

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 09/28/2003
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 08/28/2003.

TITLE: Alaska Region Permit Family of Forms

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0206

EXPIRATION DATE: 09/30/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	941	492	1
New	899	483	1
Difference	-42	-9	0
Program Change		0	0
Adjustment		-9	0

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

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 PERMIT FAMILY OF FORMS
OMB NUMBER 0648-0206**

INTRODUCTION

NMFS manages the groundfish fisheries in the exclusive economic zone (EEZ) of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA) under the FMPs for groundfish in the respective areas. With Federal oversight, the State of Alaska (State) manages the commercial king crab and Tanner crab fisheries in the BSAI and the commercial scallop fishery off Alaska under the FMPs for those fisheries. The North Pacific Fishery Management Council (Council) prepared, and NMFS approved, the FMPs under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.* Regulations implementing the FMPs appear at 50 CFR part 679. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

Section 303(b)(1) of the Magnuson-Stevens Act specifically recognizes the need for permit issuance. The issuance of a permit is an essential ingredient in the management of fishery resources. Identification of the participants and expected activity levels is needed to measure the consequences of management controls, and is an effective tool in the enforcement of other fishery regulations. Experience has shown that fines for violations of specific fishery regulations are not as effective as the threat of a permit revocation that would exclude the participant from the fishery altogether. Vessels may be willing to pay the lower fines if the violation brings enough economic benefit, but do not want to be excluded from the fishery.

JUSTIFICATION

In November 2001, the Federal fisheries permit application from this collection of information was revised through an emergency supporting statement (OMB No. 0648-0444) to accommodate Vessel Monitoring System (VMS) requirements in certain fisheries. The emergency supporting statement was later integrated into the main collection-of-information (OMB No. 0648-0206). This statement separates the one application for Federal fisheries/Federal processor permits into two separate applications.

This statement revises the application for the Federal fisheries permit. These revisions in the application will result in different species/gear type endorsements requiring the use of VMS. These different endorsements may result in increased use of the VMS. The application for the Federal processor permit is revised to request additional ownership information that will allow NMFS to more accurately issue Federal processor permits.

The following summary indicates the types of information that would be requested under this statement.

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

The purpose of this collection-of-information is to allow NMFS to monitor fishing and processing in the GOA and BSAI groundfish fisheries. To implement the Magnuson-Stevens Act, NMFS created a set of vessel and processor permits and established a family of application forms that vessels and processors must use when applying to NMFS for fishing and processing permits. In use since 1990, this collection-of-information consists of the following permits:

- Federal fisheries permit,
- Federal processor permit,
- High seas power troller salmon permit, and
- Exempted fishing permit (EFP)

No Federal salmon permits have been issued to fish for salmon in the EEZ off the coast of Alaska during the past few years. The State of Alaska Interim Use and Limited Entry Power Troll licenses serve as a Federal permit. The high seas power troller salmon permit is no longer issued. Only two Federal salmon permanent limited entry permits have been issued since 1979, and no new permit applications are anticipated.

The EFPs typically are issued on the basis of a fishing year, and expire at the end of that year unless otherwise provided for under regulations authorized for EFP. This expiration requirement is necessary to avoid situations where information obtained from the fishing experiments might not be made available for several years, thereby denying the fishing industry information obtained from the experiment.

An additional application is available to request revision or replacement of any of the following permits:

- IFQ quota share certificates,
- IFQ fishing permits,
- IFQ/CDQ landing cards,
- IFQ transfer eligibility certificates,
- IFQ hired skipper cards,
- IFQ Registered Buyer permits,
- Federal Fisheries permits,
- Federal Processor permits,
- License limitation licenses for groundfish and/or crab, and/or
- American Fisheries Act permits.

This application was cleared by OMB under control No. 0648-0272; however, NMFS now uses this application to replace or revise most of the permits issued by the Alaska Region.

2. Explain how, by whom, how frequently, and for what purpose information will be used.

The information is collected on paper application forms and submitted by participants to NMFS Restricted Access Management (RAM) Program, Juneau, Alaska. This collection-of-information provides NMFS Alaska Region a means to uniquely identify the vessel and owner of the vessel and to monitor participation in fisheries. The information requested on the permit application forms is used by the U.S. Coast Guard (USCG) and NMFS Sustainable Fisheries Division, NMFS RAM, NMFS Observer Program, NOAA Fisheries Office for Enforcement (OLE), and North Pacific Fishery Management Council.

a. Federal Fisheries Permit (FFP) and Federal Processor Permit (FPP).

The Federal fisheries permit and Federal processor permit are issued to allow NMFS to monitor fishing and processing for the GOA and BSAI groundfish fisheries. Permit information allows NMFS to more fully meet the management responsibilities of the Alaskan groundfish resource. Federal fisheries permits are issued to various categories of vessels: catcher vessels, catcher/processors, and motherships. Federal processor permits are issued to shoreside processors and stationary floating processors that receive fish from catcher vessels that are issued a Federal fisheries permit.

The renewal period for the Federal fisheries permit and the Federal processor permit is three years. NMFS prints an application for renewal prior to the permit expiration and sends the renewal to each permit holder containing the permit information from the previous year. The permit-holder is requested to change any incorrect preprinted entry, sign/date the application, and return it to NMFS.

The application for these permits was revised by separating the application into two separate forms. The warning statement involving the surrender of a permit during the fishing year is removed from both applications, because regulations thought to be in place regarding surrender of a permit were not implemented.

Federal fisheries permit application

Introductory block [rev]

Block A is redesignated as introductory

Added notice: "Only persons who are U.S. Citizens are authorized to receive or hold a Federal Fisheries Permit."

Note: All applicants who plan to participate in directed fisheries for Pacific cod, pollock, and/or Atka mackerel with any gear type other than jig gear must also complete Block D.

~~Check boxes to indicate type of permit being requested:~~ [removed]

Note: If ownership of the vessel listed in Block A has changed or if this is a permit application for a vessel to which a Federal Fisheries Permit has never been issued, a copy of the U.S. Coast Guard Abstract of Title or Certificate of Documentation must be included with this application."

Indicate YES or NO whether applying for amendment to existing permit. If YES, write current permit number.

Block A–Owner information [rev]

Block B is redesignated as Block A

Owner name(s)

Business mailing address, including street or P.O. box, city, state, and zip code
Social security number (voluntary) or Tax identification number
Business telephone number, FAX number, and E-mail address
Managing company name (if any)

Block B. Vessel information ~~Vessel or Stationary Floating Processor Information~~ [rev]

Block C is redesignated as Block B
Vessel name
Home port (city and state)
ADF&G processor code (if applicable)
U.S. Coast Guard (USCG) documentation number
ADF&G vessel registration number
Length overall (ft) and registered length (ft)
Gross tonnage and net tonnage
Shaft horsepower
Indicate YES or NO whether this is a vessel of the United States

Block C. Permit information [rev]

Block D is removed; Block E is redesignated as Block C
~~Federal Fisheries Permit~~ (removed)
Areas of operation. Indicate one or both areas of operation
Type of vessel operation. Indicate one or any combination of vessel operation types or check support vessel
Gear types. Indicate gear type (catcher vessel or catcher/processor only) for groundfish fishing
Note: Harvesting vessels (catcher and catcher/processor vessels) must complete Block D if planning
to participate in the directed fisheries for Pacific cod, pollock and/or BSAI Atka mackerel and Aleutian
Islands Atka mackerel Harvest Limit Areas with any gear other than jig gear. [rev]
GOA Inshore Processing Endorsement (catcher/processor under 125 ft length overall). Indicate whether
requesting GOA inshore processing endorsement (rev)

Block D. Species Endorsements and Amendments [rev]

Block F is redesignated as Block D
Indicate whether planning to participate in any of the following four directed fisheries with gear other than
jig gear
Pacific Cod – ~~from GOA, BSAI, or both~~ (removed)
gear type–trawl, hook-and-line, pot (new)
Remove endorsements (new)
Pollock – ~~from GOA, BSAI, or both~~ (removed)
gear type–trawl, hook-and-line, pot (new)
Remove endorsements (new)
BSAI Atka mackerel
gear type–trawl, hook-and-line, pot (new)
Remove endorsements (new)
AI Harvest Limit Area Atka mackerel [rev]
Statistical Area 542
Statistical Area 543
Both
Remove endorsements

Block E. Signature [rev]

Block G is redesignated as Block E
Enter name and signature of applicant and date signed

<u>Federal Fisheries Permit, respondents</u>	
Number of federal fisheries permit per participant	1
Total number of respondents	2,494
1,954 catcher vessels;	
260 catcher/processors	
86 motherships	
169 tender vessels	
25 support vessels	
Total number of responses (2,494 /3)	831
Time requirement for each response (21 min=.35 hr)	.35 hr
Total Time burden for all responses ((2,494 x .35=873)/ 3 yr)	291 hr
Cost per hour in dollars	\$25
Total personnel costs (\$25 x 291)	\$7,275
Annual fax (1.50 x 2,494=3,741)/3 yr)	\$1,247
Total miscellaneous costs	\$1,247

<u>Federal Fisheries Permit, Federal Government</u>	
Total number of respondents	2,494
Time requirement for each response (45 min = .75 hr)	.75 hr
Total time burden for all responses ((2,494 x .75=1,871)/3 yr)	624 hr
Cost per hour in dollars	\$25
Total personnel cost (\$25 x 624)	\$15,600

Federal processor permit application

The application for the Federal processor permit is revised to request additional ownership information which will allow NMFS to more accurately issue Federal processor permits.

Introductory block [rev]

Block A is redesignated as introductory

Add: "Only persons who are U.S. Citizens are authorized to receive or hold a Federal Fisheries Permit."

Indicate whether applying for permit as shoreside processor or stationary floating processor [rev]

Add: "A copy of the U.S. Coast Guard Abstract of Title or Certificate of Documentation must be included with this application if ownership of the vessel used as a stationary floating processor listed in

Block A has changed or if a Federal Processor Permit has never been issued using this vessel,

Indicate whether applying for amendment to existing permit. If YES, write current permit number.

Block A– Owner information [rev]

Block B is redesignated as Block A

Owner name(s)

Business mailing address, including street or box, city, state, and zip code

Social security number (voluntary) or Tax identification number

Business telephone number, FAX number, and E-mail address

Managing company name (if any)

Block B. Stationary floating processor information. [removed "vessel or" from heading] [rev]

Block C is redesignated as Block B

Name of Vessel to be used as Stationary Floating Processor (SFP)

Indicate YES or NO whether this is a vessel of the United States

U.S. Coast Guard (USCG) documentation number
 ADF&G vessel registration number
 ADF&G processor code
 Length overall (ft) and registered length (ft)
 Gross tonnage and net tonnage
 Shaft horsepower
 Home port (city and state)
 Indicate YES or NO whether this vessel will be used as a stationary floating processor [removed]
 Indicate whether requesting a GOA inshore processing endorsement [new]

Block C. Shoreside processor information [rev]

Block D was redesignated as Block C
 Name of shoreside processor
 Business address of Shoreside Processor
 Physical location of plant at which this shoreside processor is operating (no post office boxes)[rev]
 Indicate YES or NO whether this shoreside processor is replacing a previous processor at this facility;
 if YES, name of previous processor
 Indicate YES or NO whether there are multiple processors at this facility;
 Indicate YES or NO whether the owner named in Block A, above, owns the plant named in Block C
 ADF&G processor code
 Business telephone number, FAX number, and E-mail address

Block E [removed]

Block D. Signature [rev]

Block F was redesignated as Block D
 Enter name and signature of applicant and date signed

Federal Processor Permit, respondents	
Number of federal processor permit per participant .	1
Total number of respondents (154 shoreside processors, 4 stationary floating processors)	158
Time requirement for each response (21 min = .33 hr)	.33
Total number of responses (158/3)	53
Total time burden for all responses ((158 x .33=52.1)/ 3 yr)	17 hr
Cost per hour in dollars	\$25/hr
Total personnel cost (\$25 x 17 hr)	\$425
Annual fax (1.50 * 158=237)/3 yr	\$79
Total miscellaneous cost	\$79

Federal Processor Permit, Federal Government	
Total number of respondents	158
Time requirement for handling of each permit (45 min = .75 hr)	.75
Total time burden for all responses ((158 x .75=119)/ 3 yr)	40 hr
Cost per hour in dollars	\$25/hr
Total personnel cost (\$25 x 40 hr)	\$1,000

b. High Seas Power Troller Salmon Permit.

NMFS will accept an existing Alaska State power troll permanent entry permit as fulfilling the Federal needs for permit information under the FMP for the salmon fisheries in the EEZ off the Coast of Alaska. As a result no Federal salmon permits have been issued to fish for salmon in Federal waters during the past few years.

The necessity for regulations requiring Federal salmon limited entry permits, per 50 CFR part 679.4(h), will continue to decrease with time; however, these regulations are necessary as long as there is a reasonable possibility that Federally permitted vessels will fish for salmon off Alaska. The State of Alaska Interim Use and Limited Entry Power Troll licenses serve as a Federal permit.

