pursuant to paragraph (g)(3) of this section, receives all QS, PQS and IFQ or IPQ held by the decedent by right of survivorship, unless a contrary intent was expressed by the decedent in a will. The Regional Administrator will approve an application for transfer to the surviving spouse or designated beneficiary when sufficient evidence has been provided to verify the death of the individual.

(2) A QS or PQS holder may provide the Regional Administrator with the name of the designated beneficiary from the QS or PQS holder's immediate family to receive survivorship transfer privileges in the event of the QS or PQS holders death and in the absence of a surviving spouse.

(3) The Regional Administrator will approve, for 3 calendar years following the date of the death of an individual, an Application for transfer of crab QS/IFQ or PQS/IPQ from the surviving spouse or, in the absence of a surviving spouse, a beneficiary from the QS or PQS holder's immediate family designated pursuant to this section, to a person eligible to receive IFQ or IPQ under the provisions of this section, notwithstanding the limitations on transfers of IFQ and IPQ in this section and the use limitations under § 680.42.

(h) Application for transfer of crab QS/IFQ or PQS/IPQ.

(1) General.

(i) An Application for transfer of crab QS/IFQ or PQS/IPQ must be approved by the Regional Administrator before the transferee may use the IFQ or IPQ to harvest or process crab QS species.

(ii) Persons who submit an Application for transfer of crab QS/IFQ or PQS/IPQ for approval will receive notification of the Regional Administrator's decision to approve or disapprove the application, and if applicable, the reason(s) for disapproval, by mail, unless another communication mode is requested on the application.

(2) Contents.

A complete Application for transfer of crab QS/IFQ or PQS/IPQ must include the following information:

(i) Type of transfer.

(A) Indicate type of transfer requesting.

(B) Indicate (YES or NO) whether this is a transfer of IFQ or IPQ only due to a hardship (medical emergency, etc.). If YES, provide documentation supporting the need for such transfer (doctor's statement, etc.).

(C) If requesting transfer of PQS/IPQ for use outside an ECC that has designated an entity to represent it in exercise of ROFR under paragraph (l), the application must include an affidavit signed by the applicant stating that notice of the desired transfer has been provided to the ECC entity under civil contract terms referenced under § 680.40(f)(3) for the transfer of any PQS or IPQ subject to ROFR.

(ii) Transferor information.

(A) The transferor is the person currently holding the QS, PQS, IFQ, or IPQ.

(B) Enter the transferor's name and NMFS Person ID, social security number or tax ID number, transferor's permanent business mailing address and any temporary mailing address the transferor wishes to use, business telephone, business facsimile, and business e-mail address (if available).

(iii) Transferee information.

(A) The transferee is person receiving QS, PQS or IFQ, IPQ by transfer.

(B) Enter the transferee's name and NMFS Person ID, social security number or tax ID number, transferee's permanent business mailing address and any temporary mailing address the transferee wishes to use, business telephone, business facsimile, and business e-mail address (if available);

(iv) Transfer of QS or PQS and IFQ or IPQ.

Complete the following information if QS or PQS and IFQ or IPQ are to be transferred together or if transferring only QS or PQS:

(A) QS species;

(B) QS type;

(C) Range of serial numbers to be transferred (shown on QS certificate) numbered to and from;

(D) Number of QS units to be transferred;

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(E) Transferor (seller) IFQ or IPQ permit number;

(F) Indicate (YES or NO) whether remaining IFQ or IPQ pounds for the current fishing year should be transferred; if NO, specify the number of pounds to be transferred;

(G) If this is a transfer of CPO QS, indicate whether being transferred as CPO QS or CVO QS and PQS;

(H) If CPO QS is being transferred as both CVO QS and PQS, specify number of units of each; and

(I) If CPO QS is being transferred as CVO QS, select region for which the QS is designated.

(v) Transfer of IFQ or IPQ only. Complete the following information if transferring IFQ or IPQ only:

(A) QS species;

(B) IFQ/IPQ type;

(C) Range of serial numbers shown on QS certificate, numbered to and from;

(D) Number of IFQ or IPQ pounds to be transferred;

(E) Transferor (seller) IFQ or IPQ permit number; and

(F) Crab fishing year of the transfer.

(vi) Price paid for the QS, PQS and/or IFQ, IPQ. The transferor must provide the following information.

(A) Indicate whether (YES or NO) a broker was used for this transaction; If YES, provide dollar amount paid in brokerage fees or percentage of total price.

(B) Provide the total amount paid for the QS/IFQ or PQS/IPQ in this transaction, including all fees.

(C) Provide the price per unit of QS (price divided by QS units) and the price per pound (price divided by IFQ or IPQ pounds) of IFQ or IPQ.

(D) Indicate all reasons that apply for transferring the QS/IFQ or PQS/IPQ.

(vii) Method of financing for the QS, PQS and/or IFQ, IPQ. The transferee must provide the following information.

(A) Indicate (YES or NO) whether QS/IFQ or PQS/IPQ purchase will have a lien attached; if YES, provide the name of lien holder.

(B) Indicate one primary source of financing for this transfer.

(C) Indicate the sources used to locate the QS, PQS and/or IFQ, IPQ being transferred.

(D) Indicate the relationship, if any, between the transferor and the transferee.

(E) Indicate (YES or NO) whether an agreement exists to return the QS/IFQ or PQS/IPQ to the transferor or any other person, or with a condition placed on resale; If YES, provide written explanation.

(F) Attach a copy of the terms of agreement for the transfer, the bill of sale for QS or PQS, or lease agreement for IFQ or IPQ.

(G) Indicate whether an EDR was submitted, if required by § 680.6, and whether all fees have been paid, as required under § 680.44.

(viii) Notary information

(A) Certification of transferor.

(1) Printed name and signature of transferor or authorized agent and date signed. If authorized agent, proof of authorization to act on behalf of the transferor must be provided with the application; and

(2) Notary Public signature, date commission expires, and notary stamp or seal

(B) Certification of transferee.

(1) Printed name and signature of transferee or authorized agent and date signed. If authorized agent, proof of authorization to act on behalf of the transferee must be provided with the application; and

(2) Notary Public signature, date commission expires, and notary stamp or seal.

(ix) Attachments to the application and other conditions to be met.