A Federal permit may be issued provided that some time during the years 1975-77, a fisherman:

- (a) Operated a vessel in the 3-200 mile zone off Alaska;
- (b) Engaged in commercial fishing for salmon from that vessel in the 3-200 mile zone off Alaska; and
- (c) Landed salmon caught with power troll gear. If the conditions are met, the fisherman must provide Alaska fish tickets or other landing receipts showing compliance with the above requirements.

High Seas Power Troller Permit in Salmon Fishery, Respondent Only two Federal salmon permanent limited entry permits have been issued since 1979, and no new permit applications are anticipated. For purposes of estimating reporting burden, an average of 1 permit application per year is assumed, requiring one half hour of the respondent's time.	0 hr
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c. Exempted fishing permit (EFP).

In accordance with 50 CFR 679.6(a), for limited exempted purposes, the Regional Administrator may authorize, after consulting with the Council, fishing for groundfish in a manner that would otherwise be prohibited. No exempted fishing may be conducted unless authorized by an exempted fishing permit issued by the Regional Administrator to the participating vessel owner in accordance with the appropriate criteria and procedures.

Exempted fishing provides information not otherwise available through research or commercial fishing operations. Results may be used to supplement information obtained through research. Each exempted fishing permit application must provide a statement of the purpose and goal of the experiment, including a general description of the arrangements for disposition of all species harvested under the permit, and information about the exempted design, e.g. sampling procedures, the data and samples to be collected, and analysis of the data and samples. Fishing mortality resulting from exempted fishing is outside of any TAC specification. Such additional

mortality is authorized only if overfishing as defined in the GOA and BSAI FMPs would not occur.

The EFPs typically are issued on the basis of a fishing year, and expire at the end of that year unless otherwise provided for under regulations authorized for EFP. This expiration requirement is necessary to avoid situations where information obtained from the fishing experiments might not be made available for several years, thereby denying the fishing industry information obtained from the experiment.

Progress reports within a specified time and/or a final report are required at the end of the year for which the permit is issued. Regulations require only that information be collected that is necessary for the Regional Administrator to determine if the EFP should be issued, and also to monitor the progress of the exempted fishery. Participants who obtain information through EFPs are required to release all information to the public, usually through the use of progress reports and final reports. Upon request, NMFS will disseminate information obtained from the experiment when it becomes available and all information that is obtained through its own investigations. Through the release of information from NMFS and the exempted fishery participants, other interested parties in the fishing industry could make use of information obtained and not duplicate efforts already expended by those who initially received an EFP. Private sectors of the fishing industry use the information obtained from exempted fishing programs in a number of ways,

Example 1: Roughly ten gear manufacturers are involved in gear development technology for purposes of developing, manufacturing, and selling various gear to the domestic groundfish industry. Each of them might apply annually for a permit for purposes of trying new gear designs.

Changes to traditional gear designs might be developed that would reduce incidental catch rate or mortality rates of fish species that have no economic value and which must be discarded at sea. Often, participants in the fishing industry are not inclined to utilize non-proven gear designs during open fishing seasons, because they are economically forced to catch as much fish as possible before available quotas are reached. By being able to experiment with new gear designs after a season closes, participants can gain information without economical losses otherwise caused by foregone harvests.

Example 2: exploration of potential fishing grounds after a fishery closure to determine if exploitable fish biomass exist outside of standard survey areas. These explorations also may provide information on expected bycatch rates of minor stock components in mixed stock fisheries. As in Example 1, participants can not economically afford to explore new grounds during times when harvest quotas are rapidly being reached on traditional or proven fishing grounds.

Exempted fishing Permit, Respondent	
Number of EFP per participant	1
Estimated number of participants	5
Time requirement for application of each permit	20 hr
Time requirement for final report	10 hr
Time requirement for each progress report, if required	5 hr
Total time burden (5 x 35 hr)	175 hr
Personnel cost per hour	\$25
Total personnel cost per completion of EFP (\$25 x 175 hr)	\$4,375
Annual postage (0.37 x 2 lb x 5)	\$3.70
Total miscellaneous cost	\$4

Exempted fishing Permit, Federal Government.	
Estimated number of EFP responses	5
Time requirement for preparation of each permit by Regional staff	5 hr
Time requirement for preliminary review of each application by the Administrator and AFSC	4 hr
Personnel cost per hour by Regional staff	\$25
Personnel cost per hour by Regional representative and AFSC representative, including secretarial support)	\$50
Total time burden (5 + 4)	9 hr
Personnel Cost for preliminary review (\$50 x 20 hr)	\$1,000
Final review of each permit application by Council	\$10,707
Council Staff (\$2,175)	
Council members (\$3,730)	
Sound system (\$302)	
Travel, Council members (\$1,100)	
Travel, Advisory Panel (\$2,100)	
Travel, SSC (\$1,000)	
Miscellaneous (\$300)	
Total cost per hour (\$10,707/8 hr = \$ 1,338/hr)	\$1,338
Time requirement for final review of all permits (5 x 2 hr)	10 hr
Personnel Cost for final review (\$1,338 x 10 hr)	\$13,338
Total Personnel costs *\$13,338 + \$1,000)	\$14,838

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the following paragraphs, the information gathered has utility. NOAA Fisheries will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with 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 NMFS Federal fisheries and processor permit applications collect information from the owners of vessels and processors. The applications may be downloaded and printed off the NMFS web site. Methods of completing a permit application online through the NMFS Alaska Region Website are being investigated and are scheduled to be in effect by the end of 2003.

4. Describe your efforts to identify duplication with other collections.

No duplication exists with other information collections.

5. If the collection will have a significant impact on small entities such as small businesses, organizations, or government bodies, describe the methods used to minimize the burden on them.

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

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

If the information were not collected for the Federal fisheries permit and Federal processor permit, NMFS could not effectively monitor and enforce commercial harvests of the species for which it has stewardship.

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

Public comment was solicited in a Federal Register Notice (copy attached). No comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift is provided under this program.

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

The information collected is 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. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region, National Marine Fisheries Service."

The Privacy Act does apply to this collection-of-information because the social security number is requested on a voluntary basis. The social security number is needed to avoid inappropriate release of data: to distinguish between same names; to ensure that the records go to the same person through the use of this personal ID; when there are several operators on a vessel owned by a different individual, to ensure that the confidential data of each operator is protected; with mis-spellings and possible duplications, to provide a unique identifier to find records in the database; and to prevent release of confidential data to the wrong person.

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.

The additional questions are not of a sensitive nature. This collection of information requests the social security number (see item 10).

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

The application forms are presented in Attachment 1. Total responses are estimated to be 899, decreased from 941. The total burden hours per year for all respondents are reduced from 492 to 483 hrs.

Personnel labor costs are estimated to the average wage equivalent to a GS-7 employee in Alaska, including COLA, at \$25 per hour, up from \$20 per hour and \$13 per hour. The personnel costs are estimated at \$12,075, down from \$15,087.

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection.

No capital or significant start-up costs are associated with this collection-of-information. Miscellaneous costs are estimated at \$1,330. These costs consist of charges for FAXing and for mailing the applications to NMFS.

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

Personnel costs are adjusted to reflect current wages, \$31,438 up from \$15,087.

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

This support statement provides a program change in the method of endorsements on the Federal fisheries permit. Instead of species by area endorsements for Pacific cod, pollock, or Atka mackerel, the Federal fisheries permit endorsements will be species by gear type. This endorsement change affects the use of the Vessel Monitoring System while directed fishing for any of the three species.

This support statement provides the following adjustments:

- Revision of the hourly wage for personnel from \$13 or \$20 to \$25 per hour.
- Correction of an addition error for the number of respondents completing the Federal fisheries permit application: from 2,648 to 2,494 (before annualization). This leads to the hour reduction.
- The application for the Federal fisheries/Federal processor permits is changed by creating two applications, one for each type of permit. Most of the information is repeated on each application. Some changes were made to correspond to the specific type of permit, without adding new questions. Other changes were made to request different permit endorsement information.

Federal fisheries permit application.

Introductory Block. Block A is redesignated as introductory. A statement is added that “all applicants who plan to participate in directed fisheries for Pacific cod, pollock, and/or Atka mackerel with any gear type other than jig gear must also complete Block D.” A statement is removed “Check boxes to indicate type of permit being requested.” A statement is added “If ownership of the vessel listed in Block A has changed or if this is a permit application for a vessel to which a Federal Fisheries Permit has never been issued, a copy of the U.S. Coast Guard Abstract of Title or Certificate of Documentation must be included with this application.”

Block A--Owner information. Block B is redesignated as Block A

Block B--Vessel information. Block C is redesignated as Block B

Block C--Permit information. Block D is removed; Block E is redesignated as Block C

Add note “Harvesting vessels (catcher and catcher/processor vessels) must complete Block D if you plan to participate in the directed fisheries for Pacific cod, pollock and/or Atka mackerel with any gear other than jig gear.”

Change “Inshore/offshore for GOA catcher/processors and motherships only; indicate whether request inshore or offshore” to read “If a catcher/processor under 125 ft length overall, indicate request for a GOA inshore processing endorsement”

Block D--Species Endorsements and Amendments. Block F is redesignated as Block D. Change “Indicate whether you plan to participate in any of the following four directed fisheries with gear other than jig gear: Request for endorsements is changed from:

Pacific Cod (GOA, BSAI, or both) to read Pacific cod (gear type–trawl, hook-and-line, or pot). A new statement is added to remove endorsements.

Pollock (GOA, BSAI, or both) to read Pollock (gear type–trawl, hook-and-line, or pot). A new statement is added to remove endorsements.

BSAI Atka mackerel (BSAI Atka mackerel/AI critical habitat–Statistical area 542 or 543) to read BSAI Atka mackerel (gear type–trawl, hook-and-line, or pot) and AI Harvest Limit Area Atka mackerel (gear type–trawl, hook-and-line, or pot). A new statement is added to remove endorsements.

Block E--Signature. Block G is redesignated as Block E.

Federal processor permit application.

Introductory block. Block A is redesignated as introductory. Add statement “Indicate whether applying for permit as shoreside processor or stationary floating processor.” Remove statement “Check boxes to indicate type of permit being requested.” Add statement “A copy of the U.S. Coast Guard Abstract of Title or Certificate of Documentation must be included with this application if ownership of the vessel used as a stationary floating processor listed in Block A has changed or if a Federal Processor Permit has never been issued using this vessel.

Block A--Owner information. Block B is redesignated as Block A. “Name(s) of Owner(s)” changed from “Owner name.” Add question “Is this a new owner.”

Block B--Stationary floating processor information. Removed “vessel or” from heading. Block C is redesignated as Block B. Remove “Indicate YES or NO whether this vessel will be used as a stationary floating processor.” Add statement “Indicate whether requesting a GOA inshore processing endorsement. A GOA inshore processing endorsement is required in order to process GOA inshore pollock and GOA inshore Pacific cod. An SFP that holds an inshore processing endorsement are prohibited from processing GOA [pollock and GOA Pacific cod in more than one single geographic location during a fishing year and are also prohibited from operating as a catcher/processor in the BSAI”. Once issued, a GOA inshore processing endorsement cannot be rescinded for the duration of a fishing year. [revised]

Block C--Shoreside processor information. Block D was redesignated as Block C. Add statement “Indicate whether this is a new processing business.” Physical location of plant at which this shoreside processor is operating (no post office boxes)[revised]

Block D--Signature. Block E removed. Block F was redesignated as Block D.

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

The information obtained from Federal fisheries permits, Federal processor permits, and High Seas Salmon Permit are not planned to be published for statistical use. Information resulting from issuance of EFPs will be made available to the public. NMFS anticipates that some of this information will be in the form of statistical data.

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 expiration date of OMB approval will be shown on all forms associated with this program.

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

No exceptions to the certification statement exist.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.



**APPLICATION FOR
FEDERAL FISHERIES PERMIT**

United States Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Alaska Region
Restricted Access Management
P.O. Box 21668
Juneau, Alaska 99802-1668



NOTICE: Only persons who are U.S. Citizens are authorized to receive or hold a Federal Fisheries Permit.

All applicants who plan to participate in directed fisheries for Pacific cod, pollock, and/or Atka mackerel with any gear type other than jig gear, must also complete Block D.

If ownership of the vessel listed in Block A has changed or if this is a permit application for a vessel to which a Federal Fisheries Permit has never been issued, **a copy of the U.S. Coast Guard Abstract of Title or Certificate of Documentation must be included** with this application. Applicant must sign and date the application in Block E. See application instructions for more detailed information.

Is this application being submitted in order to amend an existing Federal Fisheries Permit? Yes No

If yes, please provide your current Federal Fisheries Permit number _____

If you are amending your application, refer to the "General Information" section of the attached instructions that specifies which sections of the application form must be completed in addition to the amendments being made.