(A) Indicate whether the person applying to make or receive the QS, PQS, IFQ or IPQ transfer has submitted an EDR, if required to do so under § 680.6, and has paid all fees, as required by § 680.44; and

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(B) All individuals applying to receive CVC QS or IFQ or CPC QS or IFQ by transfer must submit proof of at least one delivery of a crab species in any CR crab fishery in the 365 days prior to submission to NMFS of the Application for Transfer of QS/IFQ or PQS/IPQ. Proof of this landing is:

(1) Signature of the applicant on an ADF&G Fish Ticket; or

(2) An affidavit from the vessel owner attesting to that individual's participation as a member of a fish harvesting crew on board a vessel during a landing of a crab QS species within the 365 days prior to submission of an Application for transfer of crab QS/IFQ or PQS/IPQ.

(i) Approval criteria for an Application for transfer of crab QS/IFQ or PQS/IPQ.

Except as provided in paragraph (f) of this section, an application for transfer of QS/IFQ or PQS/IPQ will not be approved until the Regional Administrator has determined that:

(1) The person applying to receive the QS, PQS, IFQ or IPQ meets the requirements of eligibility in paragraph (c) of this section;

(2) The person applying for transfer and the person applying to receive QS or IFQ/IPQ have their original notarized signatures on the application;

(3) No fines, civil penalties, or other payments due and owing, or outstanding permit sanctions, resulting from Federal fishery violations involving either party exist;

(4) The person applying to receive QS, PQS, IFQ or IPQ currently exists;

(5) The transfer would not cause the person applying to receive the QS, PQS, IFQ or IPQ to exceed the use limits in § 680.42;

(6) The person applying to make or receive the QS, PQS, IFQ or IPQ transfer has paid all IFQ or IPQ fees described under § 680.44; or has timely appealed the IAD of underpayment as described under § 680.44;

(7) The person applying to make or receive the QS, PQS, IFQ or IPQ transfer has submitted an EDR, if required to do so under § 680.6;

(8) In the case of an application for transfer of PQS or IPQ for use outside an ECC that has designated an entity to represent it in exercise of ROFR under paragraph (1), the Regional Administrator will not act upon the application for a period of 10 days. At the end of that time period, the application will be approved pending meeting the criteria set forth in this paragraph (i).

(9) In the case of an application for transfer of PQS for use within an ECC that has designated an entity to represent it in exercise of ROFR under paragraph (1), The Regional Administrator will not approve the application unless either the ECC entity provides an affidavit to the Regional Administrator that the ECC wishes to permanently waive ROFR for the PQS or the proposed recipient of the PQS provides an affidavit affirming the completion of a contract for ROFR that includes the terms enacted under section 313(j) of the Magnuson-Stevens Act and referenced under § 680.40(f)(3).

(10) Other pertinent information requested on the application for transfer has been supplied to the satisfaction of the Regional Administrator.

(j) Transfer of crab QS/IFQ to or from and ECCO.

(1) Designation of an ECCO.

(i) The appropriate governing body of each ECC may designate a non-profit organization to serve as the ECCO for that ECC. To transfer and hold QS on the behalf of that ECC, this designation must be submitted by the non-profit organization in its Application to Become an ECCO.

(ii) If the non-profit entity is approved by NMFS to serve as the ECCO, then the appropriate governing body of the ECC must authorize the transfer of any QS from the ECCO.

(iii) The appropriate governing body for purposes of designating a non-profit organization for the Application to Become an ECCO, or acknowledging the transfer of any QS from an ECCO in each ECC is as follows:

(A) If the ECC is also a community eligible to participate in the Western Alaska CDQ Program, then the CDQ group is the appropriate governing body;

(B) If the ECC is not a CDQ community and is incorporated as a municipality and is not within an

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incorporated borough, then the municipal government is the appropriate governing body;

(C) If the ECC is not a CDQ community and is incorporated as a municipality and also within an incorporated borough, then the municipality and borough jointly serve as the appropriate governing body and both must agree to designate the same non-profit organization to serve as the ECCO or acknowledge the transfer of QS from the ECCO; and

(D) If the ECC is not a CDQ community and is not incorporated as a municipality and is in a borough, then the borough in which the ECC is located is the appropriate governing body.

(iv) The appropriate governing body in each ECC may designate only one non-profit organization to serve as the ECCO for that community at any one time.

(2) Application to Become an ECCO.

Prior to initially receiving QS or IFQ by transfer on behalf of a specific ECC, a non-profit organization that intends to represent that ECC as a ECCO must submit an application to become an ECCO and have that application approved by the Regional Administrator. The Regional Administrator shall provide an application to become an ECCO to any person on request or on the Internet at <http://www.fakr.noaa.gov/>.

(i) Contents of Application.

(A) Applicant identification.

(1) Enter the name of the non-profit organization, taxpayer ID number, and NMFS Person ID, applicant's permanent business mailing address and any temporary business mailing address the applicant wishes to use, and the name of contact person, business telephone number, business facsimile number, and e-mail address (if available);

(2) Name of community or communities represented by the non-profit organization; and

(3) Name of contact person for the governing body of each community represented.

(B) Required attachments to the application.

(1) The articles of incorporation under the laws of the State of Alaska for that non-profit organization;

(2) A statement indicating the ECC(s) represented by that non-profit organization for purposes of holding QS;

(3) The bylaws of the non-profit organization;

(4) A list of key personnel of the management organization including, but not limited to, the board of directors, officers, representatives, and any managers;

(5) Additional contact information of the managing personnel for the non-profit organization and resumes of management personnel;

(6) A description of how the non-profit organization is qualified to manage QS on behalf of the ECC it is designated to represent, and a demonstration that the non-profit organization has the management skills and technical expertise to manage QS and IFQ; and

(7) A statement describing the procedures that will be used to determine the distribution of IFQ to residents of the ECC represented by that non-profit organization, including procedures used to solicit requests from residents to lease IFQ and criteria used to determine the distribution of IFQ leases among qualified community residents and the relative weighting of those criteria.

(C) Applicant certification.

(1) Printed name of applicant or authorized agent, notarized signature, and date signed. If authorized agent, proof of authorization to act on behalf of the applicant must be provided with the application.

(2) Notary Public signature and date when commission expires, and notary seal or stamp.

(ii) [Reserved].

(k) *Application for transfer of crab QS/IFQ to or from an ECCO.*

(1) An Application for transfer of crab QS/IFQ to or from an ECCO must be approved by the Regional Administrator before the transferee may use the IFQ to harvest crab QS species.