**BLOCK A
OWNER INFORMATION**

1. Owner Name(s)

2. Business Mailing Address (street or P.O. Box, city, state, zip code)

3. SSN or Tax I.D. (SSN Voluntary)

4. Business Telephone Number

5. Business Fax Number

6. Business E-Mail Address (if any)

7. Managing Company Name (if any)

**BLOCK B
VESSEL INFORMATION**

1. Vessel Name

2. Home Port (city and state)

3. ADF&G Processor Code

4. Is this vessel a vessel of the United States? Yes No

5. U.S. Coast Guard Documentation
No. _____

6. ADF&G Vessel Registration
No. _____

7. Length Overall (LOA) _____ Ft.
Registered Length _____ Ft.

8. Gross Tonnage _____
Net Tonnage _____

9. Shaft Horsepower _____

**BLOCK C
PERMIT INFORMATION**

1. **AREA OF OPERATION** Check one or both areas of operation, as appropriate.

Gulf of Alaska Bering Sea/Aleutian Islands

2. **TYPE OF VESSEL OPERATION** Indicate below the type(s) of vessel operation you request in the federal groundfish fishery. A Federal Fisheries Permit may be issued for any combination of catcher vessel, catcher-processor, mothership, and/or tender vessel. In addition, a Federal Fisheries Permit may also be issued for a support vessel.

Check one or any combination of the following operation types that apply:

Catcher Vessel

Catcher/processor

Mothership

Tender Vessel (buying station)

A vessel permitted as a catcher vessel, catcher-processor, mothership, and/or tender vessel may conduct all operations authorized for a support vessel.

Or check:

Support Vessel

A vessel permitted as a support vessel may not conduct activities as a catcher vessel, catcher-processor, mothership, and/or tender vessel.

3. **GEAR TYPES** (catcher vessels and catcher/processors only)

Check only the gear types used for groundfish fishing:

Trawl

Hook-and-line

Pots

Jig

Troll

Harvesting vessels (catcher and catcher/processor vessels) must complete Block D if you plan to participate in the directed fisheries for Pacific cod, pollock, and/or Atka mackerel with any gear other than jig gear.

4. **GOA INSHORE PROCESSING ENDORSEMENT** (Catcher/processors under 125' LOA only)

Catcher/processors under 125' LOA that wish to process GOA inshore pollock or GOA inshore Pacific Cod must apply for a GOA inshore processing endorsement by checking the box below. A catcher/processor with a GOA inshore processing endorsement is prohibited from processing more than 126 mt of GOA pollock and GOA Pacific cod, in the aggregate, during any reporting week. **Once issued, a GOA inshore processing endorsement cannot be rescinded for the duration of a fishing year.** See page 4 of the application instructions for further explanation.

GOA Inshore Processing Endorsement

**BLOCK D
SPECIES ENDORSEMENTS AND AMENDMENTS**

Indicate below whether you plan to participate in any of the following four directed fisheries with gear other than jig gear: (1) Pacific cod; (2) pollock; (3) Bering Sea/Aleutian Islands (BSAI) Atka mackerel; and (4) Aleutian Islands (AI) Atka mackerel Harvest Limit Areas (HLA). See application instructions for information regarding registration requirements for the directed Atka mackerel fisheries inside the HLA in the AI and participation requirements for these fisheries. Your selections will remain valid until you submit a new Federal Fisheries Permit application removing those endorsements by checking "Remove Endorsement(s)" boxes below. Vessels participating in these fisheries must have a vessel monitoring system (VMS) operable at any time while the directed fishery that the permit is endorsed for is open. See the application instructions for more information on the VMS requirements.

PACIFIC COD	POLLOCK	BSAI ATKA MACKEREL	AI HARVEST LIMIT AREA ATKA MACKEREL
<u>GEAR TYPE</u>	<u>GEAR TYPE</u>	<u>GEAR TYPE</u>	<u>AREA</u>
<input type="checkbox"/> Trawl	<input type="checkbox"/> Trawl	<input type="checkbox"/> Trawl	<input type="checkbox"/> Statistical Area 542
<input type="checkbox"/> Hook-and-Line	<input type="checkbox"/> Hook-and-Line	<input type="checkbox"/> Hook-and-Line	<input type="checkbox"/> Statistical Area 543
<input type="checkbox"/> Pot	<input type="checkbox"/> Pot	<input type="checkbox"/> Pot	<input type="checkbox"/> Both
<input type="checkbox"/> Remove Endorsement(s)			

**BLOCK E
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.

Applicant Name (please print or type)	Signature	Date
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Privacy Act Statement: Federal regulations at 50 CFR part 679 authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal commercial fishery permits. Where the requested information is a Social Security number (SSN), disclosure is voluntary; in the event it is not provided, NMFS will assign a unique code that will identify the records.

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 GOA and BSAI under 50 CFR 679 and under 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et. seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et. seq.*). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region, National Marine Fisheries Service."



**INSTRUCTIONS TO THE APPLICATION
FOR
FEDERAL FISHERIES PERMIT**



General Information

- ✓ Only U.S. Citizens are authorized to receive or hold a Federal Fisheries Permit.
- ✓ Complete a separate application for each vessel. Application forms and instructions are also available on the NMFS, Alaska Region web site at www.fakr.noaa.gov/ram.
- ✓ A copy of the U.S. Coast Guard Abstract of Title or Certificate of Documentation **must be included** with this application if ownership of the vessel listed in Block C has changed or if a Federal Fisheries Permit has never been issued using this vessel.
- ✓ Indicate whether or not you are amending your Federal Fisheries Permit. If you are amending your permit, enter the permit number where indicated and fill out Block A, the information you are changing, and sign and date the application in Block E.
- ✓ Type or print legibly in ink.
- ✓ Retain a copy of completed application for your records.
- ✓ Mail or deliver the completed application to:

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

Physical location: **Federal Building
709 W. 9th Street, Suite 713
Juneau, Alaska 99801**

Applications can be faxed to RAM at (907) 586-7354; however, permits **cannot** and **will not** be faxed back. The original, signed permit must be on board the vessel.

- ✓ If you have questions when completing the application, please call RAM at (800) 304-4846 (select option 2) or (907) 586-7202 (select option 2), check our web site at www.fakr.noaa.gov/ram, or e-mail your questions to RAM.Alaska@noaa.gov.

Federal Fisheries Permits are required for all vessels (including vessels fishing for groundfish, vessels processing groundfish, vessels tendering groundfish, and support vessels assisting other groundfish vessels):

- 1) used to fish for groundfish in the GOA or BSAI; or
- 2) that fish in the GOA or BSAI for any non-groundfish species and that are required to retain any bycatch of groundfish under 50 CFR Part 679. **Non-groundfish species include**, but are not limited to, halibut, crab, salmon, scallops, and herring.

Groundfish includes target species and the “other species” category specified annually under 50 CFR 679.20(a)(2).

Applicants for a Federal Fisheries Permit planning to participate in the directed fisheries for Pacific cod, pollock, or Atka mackerel fisheries using any gear type other than jig gear must complete Block D.

BLOCK A OWNER INFORMATION

1. Enter the full name(s) of the owner(s) of the vessel listed in Block B.

Note: If there is more than one owner, list the principal owner first. The permit will be issued to the first owner listed, with an *et al.* notation. The permit MUST be issued to the owner of the vessel, not to operators or lessees.

A copy of the U.S. Coast Guard Abstract of Title or Certificate of Documentation **must be included** with this application if ownership of the vessel used as a stationary floating processor listed in Block B has changed or if a Federal Processor Permit has never been issued using this vessel.

2. Enter your complete **permanent** business mailing address, including street or PO Box, state, and zip code. Your permit will be sent to this address. If you need to have your permit sent to a different address, please enter your **permanent** business address on the application and attach a note with your alternate address.
3. Enter your Social Security Number or Tax Identification Number.

Privacy Act Statement: Federal regulations at 50 CFR part 679 authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal commercial fishery permits. Where the requested information is a Social Security Number (SSN), disclosure is voluntary; in the event it is not provided, NMFS will assign a unique code that will identify the records.

- 4-6. Enter the business telephone number, including area code, business fax number, and business e-mail address, if any, that are used by the vessel owner. It is very important that you provide a number where we can contact you, or where we can leave messages for you. If questions arise concerning your application and we are unable to contact you, issuance of your permit will be delayed.
7. Enter the name of the company, if other than the owner, that manages the operations of the vessel.

BLOCK B VESSEL INFORMATION

1. Enter the complete vessel name as displayed in the official documentation.
2. Enter the home port (city and state) as recorded in official documentation.
3. Enter ADF&G Processor Code.
4. Check whether the vessel is a vessel of the United States.
5. Enter U.S. Coast Guard documentation number (example: 566722).
6. Enter the 5-digit State of Alaska Department of Fish & Game (ADF&G) vessel registration number (example: 51233).

7. Enter the vessel's length overall (LOA) in feet and registered length in feet.

The **LOA** of a vessel means the centerline longitudinal distance, rounded to the nearest foot, measured between: (1) the outside foremost part of the vessel visible above the waterline, including bulwarks, but excluding bowsprits and similar fittings or attachments, and (2) the outside aftermost part of the vessel visible above the waterline including bulwarks, but excluding rudders, outboard motor brackets, and similar fittings or attachments (50 CFR 679.2).

8. Enter registered gross tonnage (U.S. tons) and net tonnage (U.S. tons) as stated in the official documentation.
9. Enter the shaft horsepower.

BLOCK C PERMIT INFORMATION

1. **Area of operation.** Check one or both areas of operation (GOA or BSAI) as desired.
2. **Type of Operation.** Indicate one or a combination of the types of vessel operation you request in the groundfish fisheries (see 50 CFR part 679.2 and 679.4(b)(3)).

Catcher Vessel - A vessel that is used for catching fish and that does not process fish on board.

Catcher/Processor - A vessel that is used for catching fish and processing that fish.

Mothership - A vessel that receives and processes groundfish from other vessels. Please note: If your vessel operates as a processor in Alaska State waters only, remains anchored, or otherwise remains stationary in a single geographic location while receiving or processing groundfish, your vessel is functioning as a stationary floating processor and you must complete a Federal Processor Permit application.

Tender Vessel (buying station) - A vessel that is used to transport unprocessed fish received from another vessel to a shoreside processor or mothership.

A vessel permitted as a catcher vessel, catcher-processor, mothership, and/or tender vessel may conduct all operations authorized for a support vessel.

Or check:

Support Vessel - Any vessel that is used in support of a permitted vessel, including, but not limited to, supplying a fishing vessel with water, fuel, provisions, fishing equipment, fish processing equipment or other supplies, or transporting processed fish.

A vessel permitted as a support vessel may not conduct activities as a catcher vessel, catcher-processor, mothership, and/or tender vessel.

Recordkeeping and reporting requirements stipulated at 50 CFR part 679.5 must be followed. A logbook and appropriate forms may be obtained by contacting Sustainable Fisheries Division, NMFS, AKR by mail at P.O. Box 21668, Juneau, Alaska 99802-1668; or by calling 800-304-4846 (select option 3) or 907-586-7228; or by FAX at 907-586-7465.

Gear Type. If the permit request is for a catcher vessel or catcher/processor, indicate the gear type(s) used for groundfish operations.

3. GOA Inshore Processing Endorsement.

Catcher/processors under 125' LOA that wish to process GOA inshore pollock or GOA inshore Pacific cod must apply for a GOA inshore processing endorsement by completing No. 4 of Block C on the application. A catcher/processor with a GOA inshore processing endorsement is prohibited from processing more than 126 mt of GOA pollock and GOA Pacific cod, in the aggregate, during any reporting week. **Once issued, a GOA inshore processing endorsement cannot be rescinded for the duration of a fishing year.** It may be changed for the next fishing year by submitting an application for a permit amendment prior to the beginning of that fishing year. A catcher/processor is prohibited from harvest of groundfish within 3 miles of shore.

For more information on the inshore/offshore regulations, contact Sustainable Fisheries Division toll free at (800) 304-4846 (select option #3) or (907) 586-7228.

Vessels holding the GOA inshore processing endorsement face additional operating restrictions (see 50 CFR 679.7).

BLOCK D PACIFIC COD, POLLOCK, ATKA MACKEREL ENDORSEMENTS AND AMENDMENTS

If you plan to participate in the directed fisheries for Pacific cod, pollock, and/or Atka mackerel with any gear other than jig gear, your Federal Fisheries Permit must be endorsed for these species by gear type used.

Vessels participating in these directed fisheries in the EEZ off Alaska are required to have on board and use a Vessel Monitoring System (VMS) while the directed fisheries for which the permit is endorsed are open, regardless of where the vessel is fishing at the time (including Alaska State waters) or what the vessel is targeting.