(2) An Application for transfer of crab QS/IFQ to or from an ECCO will not be approved until the Regional Administrator has reviewed and approved the transfer agreement signed by the parties to the transaction. Persons who submit an Application for

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transfer of crab QS/IFQ to or from an ECCO for approval will receive notification of the Regional Administrator’s decision to approve or disapprove the application, and if applicable, the reason(s) for disapproval, by mail, unless another communication mode is requested on the application.

(3) Contents.

A complete Application for transfer of crab QS/IFQ to or from an ECCO includes the following:

(i) General requirements.

(A) This form may only be used if an ECCO is the proposed transferor or the proposed transferee of the QS or IFQ.

(B) The party to whom an ECCO is seeking to transfer the QS/IFQ must be eligible to receive QS/IFQ by transfer.

(C) If the ECCO is applying to permanently transfer QS, a representative of the community on whose behalf the QS is held must sign the application.

(D) If authorized representative represents either the transferor or transferee, proof of authorization to act on behalf of transferor or transferee must be attached to the application.

(ii) Transferor information. Enter the transferor’s (person currently holding the QS or IFQ) name, NMFS Person ID, social security number or Tax ID, permanent business mailing address, business telephone, business facsimile, and business e-mail address. If transferor is an ECCO, enter the name of ECC represented by the ECCO. The transferor may also provide a temporary address for each transaction in addition to the permanent business mailing address.

(iii) Transferee information. Enter the transferee’s (person receiving QS or IFQ by transfer) name, NMFS Person ID, social security number or Tax ID, permanent business mailing address, business telephone, business facsimile, and business e-mail. If transferee is an ECCO, name of the community (ECC) represented by the ECCO. The transferee may also provide a temporary address for each transaction in addition to the permanent business mailing address.

(iv) Identification of QS/IFQ to be transferred. Complete the following information if QS and IFQ are to be transferred together or if transferring only QS:

(A) QS species;

(B) QS type;

(C) Number of QS or IFQ units to be transferred;

(D) Total QS units;

(E) Number of IFQ pounds;

(F) Range of serial numbers to be transferred (shown on QS certificate) numbered to and from;

(G) Name of community to which QS are currently assigned; and

(H) Indicate (YES or NO) whether remaining IFQ pounds for the current fishing year should be transferred; if NO, specify the number of pounds to be transferred.

(v) Transfer of IFQ only.

(A) IFQ permit number and year of permit, and

(B) Actual number of IFQ pounds to be transferred.

(vi) Transferor Information, if an ECCO. Reason(s) for transfer:

(A) ECCO management and administration;

(B) Fund additional QS purchase;

(C) Participation by community residents;

(D) Dissolution of ECCO; and

(E) Other (specify).

(vii) Price paid for QS, PQS, and/or IFQ, IPQ (Transferor). The transferor must provide the following information:

(A) Whether (YES or NO) a broker was used for this transaction; If YES, provide dollar amount paid in brokerage fees or percentage of total price;

(B) Provide the total amount paid for the QS/IFQ in this transaction, including all fees;

(C) Provide the price per unit of QS (price divided by QS units) and the price per pound (price divided by IFQ) of IFQ; and

(D) Indicate all reasons that apply for transferring the QS/IFQ.

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(viii) Price paid for QS, PQS, and/or IFQ, IPQ (Transferee). The transferee must provide the following information:

(A) Indicate (YES or NO) whether QS/IFQ purchase will have a lien attached; if YES, provide the name of lien holder;

(B) Indicate one primary source of financing for this transfer;

(C) Indicate the sources used to locate the QS or IFQ being transferred;

(D) Indicate the relationship, if any, between the transferor and the transferee;

(E) Indicate (YES or NO) whether an agreement exists to return the QS or IFQ to the transferor or any other person, or with a condition placed on resale; If YES, explain; and

(F) Attach a copy of the terms of agreement for the transfer, the bill of sale for QS, or lease agreement for IFQ.

(ix) Notary information

(A) Certification of transferor.

(1) Printed name and signature of transferor or authorized agent and date signed. If authorized agent, proof of authorization to act on behalf of the transferor must be provided with the application.

(2) Notary Public signature, date commission expires, and notary stamp or seal.

(B) Certification of transferee.

(1) Printed name and signature of transferor or authorized agent and date signed. If authorized agent, proof of authorization to act on behalf of the transferee must be provided with the application.

(2) Notary Public signature, date commission expires, and notary stamp or seal.

(C) Certification of authorized representative of community.

(1) Printed name, title and signature of authorized community representative, date signed, and printed name of community.

(2) Notary Public signature, date commission expires, and notary stamp or seal;

(4) Attachments to the application and other conditions to be met.

(i) Indicate whether the person applying to make or receive the QS, PQS, IFQ or IPQ transfer has submitted an EDR, if required to do so under § 680.6, and paid all fees, as required by § 680.44.

(ii) A copy of the terms of agreement for the transfer, the bill of sale for QS or PQS, or lease agreement for IFQ or IPQ.

(iii) An affirmation that the individual receiving IFQ from an ECCO has been a permanent resident in the ECC for a period of 12 months prior to the submission of the Application for Transfer QS/IFQ to or from an ECCO on whose behalf the ECCO holds QS.

(5) Approval criteria for an Application for transfer of crab QS/IFQ to or from an ECCO.

In addition to the criteria required for approval under paragraph (i) of this section, the following criteria are also required:

(i) The ECCO applying to receive or transfer crab QS has submitted a complete annual report(s) required by § 680.5;

(ii) The ECCO applying to transfer crab QS has provided information on the reasons for the transfer as described in paragraph (e) of this section; and

(iii) An individual applying to receive IFQ from an ECCO is a permanent resident of the ECC in whose name the ECCO is holding QS.

(1) Eligible crab community right of first refusal (ROFR).

(1) Applicability.

(i) Exempt Fisheries. PQS and IPQ issued for the **E_{BT}, W_{BT}, WAG, or WAI** crab QS fisheries are exempt from ROFR provisions.

(ii) Eligible Crab Communities (ECCs). The ROFR extends to the ECCs, other than Adak, and their associated governing bodies. The ROFR may be exercised by the ECC entity representing that ECC.

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(2) Community representation

(i) CDQ Communities. The ECC entity for purposes of exercise of ROFR for any ECC that is also a CDQ community shall be the CDQ group to which the ECC is a member.

(ii) Non-CDQ communities.

(A) Any ECC, other than Adak, that is a non-CDQ community may designate an ECC entity that will represent the community in the exercise of ROFR at least 30 days prior to the ending date for the initial application period for the crab QS program specified in the *Federal Register*.

(B) The ECC entity eligible to exercise the right of first refusal on behalf of an ECC will be identified by the governing body(s) of the ECC. If the ECC is incorporated under the laws of the State of Alaska, and not within an incorporated borough, then the municipality is the governing body; if the ECC is incorporated and within an incorporated borough, then the municipality and borough are the governing bodies and must agree to designate the same ECC entity; if the ECC is not incorporated and in an incorporated borough, then the borough is the governing body.

(C) Each ECC may designate only one ECC entity to represent that community in the exercise of ROFR at any one time through a statement of support from the governing body of the ECC. That statement of support identifying the ECC entity must be submitted to the
Regional Administrator, NMFS,
Post Office Box 21668,
Juneau, Alaska 99802,
at least 30 days prior to the ending date of the initial application period for the crab QS program under § 680.40.

(D) The ECC ROFR is not assignable by the ECC entity.

(3) Restrictions on transfer of PQS or IPQ out of North Gulf of Alaska communities

(i) Applicability. Any community in the Gulf of Alaska north of a line at 56°20' N. lat.

(ii) Notification of PQS or IPQ transfer. A PQS holder submitting an application to transfer PQS or IPQ for use in processing outside any community identified under paragraph (1)(3)(i) must notify the ECC entity designated by the City of Kodiak and Kodiak Island Borough under paragraph (1)(2) of this section 10 days prior to the intended transfer of PQS or

IPQ for use outside the community. At the end of that time period, the application will be approved pending meeting the criteria set forth in paragraph (i) of this section.

(7) The Secretary shall promulgate final regulations within 30 days after the end of the comment period under paragraph (6). The Secretary must publish in the Federal Register an explanation of any substantive differences between the proposed and final rules. All final regulations must be consistent with the fishery management plan, with the national standards and other provisions of this Act, and with any other applicable law.

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(d) ESTABLISHMENT OF FEES.—

(1) The Secretary shall by regulation establish the level of any fees which are authorized to be charged pursuant to section 303(b)(1). The Secretary may enter into a cooperative agreement with the States concerned under which the States administer the permit system and the agreement may provide that all or part of the fees collected under the system shall accrue to the States. The level of fees charged under this subsection shall not exceed the administrative costs incurred in issuing the permits.

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(2)(A) Notwithstanding paragraph (1), the Secretary is authorized and shall collect a fee to recover the actual costs directly related to the management, data collection, and enforcement of any—

- (i) limited access privilege program; and
- (ii) community development quota program that allocates a percentage of the total allowable catch of a fishery to such program.

(B) Such fee shall not exceed 3 percent of the ex-vessel value of fish harvested under any such program, and shall be collected at either the time of the landing, filing of a landing report, or sale of such fish during a fishing season or in the last quarter of the calendar year in which the fish is harvested.

(C)(i) Fees collected under this paragraph shall be in addition to any other fees charged under this Act and shall be deposited in the Limited Access System Administration Fund established under section 305(h)(5)(B).

(ii) Upon application by a State, the Secretary shall transfer to such State up to 33 percent of any fee collected pursuant to subparagraph (A) under a community development quota program and deposited in the Limited Access System Administration Fund in order to reimburse such State for actual costs directly incurred in the management and enforcement of such program.

SECTION 515 PRE-DISSEMINATION REVIEW & DOCUMENTATION GUIDELINES

Background

Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554, aka the Data Quality Act or Information Quality Act) directed the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies.” OMB complied by issuing guidelines which direct each federal agency to 1) issue its own guidelines; 2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with the OMB 515 Guidelines or the agency guidelines; and 3) report periodically to OMB on the number and nature of complaints received by the agency and how the complaints were handled. The OMB Guidelines can be found at:

<http://www.whitehouse.gov/omb/fedreg/reproducible2.pdf>

The Department of Commerce Guidelines can be found at: <http://www.osec.doc.gov/cio/oipr/iqg.htm>

The NOAA Section 515 Information Quality Guidelines, created with input and reviews from each of the components of NOAA Fisheries, went into effect on October 1, 2002. **The NOAA Information Quality Guidelines are posted on the NOAA home page under “Information Quality.”** <http://www.noaanews.noaa.gov/stories/iq.htm>

The guidelines apply to a wide variety of government information products and all types of media, including printed, electronic, broadcast or other. The guidelines define “Information” as, “any communication or representation of knowledge such as facts or data, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms.” For example, this definition includes information that an agency disseminates from a web page. The guidelines define “Dissemination” as, “agency initiated or sponsored distribution of information to the public.” Explicitly **not** included within this term is distribution limited to “government employees or agency contractors or grantees; intra- or inter-agency use or sharing of government information; and responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act or other similar law.” It also does not include distribution limited to correspondence with individuals or persons, press releases, archival records, public filings, subpoenas or adjudicative processes. (See the NOAA IQ Guidelines, pgs 5-6).

To assist in Data Quality Act compliance, NOAA Fisheries has established a series of actions that should be completed for each new information product subject to the Data Quality Act. (See “Information Generation and Compliance Documentation” and “Pre-Dissemination Review” below.) **In addition to the information contained in this document, familiarity with the NOAA Section 515 Information Quality Guidelines (<http://www.noaanews.noaa.gov/stories/iq.htm>) is crucial for NOAA Fisheries employees who engage in the generation and dissemination of information.**