NMFS has implemented a system of "platoon" management for Atka mackerel fishing in Steller sea lion Harvest Limit Areas (HLA), as set forth in 50 CFR 679.20(a)(8)(iii), in statistical areas 542 and 543 (central and western AI). A semi-annual lottery performed by NMFS, Alaska Region will determine placement in a fishing group in either 542 or 543 in each of two seasons (A season and B season). Once an endorsement is elected, it remains valid until amended (or the permit expires or is revoked, suspended, etc.). If registered to fish Atka mackerel in the HLA in statistical areas 542 or 543, the vessel may not participate in any other groundfish fishery in the BSAI or GOA until their first assigned Atka mackerel directed fishery in the HLA is closed to directed fishing. Changes to the Atka mackerel fisheries registration must be received, in writing, by National Marine Fisheries Service, Restricted Access Management (RAM) by January 1 for "A" season and July 31 for "B" season.

BLOCK E APPLICANT SIGNATURE

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. The application will be considered incomplete without this signature.

SPECIAL HANDLING OF PERMITS

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. You may FAX your permit application to us at (907) 586-7354, but a permit **cannot and will not** be faxed back to you.

If you would like to have your permit sent by a method other than regular mail, please attach a note indicating a method, and follow the appropriate procedure below.

Express Mail. If you would like to have your permit sent to you by U.S. Postal Express Mail, determine from the table below the weight and dimensions of the appropriate documents. Send us an express mail envelope with the correct amount of postage prepaid or send express mail stamps UNATTACHED to an envelope. **NOTE:** If the express mail envelope you send is too small or the postage attached is less than the amount required, your permit and logbook will be sent to you by regular U.S. mail.

Other Express Carriers. If you would like to have your permit sent to you by a private express carrier, e.g., Federal Express, UPS, DHL, etc., submit your account number and name of carrier or a prepaid envelope with the permit application.

Logbooks and appropriate forms may be obtained by contacting the Sustainable Fisheries Division, NMFS, AKR by mail at P.O. Box 21668, Juneau, Alaska 99802-1668; by phone at 800-304-4846 (select option 3) or 907-586-7228; or by FAX at 907-586-7465.

	Dimensions (inches)	Weight (lb,oz)
Catcher vessel, trawl gear logbook	11 x 12	3.4
Catcher vessel, longline and pot gear logbook	12 x 17	4.0
Catcher/processor, trawl gear logbook	11 x 12	3.0
Catcher/processor, longline and pot gear logbook	12 x 17	3.6
Mothership logbook	11 x 12	3.0

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 GOA and BSAI under 50 CFR 679 and under 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et. seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et. seq.*). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region, National Marine Fisheries Service."



**APPLICATION FOR
FEDERAL PROCESSOR PERMIT**

United States Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Alaska Region
Restricted Access Management
P.O. Box 21668
Juneau, Alaska 99802-1668



NOTICE: Only U.S. Citizens are authorized to receive or hold a Federal Processor Permit.

Indicate whether this application is for a Shoreside Processor Permit or a Stationary Floating Processing Permit

Shoreside Processor **Stationary Floating Processor**

IMPORTANT! A copy of the U.S. Coast Guard Abstract of Title or Certificate of Documentation **must be included** with this application if ownership of the vessel used as a stationary floating processor listed in Block B has changed or if a Federal Processor Permit has never been issued using this vessel.

Is this application being submitted in order to amend an existing Federal Processor Permit? **Yes** **No**
If yes, please provide your current Federal Processor Permit number _____

If you are amending your application, refer to the "General Information" section of the attached instructions, which provides the sections of the application form to be completed in addition to the amendments being made.

**BLOCK A
OWNER INFORMATION**

1. Name(s) of Owner(s) of Shoreside Processor or Stationary Floating Processor		
2. Business Mailing Address (street or P.O. Box, city, state, zip code)		3. SSN or Tax I.D. (SSN Voluntary)
4. Business Telephone Number	5. Business Fax Number	6. Business E-Mail Address
7. Managing Company Name (if any)		

**BLOCK B
STATIONARY FLOATING PROCESSOR INFORMATION**

1. Name of Vessel to be used as Stationary Floating Processor		2. Is this a vessel of the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No
3. U.S. Coast Guard Documentation No. _____	4. ADF&G Vessel Registration No. _____	5. ADF&G Processor Code F _____
6. Length Overall (LOA) _____ Ft. Registered Length _____ Ft.	7. Gross Tonnage _____ Net Tonnage _____	8. Shaft Horsepower _____

9. Homeport of Vessel (city and state)
--

BLOCK B (CONTINUED)
STATIONARY FLOATING PROCESSOR INFORMATION

10. **GOA Inshore Processing Endorsement.** Stationary floating processors that wish to receive a GOA inshore processing endorsement must check the box below. A GOA inshore processing endorsement is required in order to process GOA inshore pollock and GOA inshore Pacific cod. Stationary floating processors that hold an inshore processing endorsement are prohibited from processing GOA pollock and GOA Pacific cod in more than one single geographic location during a fishing year and are also prohibited from operating as a catcher/processor in the BSAI. **Once issued, a GOA inshore processing endorsement cannot be rescinded for the duration of a fishing year.** See pages 3 and 4 of the application instructions for further explanation.

GOA Inshore Processing Endorsement

BLOCK C
SHORESIDE PROCESSOR INFORMATION

1. Name of Shoreside Processor

2. Business Address of Shoreside Processor

3. (a) **Physical location** of plant at which this shoreside processor is operating (no post office boxes)

(b) Is this shoreside processor replacing a previous processor at this facility? Yes No

If yes, name of previous processor _____

(c) Are there multiple processing businesses using this facility? Yes No

4. Does the owner named in Block A, above, own the plant named in Block C, question 3 (a), above?
 Yes No

5. ADF&G Processor Code
F _____

6. Business Telephone Number

7. Business Fax Number

8. Business E-Mail Address

BLOCK D
APPLICANT SIGNATURE

Under penalties of perjury, I hereby declare that I, the undersigned, completed this application, and the information contained herein is true, correct, and complete to the best of my knowledge and belief.

Applicant Name (please print or type)

Signature

Date

Privacy Act Statement: Federal regulations at 50 CFR part 679 authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal commercial fishery permits. Where the requested information is a Social Security number (SSN), disclosure is voluntary. In the event it is not provided, NMFS will assign a unique code that will identify the records.

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 GOA and BSAI under 50 CFR 679 and under 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et. seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region, National Marine Fisheries Service."



INSTRUCTIONS TO THE APPLICATION FOR FEDERAL PROCESSOR PERMIT



GENERAL INFORMATION

- ✓ Only U.S. Citizens are authorized to receive or hold a Federal Processor Permit.
- ✓ Complete a separate application for each processor. Application forms and instructions are also available on the NMFS, Alaska Region web site at www.fakr.noaa.gov/ram.
- ✓ A copy of the U.S. Coast Guard Abstract of Title or Certificate of Documentation **must be included** with this application if ownership of the vessel used as a stationary floating processor listed in Block B has changed or if a Federal Processor Permit has never been issued using this vessel.
- ✓ Indicate whether or not you are amending your Federal Processor Permit. If you are amending your permit, enter the permit number where indicated and fill out Block A, the information you are changing, and then sign and date the application in Block D.
- ✓ Type or print legibly in ink.
- ✓ Retain a copy of the completed application for your records.
- ✓ Mail or deliver the completed application to:

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

Physical location: **Federal Building
709 W. 9th Street, Suite 713
Juneau, Alaska 99801**

Applications can be faxed to RAM at (907) 586-7354; however, permits **cannot** and **will not** be faxed back. The original, signed permit must be on site at the processor.

- ✓ If you have questions when completing the application, please call RAM at (800) 304-4846 (select option 2) or (907) 586-7202 (select option 2). You can also check our web site at www.fakr.noaa.gov/ram or email your questions to RAM.Alaska@noaa.gov.

Federal Processor Permits are required for any shoreside processor or any stationary floating processor (see 50 CFR 679.4).

Processing or to process means the preparation of, or to prepare, fish or crab to render it suitable for human consumption, industrial uses, or long-term storage, including but not limited to cooking, canning, smoking, salting, drying, freezing, or rendering into meal or oil, but does not mean icing, bleeding, heading, or gutting specifications under 50 CFR 679.2.

Please indicate the type of Federal Processor Permit for which you are completing this application.

Shoreside Processor - Any person or vessel that receives unprocessed groundfish, except catcher/processors, motherships, buying stations, restaurants, or persons receiving groundfish for personal consumption or bait.

Stationary Floating Processor - A vessel of the United States operating as a processor in Alaska State waters that remains anchored or otherwise remains stationary in a single geographic location while receiving or processing groundfish harvested in the GOA or BSAI.

Recordkeeping and reporting requirements stipulated at 50 CFR part 679.5 must be followed. A logbook and the appropriate forms may be obtained by contacting Sustainable Fisheries Division, NMFS, AKR, by mail at P.O. Box 21668, Juneau, Alaska 99802-1668; or by calling 800-304-4846 (select option 3) or 907-586-7228; or by FAX at 907-586-7465.

If this application is being submitted in order to amend an existing Federal Processor Permit, check yes where indicated and provide your current Federal Processor Permit number.

BLOCK A OWNER INFORMATION

1. Enter the full name(s) of the owner(s) of the vessel used for the stationary floating processor listed in Block B; or the owner of the shoreside processor listed in Block C. A copy of the U.S. Coast Guard Abstract of Title or Certificate of Documentation **must be included** with this application if ownership of the vessel used as a stationary floating processor listed in Block B has changed or if a Federal Processor Permit has never been issued using this vessel.

Note: If there is more than one owner, list the principal owner first. The permit will be issued to the first owner listed, with an *et al.* notation. The permit **MUST** be issued to the owner of the stationary floating processor or shoreside processor, not to operators or lessees.

2. Enter your complete **permanent** business mailing address, including street or PO Box, state, and zip code. Your permit will be sent to this address. If you need to have your permit sent to a different address, please enter your **permanent** business address on the application and attach a note with your alternate address.
3. Enter your Social Security Number or Tax Identification Number.

Privacy Act Statement: Federal regulations at 50 CFR part 679 authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal commercial fishery permits. Where the requested information is a Social Security Number (SSN), disclosure is voluntary; in the event it is not provided, NMFS will assign a unique code that will identify the records.

- 4-6. Enter the business telephone number, including area code, business fax number, and business e-mail address, if any, that are used by the processor owner. It is very important that you provide a number where we can contact you, or where we can leave messages for you. If questions arise concerning your application, and we are unable to contact you, issuance of your permit will be delayed.
7. Enter the name of the company, if other than the owner, that manages the operations of the stationary floating processor or shoreside processor.

BLOCK B

STATIONARY FLOATING PROCESSOR INFORMATION

Complete this block if you are requesting a Federal Processor Permit for a stationary floating processor.

1. Enter the complete vessel name as displayed in the official documentation.
2. Check whether or not the vessel is a vessel of the United States.
3. Enter the U.S. Coast Guard documentation number (example: 566722).
4. Enter the 5-digit State of Alaska Department of Fish & Game (ADF&G) vessel registration number (example: 51233).
5. Enter the ADF&G Processor Code.
6. Enter the vessel's length overall (LOA) in feet and registered length in feet.

The **LOA** of a vessel means the centerline longitudinal distance, rounded to the nearest foot, measured between: (1) the outside foremost part of the vessel visible above the waterline, including bulwarks, but excluding bowsprits and similar fittings or attachments, and (2) the outside aftermost part of the vessel visible above the waterline including bulwarks, but excluding rudders, outboard motor brackets, and similar fittings or attachments (50 CFR 679.2).

7. Enter registered gross tonnage (U.S. tons) and net tonnage (U.S. tons) as stated in the official documentation.
8. Enter the shaft horsepower.
9. Enter the home port (city and state) as recorded in the official documentation.
10. **GOA Inshore Processing Endorsement.** Stationary floating processors that wish to receive GOA inshore processing endorsements must complete No. 9 of Block B on the application. A GOA inshore processing endorsement is required in order to process GOA inshore Pacific cod and GOA inshore pollock. Stationary floating processors that hold an inshore processing endorsement are prohibited from processing GOA pollock and GOA Pacific cod in more than one single geographic location during a fishing year and are also prohibited from operating as a catcher/processor in the BSAI. **Once issued, a GOA inshore processing endorsement cannot be rescinded for the duration of a fishing year.** It may be changed for the next fishing year by submitting an application for permit amendment prior to the beginning of that fishing year. For more information on the inshore/offshore regulations, contact Sustainable Fisheries Division toll free at (800) 304-4846 (select option #3) or (907) 586-7228.

Vessels holding the GOA inshore processing endorsement face additional operating restrictions (see 50 CFR 679.7).

BLOCK C SHORESIDE PROCESSOR INFORMATION

1. Enter the name of the shoreside processor that is receiving or processing groundfish harvested from the Gulf of Alaska (GOA) or the Bering Sea/Aleutian Islands (BSAI).
2. Enter the business address of the shoreside processor.
3. (a) Enter the physical location where the plant, at which the owner of shoreside processor in Block A, question 1, is

operating. **DO NOT USE POST OFFICE BOX NUMBERS.**

(b) Indicate if this processor is replacing a previous processing business at this facility.