Information Generation and Compliance Documentation

- The fundamental step in the process is to create a Sec. 515 Information Quality file for each new information product. To aid in this process, a Section 515 Pre-Dissemination Review and Documentation form has been created. These guidelines are intended to serve as a supplement to the Pre-Dissemination Review and Documentation Form. The basic steps to the documentation process are outlined below.
- Complete general information (e.g., author/responsible office, title/description) section of the form.
- Determine the information category (i.e., original data; synthesized products; interpreted products; hydrometeorological, hazardous chemical spill, and space weather warnings, forecasts, and advisories; experimental products; natural resource plans; corporate and general information). **For most information products, you will only need to check one box.** More complex documents may be an “aggregate” of different categories of information products.
- Generate the information in a way that meets each of the applicable standards for the appropriate information category. See the NOAA Information Quality Guidelines.
- Document how the standards for **utility, integrity and objectivity** are met for each information product, describing what measures were taken to meet each of the applicable standards. Use the 2 page Pre-Dissemination Review & Documentation Form to document compliance with the Utility and Integrity standards contained in NOAA’s Information Quality Guidelines. The Utility and Integrity standards pertain to all categories of information disseminated by NOAA. Use these guidelines (pgs 4-11) to document compliance with the applicable objectivity standards for your information product and attach that documentation to the Pre-Dissemination Review & Documentation Form.
- Maintain the Sec. 515 Information Quality file in a readily accessible place. [Pre-Dissemination Review](#)
- Before information is disseminated, it must be reviewed for compliance with the NOAA Sec. 515 Information Quality Guidelines. This is accomplished by reviewing the information and the Sec. 515 Information Quality file.
- The Pre-Dissemination Review should be conducted during the normal course of clearing the information product for release. The person conducting the Pre-Dissemination Review will sign and date the Pre-Dissemination Review & Documentation Form. The reviewing official must be at least one level above the person generating the information product.
- The Pre-Dissemination Review form and the supporting information quality documentation must accompany the information product through the clearance process and be maintained on file.

Completing the Section 515 Pre-Dissemination Review & Documentation Form

Using the Section 515 Pre-Dissemination Review & Documentation Form and these guidelines, document how the information product meets the

following standards for **Utility, Integrity and Objectivity**. **Please note:** Use the Pre-Dissemination Review & Documentation Form to document how the information product complies with the Utility and Integrity standards that pertain to all categories of information products. The Utility and Integrity standards are presented here for your convenience. Use these guidelines to explain how the information product meets the applicable Objectivity standards for the information product and attach that documentation to the Pre-Dissemination Review & Documentation Form.

I. Utility of Information Product

Utility means that disseminated information is useful to its intended users. "Useful" means that the content of the information is helpful, beneficial, or serviceable to its intended users, or that the information supports the usefulness of other disseminated information by making it more accessible or easier to read, see, understand, obtain or use.

- A. Is the information helpful, beneficial or serviceable to the intended user? Explain.
- B. Who are the intended users of the data or information product? (e.g., the American public; other federal agencies; state and local governments; recreational concerns; national and international organizations). Is this data or information product an improvement over previously available information? Is it more detailed or current? Is it more useful or accessible to the public? Has it been improved based on comments or interactions with users?
- C. What media are used in the dissemination of the information? Printed publications? CD-ROM? Internet?
Is the product made available in a standard data format?
Does it use consistent attribute naming and unit conventions to ensure that the information is accessible to a broad range of users with a variety of operating systems and data needs?

II. Integrity of Information Product

Integrity refers to security - the protection of information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification. Prior to dissemination, NOAA information, independent of the specific intended distribution mechanism, is safeguarded from improper access, modification, or destruction, to a degree commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information. **Please note: all electronic information disseminated by NOAA adheres to the standards set forth in paragraph A below. If the information product is disseminated electronically, simply circle paragraph II(A) on the form.** You may also contact your IT Manager for further information.

Explain (circle) how the information product meets the following standards for integrity:

- A. All electronic information disseminated by NOAA adheres to the standards set out in Appendix III, "Security of Automated Information Resources," OMB Circular A-130; the Computer Security Act; and the Government Information Security Reform Act.
- B. If information is confidential, it is safeguarded pursuant to the Privacy Act and Titles 13, 15, and 22 of the U. S. Code (confidentiality of census, business and financial information).
- C. Other/Discussion
(e.g., 50 CFR 600, Subpart E, Confidentiality of Statistics of the Magnuson-Stevens Fishery Conservation and Management Act; NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics; 50 CFR 229.11, Confidentiality of information collected under the Marine Mammal Protection Act.)

III. Objectivity of Information Product

(1) Indicate which one of the following categories of information products apply for this product (check one):

- Original Data - go to Section A
- Synthesized Products - go to Section B
- Interpreted Products - go to Section C
- Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories - go to Section D
- Experimental Products - go to Section E
- Natural Resource Plans - go to Section F
- Corporate and General Information - go to Section G

(2) Describe how this information product meets the applicable objectivity standards.

General Standard: Information is presented in an accurate, clear, complete, and unbiased manner, and in proper context. The substance of the information is accurate, reliable, and unbiased; in the scientific, financial or statistical context, original and supporting data are generated and the analytical results are developed using sound, commonly accepted scientific and research methods. "Accurate" means that information is within an acceptable degree of imprecision or error appropriate to the particular kind of information at issue and otherwise meets commonly accepted scientific, financial and statistical standards.

If the information is "influential," that is, it is expected to have a genuinely clear and substantial impact on major public policy and private sector decisions, it is noted as such and it is presented with the highest degree of transparency. If influential information constitutes an assessment of risks to human health, safety or the environment, indicate whether the risk assessment was qualitative or quantitative, and describe which SDWA-adapted quality standards at page 9 of NOAA's Section 515 Information Quality Guidelines were applied to the information product.

Use of third party information in the product (information not collected or generated by NOAA) is only done when the information is of known quality and consistent with NOAA's Section 515 Guidelines; any limitations, assumptions, collection methods, or uncertainties concerning the information are taken into account and disclosed.

Specific Standards: Specific objectivity standards for categories of information products disseminated by NOAA are listed below. Document how the general and specific objectivity standards for the particular information product were met.

A. Original Data

Original Data are data in their most basic useful form. These are data from individual times and locations that have not been summarized or processed to higher levels of analysis. While these data are often derived from other direct measurements (e.g., spectral signatures from a chemical analyzer, electronic signals from current meters), they represent properties of the environment. These data can be disseminated in both real time and retrospectively. Examples of original data include buoy data, survey data (e.g., living marine resource and hydrographic surveys), biological and chemical properties, weather observations, and satellite data.

Objectivity of original data is achieved using sound quality control techniques.

Detail how the data collection methods, systems, instruments, training, and/or tools are appropriate to meet the requirements of the intended users.

Were the methods, systems, instruments, etc., validated before use?

Were standard operating procedures (SOPs) followed for time series data collections? If not, document the valid scientific reasons for the deviation.