(c) Indicate if there are multiple processing businesses using this facility.

4. Indicate if the applicant in Block A owns the plant at which the shoreside processor listed in Block C, question 3(a), is operating.
5. Enter the ADF&G Processor Code.
- 6-8. Enter the business telephone number, including area code, business fax number, and business e-mail address, if any, that are used by the owner of the shoreside processor. It is very important that you provide a number where we can contact you, or where we can leave messages for you. If questions arise concerning your application, and we are unable to contact you, issuance of your permit will be delayed.

BLOCK D APPLICANT'S SIGNATURE

The applicant must sign and date the application certifying that all information is true, correct, and complete to the best of the his/her knowledge and belief. The application will be considered incomplete without this signature.

SPECIAL HANDLING OF PERMITS

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. You may FAX your permit application to us at (907) 586-7354, but a permit **cannot and will not** be faxed back to you.

If you would like to have your permit sent by a method other than regular mail, please attach a note indicating a method and follow the appropriate procedure below.

Express Mail. If you would like to have your permit sent to you by U.S. Postal Express Mail, determine from the table below the weight and dimensions of the appropriate documents. Send us an express mail envelope with the correct amount of postage prepaid or send express mail stamps UNATTACHED to an envelope. **NOTE:** If the express mail envelope you send is too small or the postage attached is less than the amount required, your permit and logbook will be sent to you by regular U.S. mail.

Other Express Carriers. If you would like to have your permit sent to you by a private express carrier, e.g., Federal Express, UPS, DHL, etc., submit your account number and name of the carrier or a prepaid envelope with the permit application.

Logbooks and appropriate forms may be obtained by contacting the Sustainable Fisheries Division, NMFS, AKR by mail at P.O. Box 21668, Juneau, Alaska 99802-1668; by phone at call 800-304-4846 (select option 3) or 907-586-7228; or by FAX at 907-586-7465. The approximate size and weight of each logbook are given below.

Dimensions	Weight
(inches)	(lb,oz)

Shoreside Processor & Stationary Shoreside

Instructions to the Application for Federal Processor Permit

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Electronic Reporting. An electronic alternative to the shoreside processor logbook is available. Processors that use the Shoreside Processor Electronic Logbook Report (SPELR) system transmit landing and production data to NMFS electronically, and do not have to submit weekly production reports. Processors interested in using the SPELR system should contact NMFS Sustainable Fisheries Division at 586-7228 for further information or to request a SPELR CD.

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 GOA and BSAI under 50 CFR 679 and under 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region, National Marine Fisheries Service."

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(3) The High Seas Salmon Fishery is administered in close coordination with ADF&G's administration of the State of Alaska's regulations governing the salmon troll fishery off Southeast Alaska. Because no commercial fishing for salmon is allowed in the EEZ west of Cape Suckling, all commercial salmon fishing west of Cape Suckling must take place in Alaska's territorial sea and, consequently, is subject to Alaska's management authority.

(4) For State of Alaska statutes and regulations governing commercial fishing, see Alaska Statutes, title 16—Fish and Game; title 5 of the Alaska Administrative Code, chapters 1-39.

(5) For State of Alaska regulations specifically governing the salmon troll fishery, see 5 Alaska Administrative Code 30 (Yakutat Area), and 5 Alaska Administrative Code 33 (Southeastern Alaska Area).

(6) For State of Alaska statutes and regulations governing sport and personal use salmon fishing other than subsistence fishing, see Alaska Statutes, title 16—Fish and Game; 5 Alaska Administrative Codes 42.010 through 75.995.

(7) For State of Alaska statutes and regulations governing subsistence fish-

ing, see Alaska Statutes, title 16—Fish and Game; 5 Alaska Administrative Codes 01, 02, 39, and 99.010.

(g) *Scallops*. Additional regulations governing conservation and management of scallops off Alaska are contained in Alaska Statutes A.S. 16 and Alaska Administrative Code at 5 AAC Chapter 38.

[61 FR 31230, June 19, 1996, as amended at 61 FR 35578, July 5, 1996; 62 FR 2045, Jan. 15, 1997; 62 FR 19688, Apr. 23, 1997; 63 FR 38502, July 17, 1998; 63 FR 47356, Sept. 4, 1998]

§ 679.4 Permits.

(a) *Requirements*. Only persons who are U.S. citizens are authorized to receive or hold permits under this section, with the exception that an IFQ card issued to an individual person designated by a QS or IFQ permit holder as a master employed to fish his/her IFQ need not be held by a U.S. citizen.

(1) *What permits are available?* Various types of permits are issued for programs codified at 50 CFR part 679. These permits are listed in the following table. The date of effectiveness for each permit is given along with certain reference paragraphs for further information.

For program permit or card type is:	Permit is in effect from issue date through the end of:	For more information, see ..
(i) IFQ		
(A) Registered Buyer	Specified fishing year	Paragraph 679.4(d)(2) of this section
(B) Halibut & sablefish permits	Specified fishing year	Paragraph 679.4(d)(3)(i)(B) of this section
(C) Halibut & sablefish cards	Specified fishing year	Paragraph 679.4(d)(3)(i)(C) of this section
(ii) CDQ Halibut		
(A) Halibut permit	Specified fishing year	679.32(f)
(B) Halibut card	Specified fishing year	679.32(f)
(iii) AFA		
(A) Catcher/processor	12/31/04	Paragraph (f) of this section
(B) Catcher vessel	12/31/04	Paragraph (f) of this section
(C) Mothership	12/31/04	Paragraph (f) of this section
(D) Inshore processor	12/31/04	Paragraph (f) of this section
(E) Inshore cooperative	Calendar year	Paragraph (f) of this section
(F) Replacement vessel	Takes dates of replaced vessel's permit	Paragraph (f) of this section
(iv) Groundfish		
(A) Federal fisheries	Until next renewal cycle	Paragraph (b) of this section
(B) Federal processor	Until next renewal cycle	Paragraph (f) of this section
(v) High seas salmon permit	Indefinite	Paragraph (h) of this section
(vi) High Seas Fishing Compliance Act (HSFCA)	5 years	§ 300.10 of this title
(vii) License Limitation Program (LLP)		
(A) Groundfish license	Specified fishing year or interim (active until further notice)	Paragraph (k) of this section
(B) Crab license	Specified fishing year or interim (active until further notice)	Paragraph (k) of this section
(viii) Exempted fisheries	1 year or less	§ 679.6
(ix) Research	1 year or less	§ 600.745(a) of this chapter

If program permit or card type is:	Permit is in effect from issue date through the end of:	For more information, see ..
(x) Prohibited species donation program		
(A) Salmon	3 years	§ 679.26
(B) Halibut	3 years	§ 679.26

(2) *Permit and logbook required by participant and fishery.* For the various types of permits issued, refer to § 679.5 for recordkeeping and reporting requirements.

(3) *Permit application.* (i) A person may obtain or renew an application for any of the permits under this section and must mail completed forms to the Program Administrator, RAM.

(ii) Upon receipt of an incomplete or improperly completed permit application, the Program Administrator, RAM, will notify the applicant of the deficiency in the permit application. If the applicant fails to correct the deficiency, the permit will not be issued. No permit will be issued to an applicant until a complete application is received.

(iii) A separate application must be completed for each vessel, processor, or buying station and a copy must be retained of each completed or revised application.

(iv) The information requested on the application must be typed or printed legibly.

(v) All permits are issued free of charge.

(4) *Amended applications.* An owner, operator, or manager who applied for and received a permit under this section must notify the Program Administrator, RAM, in writing, of any change in the information within 10 days of the date of that change.

(5) *Alteration.* No person may alter, erase, or mutilate any permit, card, or document issued under this section. Any such permit, card, or document that is intentionally altered, erased, or mutilated is invalid.

(6) *Disclosure.* NMFS will maintain a list of permitted processors that may be disclosed for public inspection.

(7) *Sanctions and denials.* Procedures governing sanctions and denials are found at subpart D of 15 CFR part 904. Such procedures are required for en-

forcement purposes, not administrative purposes.

(8) *Harvesting privilege.* Quota shares, permits, or licenses issued pursuant to this part are neither a right to the resource nor any interest that is subject to the “takings” provision of the Fifth Amendment to the U.S. Constitution. Rather, such quota shares, permits, or licenses represent only a harvesting privilege that may be revoked or amended subject to the requirements of the Magnuson-Stevens Act and other applicable law.

(b) *Federal Fisheries permit—(1) Groundfish.* No vessel of the United States may be used to fish for groundfish in the GOA or BSAI unless the owner first obtains a Federal fisheries permit for the vessel, issued under this part. A Federal fisheries permit is issued without charge.

(2) *Non-groundfish.* A vessel of the United States that fishes in the GOA or BSAI for any non-groundfish species, including but not limited to halibut, crab, salmon, scallops, and herring, and that is required to retain any bycatch of groundfish under this part must obtain a Federal fisheries permit under this part.

(3) *Vessel operations categories.*

(i) A Federal fisheries permit authorizes a vessel to conduct operations in the GOA or BSAI as a catcher vessel, catcher/processor, mothership, tender vessel, or support vessel.

(ii) A Federal fisheries permit is issued to a vessel to function as a support vessel or as any combination of the other four categories (catcher vessel, catcher/processor, mothership, tender vessel).

(iii) A vessel permitted as a catcher/processor, catcher vessel, mothership, or tender vessel also may conduct all operations authorized for a support vessel.

(iv) A vessel permitted as a support vessel may not conduct activities as a

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catcher vessel, catcher/processor, mothership, and/or tender vessel.

(4) *Duration.* (i) A Federal fisheries permit is issued on a 3-year cycle and is in effect from the date of issuance through the end of the current NMFS 3-year cycle, unless it is revoked, suspended, or modified under § 600.735 or § 600.740 of this chapter.

(ii) A Federal fisheries permit is surrendered when the original permit is submitted to and received by the Program Administrator, RAM Program, Juneau, AK.

(5) *How do I obtain a Federal fisheries permit?* To obtain a Federal fisheries permit, the owner must complete a Federal fisheries permit application and provide the following information for each vessel to be permitted:

(i) *New or amended application?* Indicate whether application is for a new or amended Federal fisheries permit and if revision, enter the current Federal fisheries permit number.

(ii) *Owner information.* Indicate the name(s), permanent business mailing address, business telephone number, business FAX number, and business e-mail address of the owner; and the name of any person or company (other than the owner) that manages the operations of the vessel.

(iii) *Vessel information.* Indicate the vessel name and homeport (city and state); U.S. Coast Guard (USCG) documentation number; ADF&G vessel registration number; ADF&G processor code; vessel's LOA (ft), registered length (ft), gross tonnage, net tonnage, and shaft horsepower; whether this is a vessel of the United States; and whether this vessel will be used as a stationary floating processor.

(iv) *Area and gear information.* Indicate requested/elected area(s) of operation. If a catcher/processor and/or a catcher vessel, the gear types used for groundfish fishing. If a mothership or catcher/processor operating in the GOA, choose inshore or offshore component.

(v) *Signature.* The owner or agent of the owner of the vessel must sign and date the application. If the owner is a company, the agent of the owner must sign and date the application.

(vi) (Applicable through July 8, 2002) If the vessel will be using pot, hook-

and-line, or trawl gear in the directed fisheries for pollock, Atka mackerel or Pacific cod in the GOA or in the BSAI.

(vii) (Applicable through July 8, 2002) If the vessel owner will be fishing in the harvest limit area in Statistical Areas 542 or 543 in the directed fishery for Atka mackerel.

(6) *Issuance.* (i) Except as provided in subpart D of 15 CFR part 904, upon receipt of a properly completed permit application, the Regional Administrator will issue a Federal fisheries permit required by this paragraph (b).

(ii) The Regional Administrator will send the Federal fisheries permit to the applicant with the appropriate logbooks, as provided under § 679.5.

(7) *Amended application.* If the application for an amended permit required under this section designates a change or addition of a vessel operations category, the amended permit must be on board the vessel before the new type of operations begins.

(8) *Transfer.* A Federal fisheries permit issued under this paragraph (b) is not transferable or assignable and is valid only for the vessel for which it is issued.

(9) *Inspection.* (i) An original Federal fisheries permit issued under this paragraph (b) must be carried on board the vessel whenever the vessel is fishing. Photocopied or faxed copies are not considered originals.

(ii) A permit issued under this paragraph (b) must be presented for inspection upon the request of any authorized officer.

(c) [Reserved]

(d) *IFQ permits.*—(1) *General.* In addition to the permit and licensing requirements prescribed in the annual management measures published in the FEDERAL REGISTER pursuant to § 300.62 of chapter III of this title and in the permit requirements of this section, all fishing vessels that harvest IFQ halibut or IFQ sablefish must have on board:

(i) *IFQ permit.* A copy of an IFQ permit that specifies the IFQ regulatory area and vessel category in which IFQ halibut or IFQ sablefish may be harvested by the IFQ permit holder; and

(ii) *IFQ card.* An original IFQ card issued by the Regional Administrator.