Document the quality control techniques used, for example:

- Gross error checks for data that fall outside of physically realistic ranges (e.g., a minimum, maximum or maximum change)
- Comparisons made with other independent sources of the same measurement
- Examination of individual time series and statistical summaries
- Application of sensor drift coefficients determined by a comparison of pre- and post-deployment calibrations
- Visual inspection of data

Describe any evolution and/or improvements in survey techniques, instrument performance and/or data processing.

Have metadata record descriptions and explanations of the methods and quality controls to which original data are subjected been included in the disseminated product? If not, they must be made available upon request.

B. Synthesized Products

Synthesized Products are those that have been developed through analysis of original data. This includes analysis through statistical methods; model interpolations, extrapolations, and simulations; and combinations of multiple sets of original data.

While some scientific evaluation and judgment is needed, the methods of analysis are well documented and relatively routine.

Examples of synthesized products include summaries of fisheries landings statistics, weather statistics, model outputs, data display through Geographical Information System techniques, and satellite-derived maps.

The objectivity of synthesized products is achieved by using data of known quality, applying sound analytical techniques, and reviewing the products or processes used to create them before dissemination. For synthesized products, please document the following:

Identify data sources (preferred option) or be prepared to make them available upon request.

Are the data used of known quality or from sources acceptable to the relevant scientific and technical communities?

Are the methods used to create the synthesized product published in standard methods manuals or generally accepted by the relevant scientific and technical communities? Are the methods documented in readily accessible formats by the disseminating office?

Describe the review process used to ensure the validity of the synthesized product or the procedures used to create them, e.g., statistical procedures, models, or other analysis tools.

If the synthesized product is unique or not regularly produced, was this product reviewed by internal and/or external experts?

If this is a routinely produced synthesized product, was the process for developing the product reviewed by internal and/or external experts?

Does the synthesized product include information about the methods used to create the product? If not, the methods must be made available upon request.

C. Interpreted Products

Interpreted Products are those that have been developed through interpretation of original data and synthesized products. In many cases, this information incorporates additional contextual and/or normative data, standards, or information that puts original data and synthesized products into larger spatial, temporal, or issue contexts. This information is subject to scientific interpretation, evaluation, and judgment. Examples of interpreted products include journal articles, scientific papers, technical reports, and production of and contributions to integrated assessments.

Objectivity of interpreted products is achieved by using data of known quality or from sources acceptable to the relevant scientific and technical communities and reliable supporting products, applying sound analytical techniques, presenting the information in the proper context, and reviewing the products before dissemination.

Are all data and information sources identified or properly referenced?

Are the methods used to create the interpreted product generally accepted by the relevant scientific and technical communities?

Is information concerning the quality and limitations of the interpreted product provided to help the user assess the suitability of the product for the user's application?

Describe the review process used to ensure that the product is valid, complete, unbiased, objective and relevant. For example, peer reviews, ranging from internal peer review by staff who were not involved in the development of the product to formal, independent, external peer review. The review should be conducted at a level commensurate with the importance of the interpreted product.

Does the interpreted product include a description of the methods used to create the product? If not, they must be made available upon

request.

D. Hydrometeorological, Hazardous Chemical Spill, and Space Weather

Warnings, Forecasts, and Advisories

Hydrometeorological, Hazardous Chemical Spill, and Space Weather Warnings, Forecasts, and Advisories are time-critical interpretations of original data and synthesized products, prepared under tight time constraints and covering relatively short, discrete time periods. As such, these warnings, forecasts, and advisories represent the best possible information in given circumstances. They are subject to scientific interpretation, evaluation, and judgment. Some products in this category, such as weather forecasts, are routinely prepared. Other products, such as tornado warnings, hazardous chemical spill trajectories, and solar flare alerts, are of an urgent nature and are prepared for unique circumstances.

Objectivity of information in this category is achieved by using reliable data collection methods and sound analytical techniques and systems to ensure the highest possible level of accuracy given the time critical nature of the products.

What is the source of the data or information used in the product? Are the data used of known quality or from sources acceptable to the relevant scientific and technical communities? Are the sources included in the information product? If not, they must be made available upon request. Are the methods used to create the product generally accepted by the relevant scientific and technical communities?

Please note if individual best judgment was used due to the time-critical nature of the product.

What mechanisms were used to evaluate the accuracy of the information product? Statistical analysis may be carried out for a subset of products for verification purposes.

E. Experimental Products

Experimental products are products that are experimental (in the sense that their quality has not yet been fully determined) in nature, or are products that are based in part on experimental capabilities or algorithms. Experimental products fall into two classes.

They are either (1) disseminated for experimental use, evaluation or feedback, or (2) used in cases where, in the view of qualified scientists who are operating in an urgent situation in which the timely flow of vital information is crucial to human health, safety, or the environment, the danger to human health, safety, or the environment will be lessened if every tool available is used. Examples of experimental products include imagery or data from non-NOAA sources, algorithms currently being tested and evaluated, experimental climate forecasts, and satellite imagery processed with developmental algorithms for urgent needs (e.g., wildfire detection).

Objectivity of experimental products is achieved by using the best science and supporting studies available, in accordance with sound and objective scientific practices, evaluated in the relevant scientific and technical communities, and peer-reviewed where feasible.

Describe the science and/or supporting studies used, the evaluation techniques used, and note any peer-review of the experimental product. Were the results of initial tests or evaluations made available where possible? Describe the review, by the appropriate NOAA unit, of the experimental products and capabilities documentation, along with any tests or evaluations.

Are explicit limitations provided concerning the quality of the experimental product? Is the degree of uncertainty indicated?

Describe the testing process used, e.g., the experimental product or capabilities are used only after careful testing, evaluation, and review by NOAA experts, and then are approved for provisional use only by selected field offices or other NOAA components. This process is repeated as needed to ensure an acceptable and reliable level of quality.

F. Natural Resource Plans

Natural Resource Plans are information products that are prescribed by law and have content, structure, and public review processes (where applicable) that will be based upon published standards, e.g., statutory or regulatory guidelines. Examples of such published standards include the National Standard Guidelines (50 CFR Part 600, Subpart D), Essential Fish Habitat Guidelines, and Operational Guidelines - Fishery Management Plan Process, all under the Magnuson-Stevens Fishery Conservation and Management Act; and the National Marine Sanctuary Management Plan Handbook (16 U.S.C. section 1434) under the National Marine Sanctuary Act. These Natural Resource Plans are a composite of several types of information (e.g., scientific, management, stakeholder input, and agency policy) from a variety of internal and external sources. Examples of Natural Resources Plans include fishery, protected resource, and sanctuary management plans and regulations, and natural resource restoration plans.