(2) *Registered buyer permit.* A Registered buyer permit is required of:

(i) Any person who receives IFQ halibut, CDQ halibut or IFQ sablefish from the person(s) who harvested the fish;

(ii) Any person who harvests IFQ halibut or IFQ sablefish and transfers such fish:

(A) In a dockside sale;

(B) Outside of an IFQ regulatory area; or

(C) Outside the State of Alaska.

(iii) A vessel operator who obtains a vessel clearance or submits a departure report (see §679.5(1)(5)(iv)).

(3) *How do I obtain an IFQ permit, IFQ card, or Registered Buyer Permit?* (i) *IFQ permits and cards—(A) Issuance.* The Regional Administrator will renew IFQ permits and cards annually or at other times as needed to accommodate transfers, revocations, appeals resolution, and other changes in QS or IFQ holdings, and designation of masters under §679.42.

(B) *IFQ permit.* Each IFQ permit issued by the Regional Administrator will identify the permitted person and will be accompanied by a statement that specifies the amount of IFQ halibut or IFQ sablefish that person may harvest from a specified IFQ regulatory area using fixed gear and a vessel of a specified vessel category.

(C) *IFQ card.* Each IFQ card issued by the Regional Administrator will display an IFQ permit number and the individual authorized by the IFQ permit holder to land IFQ halibut or IFQ sablefish for debit against the permit holder's IFQ.

(ii) *Registered buyer permits.* Registered buyer permits will be renewed or issued annually by the Regional Administrator to persons that have a registered buyer application approved by the Regional Administrator.

(4) *Duration—(i) IFQ permit.* An IFQ permit authorizes the person identified on the permit to harvest IFQ halibut or IFQ sablefish from a specified IFQ regulatory area at any time during an open fishing season during the fishing year for which the IFQ permit is issued until the amount harvested is equal to the amount specified under the permit, or until it is revoked, suspended, or modified under 15 CFR part 904.

(ii) *IFQ card.* An IFQ card authorizes the individual identified on the card to land IFQ halibut or IFQ sablefish for debit against the specified IFQ permit until the card expires, or is revoked, suspended, or modified under 15 CFR part 904, or cancelled on request of the IFQ permit holder.

(iii) *Registered buyer permit.* A registered buyer permit authorizes the person identified on the permit to receive or make an IFQ landing by an IFQ permit or card holder at any time during the fishing year for which it is issued until the registered buyer permit expires, or is revoked, suspended, or modified under 15 CFR part 904.

(5) *Transfer.* The IFQ permits issued under this section are not transferable, except as provided under §679.41. IFQ cards and registered buyer permits issued under this paragraph (d) are not transferable.

(6) *Inspection—(i) IFQ permit.* A legible copy of any IFQ permit issued under this section must be carried on board the vessel used by the permitted person to harvest IFQ halibut or IFQ sablefish at all times that such fish are retained on board.

(ii) *IFQ card.* Except as specified in §679.42(d), an individual that is issued an IFQ card must remain aboard the vessel used to harvest IFQ halibut or IFQ sablefish with that card during all fishing operations until arrival at the point of landing and during all IFQ landings. The IFQ cardholder must present a copy of the IFQ permit and the original IFQ card for inspection on request of any authorized officer, clearing officer, or registered buyer purchasing IFQ species. Nothing in this paragraph would prevent an individual who is issued an IFQ card from being absent from the vessel used to harvest IFQ halibut or IFQ sablefish between the time the vessel arrives at the point of landing until the commencement of landing.

(iii) *Registered buyer permit.* A legible copy of the registered buyer permit must be present at the location of an IFQ landing, and must be made available for inspection on request of any authorized officer or clearing officer.

(7) *Validity.* An IFQ permit issued under this part is valid only if all IFQ fee liability of the IFQ permit holder

that is due as a result of final agency action has been paid as specified in §§ 679.45 and 679.5(1)(7)(ii).

(e) *Halibut CDQ permits and CDQ cards.* See § 679.32(f).

(f) *Federal processor permit—(1) Requirement.* No shoreside processor of the United States or stationary floating processor may receive or process groundfish harvested in the GOA or BSAI, unless the owner first obtains a Federal processor permit issued under this part. A Federal processor permit is issued without charge.

(2) *How do I obtain a Federal processor permit?* To obtain a Federal processor permit, the owner must complete a Federal processor permit application and provide the following information for each shoreside processor facility or plant and stationary floating processor to be permitted:

(i) *Permit application information.* Indicate whether application is for a new or amended Federal processor permit and if a revision, the current Federal processor permit number.

(ii) *Owner information.* Indicate the name(s), permanent business mailing address, business telephone number, business FAX number, and business e-mail address of the owner; and the name of any person or company (other than the owner) who manages the operations of the shoreside processor or stationary floating processor.

(iii) *Stationary floating processor information.* Indicate the vessel name and homeport (city and state); USCG documentation number; ADF&G vessel registration number; ADF&G processor code; the vessel's LOA (ft), registered length (ft), gross tonnage, net tonnage and shaft horsepower; whether this is a vessel of the United States; and whether this vessel will be used as a stationary floating processor.

(iv) *Shoreside processor information.* Indicate the shoreside processor's name; name and physical location of facility or plant at which the shoreside processor is operating (street, city, state, zip code); whether the shoreside processor is replacing a previous processor at this facility; and if yes, name of previous processor; whether there are multiple processors at this facility; whether the owner named in paragraph (f)(2)(ii) of this section owns this facil-

ity; shoreside processor ADF&G processor code, business telephone number, business FAX number, and business e-mail address.

(v) *Signature.* The owner or agent of the owner of the shoreside processor or stationary floating processor must sign and date the application. If the owner is a company, the agent of the owner must sign and date the application.

(3) *Issuance.* (i) Upon receipt of a properly completed permit application, the Regional Administrator will issue a Federal processor permit required by this paragraph (f).

(ii) The Regional Administrator will send the Federal processor permit to the applicant with the shoreside processor logbook, as provided under § 679.5.

(4) *Duration.* (i) A Federal processor permit is issued for a 3-year period and remains in full force and effect from the date of issuance through the end of the current NMFS 3-year renewal cycle, unless it is revoked, suspended, or modified under § 600.735 or § 600.740 of this chapter.

(ii) A Federal processor permit is surrendered when the original permit is submitted to and received by the Program Administrator, RAM Program, Juneau, AK.

(5) *Transfer.* A Federal processor permit issued under this paragraph (f) is not transferable or assignable and is valid only for the processor for which it is issued.

(6) *Inspection.* (i) An original Federal processor permit issued under this paragraph (f) must be on site at the shoreside processor, or stationary floating processor at all times. Photocopied or faxed copies are not considered originals.

(ii) A permit issued under this paragraph (f) must be presented for inspection upon the request of any authorized officer.

(g) *Scallop LLP—(1) General requirements.* In addition to the permit and licensing requirements prescribed in this part, each vessel within the EEZ off Alaska that is catching and retaining scallops, must have an original scallop LLP license on board at all times it is catching and retaining scallops. This scallop LLP license, issued by NMFS, authorizes the person named on the license to catch and retain scallops in

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compliance with regulations of the State of Alaska and only with a vessel that does not exceed the MLOA specified on the license and the gear designation specified on the license.

(2) *Qualifications for a scallop LLP license.* A scallop LLP license will be issued to an eligible applicant who:

- (i) Is a qualified person;
- (ii) Was named on a State of Alaska scallop moratorium permit or Federal scallop moratorium permit on February 8, 1999;
- (iii) Used the moratorium permit held on February 8, 1999, to make legal landings of scallops in each of any 2 calendar years during the qualification period beginning January 1, 1996, through October 9, 1998; and
- (iv) Submitted a complete application for a scallop license during the application period specified pursuant to paragraph (g)(4) of this section.

(3) *Scallop license conditions and endorsements.* A scallop license authorizes the license holder to catch and retain scallops only if the vessel length and gear used do not exceed the vessel length and gear endorsements specified on the license. These endorsements will be determined as follows.

(i) The MLOA specified on the scallop license is equal to the length overall on February 8, 1999, of the longest vessel that was authorized by a Federal or State of Alaska Scallop Moratorium Permit to harvest scallops and used by the eligible applicant to make legal landings of scallops during the scallop LLP qualification period, as specified at § 679.4(g)(2)(iii) of this part.

(ii) The gear specified on a scallop license will be restricted to a single 6-ft (1.8-m) dredge in all areas if the eligible applicant was a moratorium permit holder with a Scallop Registration Area H (Cook Inlet) endorsement and did not make a legal landing of scallops caught outside of Area H during the qualification period specified in paragraph (g)(2)(iii) of this section.

(4) *Application for a scallop license—(i) General.* The Regional Administrator will issue a scallop license to an applicant if a complete application is submitted by or on behalf of the applicant during the specified application period, and if that applicant meets all the criteria for eligibility in this part. An ap-

plication that is postmarked or hand delivered after the ending date for the application period for the scallop LLP specified in paragraph § 679.4(g)(4)(ii) will be denied. An application form will be sent to the last known address of the person identified as an eligible applicant by the official LLP record. An application form may be requested from the Regional Administrator.

(ii) *Application Period.* January 16, 2001, through February 12, 2001.

(iii) *Contents of application.* To be complete, an application for a scallop license must be signed and dated by the applicant, or the individual representing the applicant, and contain the following information, as applicable:

(A) Scallop Moratorium Permit number under which legal landings of scallops were made during the qualification period specified in paragraph (g)(2)(iii) of this section;

(B) Name, business address, telephone number, FAX number, and social security number or tax ID number of the applicant, and whether the applicant is a U.S. citizen or a U.S. business;

(C) Name of the managing company, if any;

(D) Evidence of legal landings in the qualifying years and registration areas;

(E) For the vessel(s) being used as the basis for eligibility for a license, the name, state registration number (e.g., ADF&G number), the USCG documentation number, and valid evidence of the LOA on February 8, 1999, of the longest vessel used by the applicant during the qualification period specified in paragraph (g)(2)(iii) of this section.

(iv) *Successor-in-interest.* If an applicant is applying as the successor-in-interest to an eligible applicant, an application, to be complete, also must contain valid evidence proving the applicant's status as a successor-in-interest to that eligible applicant and:

(A) Valid evidence of the death of that eligible applicant at the time of application, if the eligible applicant was an individual; or

(B) Valid evidence that the eligible applicant is no longer in existence at the time of application, if the eligible applicant is not an individual.

(v) *Application evaluation.* The Regional Administrator will evaluate an application submitted during the specified application period and compare all claims in the application with the information in the official LLP record. Claims in the application that are consistent with information in the official LLP record will be accepted by the Regional Administrator. Inconsistent claims in the application, unless verified by evidence, will not be accepted. An applicant who submits inconsistent claims, or an applicant who fails to submit the information specified in paragraphs (g)(4)(iii) and (g)(4)(iv) of this section, will be provided a 60-day evidentiary period pursuant to paragraph (g)(4)(vii) 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 LLP record. An applicant who submits claims that are inconsistent with information in the official LLP record has the burden of proving that the submitted claims are correct.

(vi) *Additional information or evidence.* The Regional Administrator will evaluate additional information or evidence to support an applicant's inconsistent claims submitted within the 60-day evidentiary period pursuant to paragraph (g)(4)(vii) of this section. 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 LLP record will be amended and the information will be used in determining whether the applicant is eligible for a license. 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 is correct, the applicant will be notified by an initial administrative determination, pursuant to paragraph (g)(4)(viii) of this section, that the applicant did not meet the burden of proof to change the information in the official LLP record.

(vii) *60-day evidentiary period.* The Regional Administrator will specify by letter a 60-day evidentiary period dur-

ing 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 LLP 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 (g)(4)(iii) and (g)(4)(iv) of this section will have 60 days to provide that information. An applicant will be limited to one 60-day evidentiary period. Additional information or evidence, or a revised application, received after the 60-day evidentiary period specified in the letter has expired will not be considered for purposes of the initial administrative determination.

(viii) *Initial administrative determinations (IAD).* The Regional Administrator will prepare and send an IAD to the applicant following the expiration of the 60-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 LLP 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 60-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 a transferable license until after the final resolution of that appeal in the applicant's favor.

(ix) *Issuance of a non-transferable license.* The Regional Administrator will issue a non-transferable license to the applicant at the same time notification

is provided to the applicant of his or her 60-day evidentiary period if issuance is required by the license renewal provisions of 5 U.S.C. 558. A non-transferable license authorizes a person to catch and retain scallops as specified on the non-transferable license, and will have the specific endorsements and designations based on the claims in his or her application. A non-transferable license will expire upon final agency action.

(5) *Transfer of a Scallop License*—(i) *General.* The Regional Administrator will approve the transfer of a scallop license if a complete transfer application is submitted to Restricted Access Management, Alaska Region, NMFS, and if the transfer meets all the eligibility criteria as specified in paragraph (g)(5)(ii) of this section. An application form may be requested from the Regional Administrator.