Objectivity of Natural Resource Plans will be achieved by adhering to published standards, using information of known quality or from sources acceptable to the relevant scientific and technical communities, presenting the information in the proper context, and reviewing the products before dissemination.

What published standard(s) governs the creation of the Natural Resource Plan? Does the Plan adhere to the published standards? (See the NOAA Sec. 515 Information Quality Guidelines, Section II(F) for links to the published standards for the Plans disseminated by NOAA.)

Was the Plan developed using the best information available? Please explain.

Have clear distinctions been drawn between policy choices and the supporting science upon which they are based? Have all supporting materials, information, data and analyses used within the Plan been properly referenced to ensure transparency?

Describe the review process of the Plan by technically qualified individuals to ensure that the Plan is valid, complete, unbiased, objective and relevant. For example, internal review by staff who were not involved in the development of the Plan to formal, independent, external peer review. The level of review should be commensurate with the importance of the Plan and the constraints imposed by legally enforceable deadlines.

G. Corporate and General Information

Corporate or general information includes all non-scientific, non-financial, non-statistical information. Examples include program and organizational descriptions, brochures, pamphlets, education and outreach materials, newsletters, and other general descriptions of NOAA operations and capabilities.

Corporate and general information disseminated by NOAA must be presented in a clear, complete, and unbiased manner, and in a context that enhances usability to the intended audience. To the extent possible, identify the sources of the disseminated information, consistent with confidentiality, privacy and security considerations and protections, and taking into account timely presentation, the medium of dissemination, and the importance of the information, balanced against the resources required and the time available.

Information disseminated by NOAA is reliable and accurate to an acceptable degree of error as determined by factors such as the importance of the information, the intended use, time sensitivity, expected degree of permanence, relation to the primary mission(s) of the disseminating office, and the context of the dissemination, balanced against the resources required and the time available.

For non-scientific, non-statistical information, has the information product been reasonably determined to be factually correct in the view of the disseminating office as of the time of dissemination?

Describe the review process for the information product. Review can be accomplished in a number of ways, including but not limited to combinations of the following:

- Active personal review of information by supervisory and management layers, either by reviewing each individual dissemination, or selected samples, or by any other reasonable method.
- Use of quality check lists, charts, statistics, or other means of tracking quality, completeness, and usefulness.
- Process design and monitoring to ensure that the process itself imposes checks on information quality .
- Review during information preparation.
- Use of management controls.
- Any other method, which serves to enhance the accuracy, reliability and objectivity of the information.

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(5) review on a continuing basis, and revise as appropriate, the assessments and specifications made pursuant to section 303(a)(3) and (4) with respect to the optimum yield from, the capacity and extent to which United States fish processors will process United States harvested fish from, and the total allowable level of foreign fishing in, each fishery (except as provided in section subsection (a)(3)) within its geographical area of authority;

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(6) develop annual catch limits for each of its managed fisheries that may not exceed the fishing level recommendations of its scientific and statistical committee or the peer review process established under subsection (g);

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(7) develop, in conjunction with the scientific and statistical committee, multi-year research priorities for fisheries, fisheries interactions, habitats, and other areas of research that are necessary for management purposes, that shall—

(A) establish priorities for 5-year periods;

(B) be updated as necessary; and

(C) be submitted to the Secretary and the regional science centers of the National Marine Fisheries Service for their consideration in developing research priorities and budgets for the region of the Council; and

(8) conduct any other activities which are required by, or provided for in, this Act or which are necessary and appropriate to the foregoing functions.

97-453, 99-659, 101-627

(i) PROCEDURAL MATTERS.—

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(1) The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Councils, the Council coordination committee established under subsection (l), or to the scientific and statistical committees or other committees or advisory panels established under subsection (g).

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(2) The following guidelines apply with respect to the conduct of business at meetings of a Council, of the Council coordination committee established under subsection (l), and of the scientific and statistical committees or other committees or advisory panels established under subsection (g):

(A) Unless closed in accordance with paragraph (3), each regular meeting and each emergency meeting shall be open to the public.

(B) Emergency meetings shall be held at the call of the chairman or equivalent presiding officer.

(C) Timely public notice of each regular meeting and each emergency meeting, including the time, place, and agenda of the meeting, shall be provided 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 e-mail notification and website postings alone are not sufficient. Timely notice of each regular meeting shall also be published in the Federal Register. The published agenda of the meeting may not be modified to include additional matters for Council action without public notice or within 14 days prior to the meeting date, unless such modification is to address an emergency action under section 305(c), in which case public notice shall be given immediately.

(D) Interested persons shall be permitted to present oral or written statements regarding the matters on the agenda at meetings. All written information submitted to a Council by an interested person shall include a statement of the source and date of such information. Any oral or written statement shall include a brief description of the background and interests of the person in the subject of the oral or written statement.

(E) Detailed minutes of each meeting of the Council, except for any closed session, shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all statements filed. The Chairman shall certify the accuracy of the minutes of each such meeting and submit a copy thereof to the Secretary. The minutes shall be made available to any court of competent jurisdiction.

(F) Subject to the procedures established under paragraph (4), and the guidelines prescribed by the Secretary under section 402(b), relating to confidentiality, the administrative record, including minutes required under subparagraph (E), of each meeting, and records or other documents which were made available to or prepared for or by the Council, committee, or panel incident to the meeting, shall be available for public inspection and copying at a single location in the offices of the Council or the Secretary, as appropriate.

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- (3) (A) Each Council, the Council Coordination Committee established under subsection (1), scientific and statistical committee, other committees, and advisory panel—
- (i) shall close any meeting, or portion thereof, that concerns matters or information that bears a national security classification; and
 - (ii) may close any meeting, or portion thereof, that concerns matters or information that pertains to national security, employment matters, or briefings on litigation in which the Council is interested; and

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(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 e-mail 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).

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.

H.R.5946

Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Enrolled as Agreed to or Passed by Both House and Senate)

SEC. 202. COLLECTION OF INFORMATION.