(ii) *Eligibility criteria for transfers.* A scallop license can be transferred if:

(A) The designated transferee is eligible to document a fishing vessel under Chapter 121, Title 46, U.S.C.;

(B) The parties to the transfer do not have any fines, civil penalties, other payments due and outstanding, or outstanding permit sanctions resulting from Federal fishing violations;

(C) The transfer will not cause the designated transferee to exceed the license limit in § 679.7(i); and

(D) The transfer does not violate any other provision specified in this part.

(iii) *Contents of transfer application.* To be complete, an application for a scallop license transfer must be signed by the licence holder and the designated transferee, or the individuals representing them, and contain the following information, as applicable:

(A) Name, business address, telephone number, and FAX number of the license holder and of the designated transferee;

(B) License number and total price being paid for the license;

(C) Certification that the designated transferee is a U.S. citizen, or a U.S. corporation, partnership, or other association;

(D) A legible copy of a contract or sales agreement that specifies the license to be transferred, the license holder, the designated transferee, the

monetary value or the terms of the license transfer; and

(E) Other information the Regional Administrator deems necessary for measuring program performance.

(iv) *Incomplete applications.* The Regional Administrator will return an incomplete transfer application to the applicant and identify any deficiencies if the Regional Administrator determines that the application does not meet all the criteria identified in paragraph (g)(5) of this section.

(v) *Transfer by court order, operation of law, or as part of a security agreement.* The Regional Administrator will transfer a scallop license based on a court order, operation of law, or a security agreement if the Regional Administrator determines that the transfer application is complete and the transfer will not violate any of the provisions of this section.

(h) *High Seas Salmon permits*—(1) *Operators of commercial fishing vessels using power troll gear.* The operator of a fishing vessel using power troll gear may engage in commercial fishing for salmon in the High Seas Salmon Management Area if the operator:

(i) Held a valid State of Alaska power troll permanent entry permit on May 15, 1979, or is a transferee under paragraph (h)(13) of this section from an operator who held such a permit on that date;

(ii) Held a valid State of Alaska power troll interim use permit on May 15, 1979; or

(iii) Holds a High Seas Salmon Fishery permit issued by the Regional Administrator under paragraph (h)(7) of this section.

(2) *Crew members and other persons not the operator of a commercial fishing vessel using power troll gear.* Crew members or other persons aboard but not the operator of a fishing vessel may assist in the vessel's commercial salmon fishing operations in the High Seas Management Area without a permit if a person described in paragraph (h)(1)(i) through (iii) of this section is also aboard the vessel and is engaged in the vessel's commercial fishing operations.

(3) *Personal use fishing.* Any person who holds a valid State of Alaska sport fishing license may engage in personal

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use fishing in the High Seas Salmon Management Area.

(4) *Duration.* Authorization under this paragraph (h) to engage in fishing for salmon in the High Seas Salmon Management Area constitutes a use privilege which may be revoked or modified without compensation.

(5) *Eligibility criteria for permits issued by the Regional Administrator.* (i) Any person is eligible to be issued a High Seas Salmon Fishery permit under paragraph (h)(7) of this section if that person, during any one of the calendar years 1975, 1976, or 1977:

(A) Operated a fishing vessel in the High Seas Salmon Management Area.

(B) Engaged in commercial fishing for salmon in the High Seas Salmon Management Area.

(C) Caught salmon in the High Seas Salmon Management Area using power troll gear.

(D) Landed such salmon.

(ii) The following persons are not eligible to be issued a High Seas Salmon Fishery permit under paragraph (h)(7) of this section:

(A) Persons described in paragraph (h)(1)(i) or (h)(1)(ii) of this section.

(B) Persons who once held but no longer hold a State of Alaska power troll permanent entry or interim-use permit.

(6) *Application.* Applications for a High Seas Salmon Fishery permit must be in writing, signed by the applicant, and submitted to the Regional Administrator, at least 30 days prior to the date the person wishes to commence fishing, and must include:

(i) The applicant's name, mailing address, and telephone number.

(ii) The vessel's name, USCG documentation number or State of Alaska registration number, home port, length overall, registered tonnage, and color of the fishing vessel.

(iii) The type of fishing gear used by the fishing vessel.

(iv) State of Alaska fish tickets or other equivalent documents showing the actual landing of salmon taken in the High Seas Salmon Management Area by the applicant with power troll gear during any one of the years 1975 to 1977.

(7) *Issuance.* (i) Except as provided in subpart D of 15 CFR part 904, upon re-

ceipt of a properly completed application, the Regional Administrator will determine whether the permit eligibility conditions have been met, and if so, will issue a High Seas Salmon Fishery permit.

(ii) If the permit is denied, the Regional Administrator will notify the applicant in accordance with paragraph (h)(16) of this section.

(iii) If an incomplete or improperly completed permit application is filed, the Regional Administrator will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days following the date of receipt of notification, the application shall be considered abandoned.

(8) *Amended application.* Any person who applies for and receives a High Seas Salmon Fishery permit issued under paragraph (h)(7) of this section must notify the Regional Administrator within 30 days of a change in any of the information submitted under paragraph (h)(6) of this section.

(9) *Replacement.* Replacement permits may be issued for lost or unintentionally mutilated permits. An application for a replacement permit shall not be considered a new application.

(10) *Display.* Any permit or license described in paragraph (h)(1) or (h)(3) of this section must be on board the vessel at all times while the vessel is in the High Seas Salmon Management Area.

(11) *Inspection.* Any permit or license described in paragraph (h)(1) or (h)(3) of this section must be presented for inspection upon request by an authorized officer.

(12) *Sanctions.* Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

(13) *Transfer of authority to fish in the High Seas Salmon Management Area—*(i) *State of Alaska power troll permanent entry permits.* The authority of any person to engage in commercial fishing for salmon using power troll gear in the High Seas Salmon Management Area shall expire upon the transfer of that person's State of Alaska power troll permanent entry permit to another and shall be transferred to the new holder of that permit.

(ii) *Transfer of Authority by the Regional Administrator.* (A) Any person to

whom the proposed transfer of a State of Alaska power troll permanent entry permit is denied by the State of Alaska may apply, with the consent of the current holder of that permit, to the Regional Administrator for transfer to the applicant of the current holder's authority to engage in commercial fishing for salmon using power troll gear in the High Seas Salmon Management Area.

(B) The application for transfer shall be filed with the Regional Administrator within 30 days of the denial by the State of Alaska of the proposed transfer of the permit.

(C) The application for transfer shall include all documents and other evidence submitted to the State of Alaska in support of the proposed transfer of the permit and a copy of the State of Alaska's decision denying the transfer of the permit. The Regional Administrator may request additional information from the applicant or from the State of Alaska to assist in the consideration of the application.

(D) The Regional Administrator shall approve the transfer if it is determined that:

(1) The applicant had the ability to participate actively in the fishery at the time the application for transfer of the permit was filed with the State of Alaska.

(2) The applicant has access to power troll gear necessary for participation in the fishery.

(3) The State of Alaska has not instituted proceedings to revoke the permit on the ground that it was fraudulently obtained.

(4) The proposed transfer of the permit is not a lease.

(E) Upon approval of the transfer application by the Regional Administrator, the authority of the permit holder to engage in commercial fishing for salmon in the High Seas Salmon Management Area using power troll gear shall expire, and that authority shall be transferred to the applicant.

(14) *Other Permits.* (i) Except for emergency transfers under paragraph (h)(15) of this section, the authority of any person described in paragraph (h)(1)(ii), (h)(1)(iii), or (h)(3) of this section to fish for salmon in the High Seas Salmon

Management Area, may not be transferred to any other person.

(ii) Except for emergency transfers under paragraph (h)(15) of this section, the authority to engage in commercial fishing for salmon which was transferred under paragraph (h)(13)(ii) of this section may not be transferred to any other person except the current holder of the State of Alaska power troll permanent entry permit from which that authority was originally derived.

(iii) The authority described in paragraph (h)(14)(ii) of this section may be transferred to the current holder of that permit upon receipt of written notification of the transfer by the Regional Administrator.

(15) *Emergency transfers—authority to use power troll gear.* (i) The authority of any person to engage in commercial fishing for salmon using power troll gear in the High Seas Salmon Management Area may be transferred to another person for a period not lasting beyond the end of the calendar year of the transfer when sickness, injury, or other unavoidable hardship prevents the holder of that authority from engaging in such fishing.

(ii) Such a transfer shall take effect automatically upon approval by the State of Alaska of an emergency transfer of a State of Alaska power troll entry permit, in accordance with the terms of the permit transfer.

(iii) Any person may apply to the Regional Administrator for emergency transfer of the current holder's authority to engage in commercial fishing for salmon using power troll gear in the High Seas Salmon Management Area for a period not lasting beyond the calendar year of the proposed transfer, if a person:

(A) Is denied emergency transfer of a State of Alaska power troll entry permit by the State of Alaska; or

(B) Requests emergency transfer of a Federal commercial power troll permit previously issued by the Regional Administrator, with the consent of the current holder of that permit.

(iv) The Regional Administrator shall approve the transfer if he determines that:

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(A) Sickness, injury, or other unavoidable hardship prevents the current permit holder from engaging in such fishing.

(B) The applicant had the ability to participate actively in the fishery at the time the application for emergency transfer of the permit was filed with the State of Alaska or, in the case of a Federal permit, with the Regional Administrator.

(C) The applicant has access to power troll gear necessary for participation in the fishery.

(D) The State of Alaska has not instituted proceedings to revoke the permit on the grounds that it was fraudulently obtained.

(v) The application in the case of a State of Alaska permit shall be filed with the Regional Administrator within 30 days of the denial by the State of Alaska of emergency transfer of the permit.

(vi) The application shall include all documents and other evidence submitted to the State of Alaska in support of the proposed emergency transfer of the permit and a copy of the State of Alaska's decision denying the emergency transfer of the permit. The Regional Administrator may request additional information from the applicant or from the State of Alaska to assist in the consideration of the application.

(vii) Upon approval of the application by the Regional Administrator, the authority of the permit holder to engage in commercial fishing for salmon using power troll gear in the High Seas Salmon Management Area shall expire for the period of the emergency transfer, and that authority shall be transferred to the applicant for that period.

(16) *Appeals and hearings.* (i) A decision by the Regional Administrator to deny a permit under paragraph (h)(7) of this section or to deny transfer of authority to engage in commercial fishing for salmon in the High Seas Salmon Management Area under paragraphs (h)(13) and (h)(14) of this section will:

(A) Be in writing.

(B) State the facts and reasons therefor.

(C) Advise the applicant of the rights provided in this paragraph (h)(16).

(ii) Any such decision of the Regional Administrator shall be final 30 days after receipt by the applicant, unless an appeal is filed with the NOAA/NMFS Assistant Administrator within that time.

(iii) Failure to file a timely appeal shall constitute waiver of the appeal.

(iv) Appeals under this paragraph (h)(16) must:

(A) Be in writing.

(B) Set forth the reasons why the appellant believes the Regional Administrator's decision was in error.

(C) Include any supporting facts or documentation.

(v) At the time the appeal is filed with the Assistant Administrator, the appellant may request a hearing with respect to any disputed issue of material fact. Failure to request a hearing at this time will constitute a waiver of the right to request a hearing.

(vi) If a hearing is requested, the Assistant Administrator may order an informal fact-finding hearing if it is determined that a hearing is necessary to resolve material issues of fact and shall so notify the appellant.

(vii) If the Assistant Administrator orders a hearing, the order will appoint a hearing examiner to conduct the hearing.

(viii) Following the hearing, the hearing examiner shall promptly furnish the Assistant Administrator with a report and appropriate recommendations.

(ix) As soon as practicable after considering the matters raised in the appeal, and any report or recommendation of the hearing examiner in the event a hearing is held under this paragraph (h)(16), the Assistant Administrator shall decide the appeal.

(x) The Assistant Administrator shall promptly notify the appellant of the final decision. Such notice shall set forth the findings of the Assistant Administrator and set forth the basis of the decision. The decision of the Assistant Administrator shall be the final administrative action of the Department of Commerce.

(i) *Exempted fisheries permits.* (See § 679.6.)

(j) *Prohibited species donation program permits.* (See § 679.26(a)(3).)

(k) *Licenses for license limitation groundfish or crab species—(1) General requirements.* (i) In addition to the permit and licensing requirements of this part, and except as provided in paragraph (k)(2) of this section, each vessel within the GOA or the BSAI must have an LLP groundfish license on board at all times it is engaged in fishing activities defined in § 679.2 as directed fishing for license limitation groundfish. This groundfish license, issued by NMFS to a qualified person, authorizes a license holder to deploy a vessel to conduct directed fishing for license limitation groundfish only in accordance with the specific area and species endorsements, the vessel and gear designations, and the MLOA specified on the license.