Section 402(a) (16 U.S.C. 1881a(a)) is amended--

- (1) by striking `(a) COUNCIL REQUESTS- ' in the subsection heading and inserting `(a) COLLECTION PROGRAMS- ';
- (2) by resetting the text following `(a) COLLECTION PROGRAMS- ' as a new paragraph 2 ems from the left margin;
- (3) by inserting `(1) COUNCIL REQUESTS- ' before `If a Council';
- (4) by striking `subsection' in the last sentence and inserting `paragraph';
- (5) by striking `(other than information that would disclose proprietary or confidential commercial or financial information regarding fishing operations or fish processing operations)' each place it appears; and
- (6) by adding at the end the following:
`(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.'

Dated: August 30, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7-17531 Filed 9-4-07; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Crab Economic Data Reports (EDRs)

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 November 5, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th St. and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at 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.

SUPPLEMENTARY INFORMATION:

I. Abstract

National Marine Fisheries Service, Alaska Region (NMFS) manages the crab fisheries in the waters off the coast of Alaska through the Crab Rationalization (CR) Program. The CR Program reallocates Bering Sea and Aleutian Islands (BSAI) crab resources among harvesters, processors, and coastal communities. Section 313(j) of the Magnuson-Stevens Fishery Conservation and Management Act authorizes a mandatory data collection program for the fisheries of the CR Program. According to section 313(j)(1), the data from the economic data report (EDR) will be used "to study the impacts of the crab rationalization program," to ensure that the program will achieve "equity between the

harvesting and processing sectors," and to monitor the "economic stability for harvesters, processors and coastal communities."

An EDR is required from any owner or leaseholder of a vessel or processing plant that harvested or processed crab in specified BSAI crab fisheries during the prior calendar year.

II. Method of Collection

The EDRs may be completed on-screen, printed, and submitted by mail, fax, or hand delivery. Four versions of the EDR exist, one each for catcher vessels, catcher/processors, stationary floating crab processors, and shoreside processors. In addition, a Web-based system is available for catcher vessels.

III. Data

OMB Number: 0648-0518.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 187.

Estimated Time per Response: 7 hours and 30 minutes to complete and submit an Annual Catcher Vessel EDR; 12 hours and 30 minutes to complete and submit an Annual Catcher/Processor EDR; 10 hours to complete and submit an Annual Stationary Floating Crab Processor EDR; and 10 hours to complete and submit an Annual Shoreside Processor EDR.

Estimated Total Annual Burden Hours: 5,429.

Estimated Total Annual Cost to Public: \$ 3,307.

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: August 30, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7-17534 Filed 9-4-07; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Region BSAI Crab Permits

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 November 5, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th St. and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at 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.

SUPPLEMENTARY INFORMATION:

I. Abstract

Under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, National Marine Fisheries Service (NMFS), Alaska Region manages the crab fisheries, in the waters off the coast of Alaska, under the Fishery Management Plan for Bering Sea and Aleutian Islands Management Area (BSAI) Crab through the Crab Rationalization Program (Program). BSAI crab resources are allocated among harvesters, processors, and coastal communities. This collection-of-information addresses the permits, transfers, and cost recovery procedures for the Program. Implementing regulations may be found at 50 CFR part 680.

II. Method of Collection

The applications can be completed on-screen, printed, and submitted by mail, fax, or hand delivery. However, some applications require notary certification and therefore cannot be faxed. The cost recovery information may be submitted online.

III. Data

OMB Number: 0648–0514.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,480.

Estimated Time per Response: 2 hours to complete and submit Application for Crab Quota Share (QS) and Processor Quota Share (PQS); 2 hours to complete and submit Application for Crab Individual Fishing Quota (IFQ) Permit or Crab Individual Processor Quota (IPQ) permit; 2 hours and 30 minutes to complete and submit Application for Crab Harvesting Cooperative IFQ Permit; 30 minutes to complete and submit Application for Registered Crab Receiver (RCR) Permit; 30 minutes to complete and submit Application for Crab IFQ Hired Master; 21 minutes to complete and submit Application for Federal Crab Vessel Permit; 2 hours and 30 minutes to complete and submit Application To Become an Eligible Crab Community Organization (ECCO); 2 hours to complete and submit Application for Eligibility To Receive Crab QS/IFQ or PQS/IPQ by Transfer; 2 hours to complete and submit Application for Transfer of QS, IFQ, and IPQ; 2 hours to complete and submit Application for Transfer of Crab QS/IFQ to or From an ECCO; 2 hours to complete and submit Application for Inter-cooperative Transfer; 30 minutes to complete and submit RCR Fee Submission; 40 hours to prepare and submit Right of First Refusal Provisions (ROFR) Contracts; 30 minutes to complete and submit a ROFR Waiver; and 4 hours to complete and submit an appeal on NMFS decisions.

Estimated Total Annual Burden Hours: 8,466.

Estimated Total Annual Cost to Public: \$ 31,742.

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: August 30, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–17537 Filed 9–4–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA88

Marine Mammals; File No. 1034–1685

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that Dr. Markus Horning has been issued an amendment to scientific research Permit No. 1034–1685–01.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521; and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4001; fax (562)980–4018.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Jaclyn Daly, (301)713–2289.

SUPPLEMENTARY INFORMATION: On June 20, 2007, notice was published in the **Federal Register** (72 FR 33981) that an amendment to Permit No. 1034–1685–01 had been requested by the above-named individual. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations

governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 1034–1685–01, issued on November 12, 2004 (72 FR 69585), authorized the permit holder to surgically implant transmitters, attach tags, collect blood, and perform blubber biopsy and ultrasound and bioelectrical impedance analysis on up to 30 California sea lions (*Zalophus californianus*) undergoing rehabilitation at The Marine Mammal Center (TMMC). In addition, the permit authorized intramuscular injections of adrenocorticotrophic hormone (ACTH), pre-and post blood collection under anesthesia, and fecal sampling for up to 6 California sea lions at TMMC. The amended Permit No. 1034–1685–02 authorizes the permit holder to increase the number of California sea lions at The Marine Mammal Center that receive ACTH injections to 12 animals and inject 6 animals with a sterile saline solution as a control group. In addition, a new Co-investigator has been added to the permit.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: August 28, 2007.

Tammy C. Adams,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7–17512 Filed 9–4–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XC36

Western Pacific Regional Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The 96th meeting of the Western Pacific Regional Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) will convene Tuesday, September 25, 2007, through Thursday September 27, 2007 (see **SUPPLEMENTARY INFORMATION** for specific times, dates, and agenda items).