(ii) In addition to the permit and licensing requirements prescribed in this part, and except as provided in paragraph (k)(2) of this section, each vessel within the Bering Sea and Aleutian Islands Area must have a crab species license on board at all times it is engaged in fishing activities defined in § 679.2 as directed fishing for crab species. This crab species license, issued by NMFS to a qualified person, authorizes a license holder to deploy a vessel to conduct directed fishing for crab species only for the specific species and in the specific area(s) designated on the license, and may be used only on a vessel that complies with the vessel designation and MLOA specified on the license.

(2) *Exempt vessels.* Notwithstanding the requirements of paragraph (k)(1) of this section,

(i) A catcher vessel or catcher/processor vessel that does not exceed 26 ft (7.9 m) LOA may conduct directed fishing for license limitation groundfish in the GOA without a groundfish license;

(ii) A catcher vessel or catcher/processor vessel that does not exceed 32 ft (9.8 m) LOA may conduct directed fishing for license limitation groundfish in the BSAI without a groundfish license and may conduct directed fishing for crab species in the Bering Sea and Aleutian Islands Area without a crab species license;

(iii) A catcher vessel or catcher/processor vessel that does not exceed 60 ft (18.3 m) LOA may use a maximum of 5 jig machines, one line per jig machine,

and a maximum of 15 hooks per line, to conduct directed fishing for license limitation groundfish in the BSAI without a groundfish license; or

(iv) A catcher vessel or catcher/processor vessel that does not exceed 125 ft (38.1 m) LOA, and during the period after November 18, 1992, through October 9, 1998, was specifically constructed for and used exclusively in accordance with a CDP approved by NMFS, and is designed and equipped to meet specific needs that are described in the CDP, is exempted from the requirement to have a LLP groundfish license to conduct directed fishing for license limitation groundfish in the GOA and in the BSAI area and a crab species license to fish for crab species in the Bering Sea and Aleutian Islands Area.

(3) *Vessel and gear designations and vessel length categories—(i) General.* A license may be used only on a vessel named on the license, a vessel that complies with the vessel designation and gear designation specified on the license, and a vessel that has an LOA less than or equal to the MLOA specified on the license.

(ii) *Vessel designations—(A) Catcher/processor vessel.* A license will be assigned a catcher/processor vessel designation if:

(1) For license limitation groundfish, license limitation groundfish were processed on the vessel that qualified for the groundfish license under paragraph (k)(4) of this section during the period January 1, 1994, through June 17, 1995, or in the most recent calendar year of participation during the area endorsement qualifying period specified in paragraph (k)(4)(ii) of this section; or

(2) For crab species, crab species were processed on the vessel that qualified for the crab species license under paragraph (k)(5) of this section during the period January 1, 1994, through December 31, 1994, or in the most recent calendar year of participation during the area endorsement qualifying period specified in paragraph (k)(5)(ii) of this section.

(3) For purposes of paragraphs (k)(3)(ii)(A)(1) and (k)(3)(ii)(A)(2) of this section, evidence of processing must be demonstrated by Weekly Production Reports or other valid documentation

demonstrating that processing occurred on the vessel during the relevant period.

(B) *Catcher vessel.* A license will be assigned a catcher vessel designation if it does not meet the criteria in paragraph (k)(3)(ii)(A)(1) or (k)(3)(ii)(A)(2) of this section to be assigned a catcher/processor vessel designation.

(C) *Changing a vessel designation.* A person who holds a groundfish license or a crab species license with a catcher/processor vessel designation may, upon request to the Regional Administrator, have the license reissued with a catcher vessel designation. The vessel designation change to a catcher vessel will be permanent, and that license will be valid for only those activities specified in the definition of catcher vessel designation at § 679.2.

(D) *Limited processing by catcher vessels.* Up to 1 mt of round weight equivalent of license limitation groundfish or crab species may be processed per day on a vessel less than or equal to 60 ft (18.3 m) LOA that is authorized to fish with an LLP license with a catcher vessel designation.

(iii) *Vessel length categories.* A vessel's eligibility will be determined using the following three vessel length categories, which are based on the vessel's LOA on June 17, 1995, or, if the vessel was under reconstruction on June 17, 1995, the vessel's length on the date that reconstruction was completed.

(A) Vessel length category "A" if the LOA of the qualifying vessel on the relevant date was equal to or greater than 125 ft (38.1 m) LOA.

(B) Vessel length category "B" if the LOA of the qualifying vessel on the relevant date was equal to or greater than 60 ft (18.3 m) but less than 125 ft (38.1 m) LOA.

(C) Vessel length category "C" if the LOA of the qualifying vessel on the relevant date was less than 60 ft (18.3 m) LOA.

(iv) *Gear designations for groundfish licenses—(A) General.* A vessel may only use gear consistent with the gear designation on the LLP license authorizing the use of that vessel to fish for license limitation groundfish or crab species.

(B) *Trawl/non-trawl.* A license will be assigned a trawl/non-trawl gear des-

ignation if trawl and non-trawl gear were used to harvest LLP species from the qualifying vessel during the period beginning January 1, 1988, through June 17, 1995.

(C) *Trawl.* A license will be assigned a trawl gear designation if only trawl gear was used to harvest LLP species from the qualifying vessel during the period beginning January 1, 1988, through June 17, 1995.

(D) *Non-trawl.* A license will be assigned a non-trawl gear designation if only non-trawl gear was used to harvest LLP species from the qualifying vessel during the period beginning January 1, 1988, through June 17, 1995.

(E) *Changing a gear designation.* (1) An applicant may request a change of gear designation based on gear used from the vessel during the period beginning June 18, 1995, through February 7, 1998. Such a change would be permanent and may only be used for a change from trawl to non-trawl or from non-trawl to trawl.

(2) An applicant may request a change of gear designation based on a significant financial investment in converting a vessel or purchasing fishing gear on or before February 7, 1998, and making a documented harvest with that gear on or before December 31, 1998. Such a change would be permanent and may only be used for a change from trawl to non-trawl or from non-trawl to trawl.

(F) *Definitions of non-trawl gear and significant financial investment.* (1) For purposes of paragraph (k)(3)(iv) of this section, non-trawl gear means any legal gear, other than trawl, used to harvest license limitation groundfish.

(2) For purposes of paragraph (k)(3)(iv)(E)(2) of this section, "significant financial investment" means having spent at least \$100,000 toward vessel conversion and/or gear to change to trawl gear from non-trawl gear, or having acquired groundline, hooks, pots, jig machines, or hauling equipment to change to non-trawl gear from trawl gear.

(4) *Qualifications for a groundfish license.* A groundfish license will be issued to an eligible applicant that meets the criteria in paragraphs (k)(4)(i) and (k)(4)(ii) of this section. For purposes of the license limitation

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program, evidence of a documented harvest must be demonstrated by a state catch report, a Federal catch report, or other valid documentation that indicates the amount of license limitation groundfish harvested, the groundfish reporting area in which the license limitation groundfish was harvested, the vessel and gear type used to harvest the license limitation ground-

fish, and the date of harvesting, landing, or reporting. State catch reports are Alaska, California, Oregon, or Washington fish tickets. Federal catch reports are Weekly Production Reports required under § 679.5.

(i) *General qualification periods (GQP)*. This table provides the GQP documented harvest requirements for LLP groundfish licenses:

A GROUND FISH LICENSE WILL BE ASSIGNED...	IF THE REQUIREMENTS FOUND IN THE TABLE AT § 679.4(k)(4)(ii) ARE MET FOR THE AREA ENDORSEMENT AND AT LEAST ONE DOCUMENTED HARVEST OF LICENSE LIMITATION GROUND FISH WAS CAUGHT AND RETAINED IN...	DURING THE PERIOD...
(A) One or more area endorsements in the table at § 679.4(k)(4)(ii)(A) or (B)	the BSAI or waters shoreward of the BSAI	(1) Beginning January 1, 1988, through June 27, 1992; or (2) Beginning January 1, 1988, through December 31, 1994, provided that the harvest was of license limitation groundfish using pot or jig gear from a vessel that was less than 60 ft (18.3 m) LOA; or (3) Beginning January 1, 1988, through June 17, 1995, provided that, during the period beginning January 1, 1988, through February 9, 1992, a documented harvest of crab species was made from the vessel, and, during the period beginning February 10, 1992, through December 11, 1994, a documented harvest of groundfish species, except sablefish landed using fixed gear, was made from the vessel in the GOA or the BSAI using trawl or longline gear.
(B) One or more area endorsements in the table at § 679.4(k)(4)(ii)(C) through (O)	the GOA or in waters shoreward of the GOA	(1) Beginning January 1, 1988, through June 27, 1992; or (2) Beginning January 1, 1988, through December 31, 1994, provided that the harvest was of license limitation groundfish using pot or jig gear from a vessel that was less than 60 ft (18.3 m) LOA; or (3) Beginning January 1, 1988, through June 17, 1995, provided that, during the period beginning January 1, 1988, through February 9, 1992, a documented harvest of crab species was made from the vessel, and, during the period beginning February 10, 1992, through December 11, 1994, a documented harvest landing of groundfish species, except sablefish landed using fixed gear, was made from the vessel in the GOA or the BSAI using trawl or longline gear.

(ii) *Endorsement qualification periods (EQP)*. This table provides the docu-

mented harvest requirements for LLP groundfish license area endorsements:

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A GROUND FISH LICENSE WILL BE ASSIGNED...	IF...	DURING THE PERIOD...	IN...	FROM A VESSEL IN VESSEL LENGTH CATEGORY...	AND THAT MEETS THE REQUIREMENTS FOR A...
(A) An Aleutian Island area endorsement	at least one documented harvest of any amount of license limitation groundfish was made.	beginning January 1, 1992, through June 17, 1995.	the Aleutian Islands Subarea or in waters shoreward of that area.	"A", "B", or "C"	catcher/ processor designation or a catcher vessel designation.
(B) A Bering Sea area endorsement	at least one documented harvest of any amount of license limitation groundfish was made.	beginning January 1, 1992, through June 17, 1995.	the Bering Sea Subarea or in waters shoreward of that area.	"A", "B", or "C"	catcher/ processor designation or a catcher vessel designation.
(C) A Western Gulf area endorsement	at least one documented harvest of any amount of license limitation groundfish was made in each of any two calendar years.	beginning January 1, 1992, through June 17, 1995.	the Western GOA regulatory area or in waters shoreward of that area.	"A"	catcher/ processor designation or a catcher vessel designation; or
(D) A Western Gulf area endorsement	at least one documented harvest of any amount of license limitation groundfish was made.	beginning January 1, 1992, through June 17, 1995.	the Western Area of the Gulf of Alaska or in waters shoreward of that area.	"B"	catcher vessel designation; or
(E) A Western Gulf area endorsement	at least one documented harvest of any amount of license limitation groundfish was made in each of any two calendar years.	beginning January 1, 1992, through June 17, 1995.	the Western Area of the Gulf of Alaska or in waters shoreward of that area.	"B"	catcher/processor vessel designation; or
(F) A Western Gulf area endorsement	at least four documented harvest of any amount of license limitation groundfish were made.	beginning January 1, 1995, through June 17, 1995.	the Western Area of the Gulf of Alaska or in waters shoreward of that area.	"B"	catcher/processor vessel designation; or
(G) A Western Gulf area endorsement	at least one documented harvest of any amount of license limitation groundfish was made.	beginning January 1, 1992, through June 17, 1995.	the Western Area of the Gulf of Alaska or in waters shoreward of that area.	"C"	catcher/processor designation or a catcher vessel designation.
(H) A Central Gulf area endorsement	at least one documented harvest of any amount of license limitation groundfish was made in each of any two calendar years.	beginning January 1, 1992, through June 17, 1995.	the Central area of the Gulf of Alaska or in waters shoreward of that area, or in the West Yakutat District or in waters shoreward of that district.	"A"	catcher/processor designation or a catcher vessel designation; or

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A GROUND FISH LICENSE WILL BE ASSIGNED...	IF...	DURING THE PERIOD...	IN...	FROM A VESSEL IN VESSEL LENGTH CATEGORY...	AND THAT MEETS THE REQUIREMENTS FOR A...
(I) A Central Gulf area endorsement	at least one documented harvest of any amount of license limitation groundfish was made in each of any two calendar years.	beginning January 1, 1992, through June 17, 1995.	the Central area of the Gulf of Alaska or in waters shoreward of that area, or in the West Yakutat District or in waters shoreward of that district.	"B"	catcher/processor designation or a catcher vessel designation; or
(J) A Central Gulf area endorsement	at least four documented harvest of any amount of license limitation groundfish were made.	beginning January 1, 1995, through June 17, 1995.	the Central area of the Gulf of Alaska or in waters shoreward of that area, or in the West Yakutat District or in waters shoreward of that district.	"B"	catcher/processor designation or a catcher vessel designation; or
(K) A Central Gulf area endorsement	at least one documented harvest of any amount of license limitation groundfish was made.	beginning January 1, 1992, through June 17, 1995.	the Central area of the Gulf of Alaska or in waters shoreward of that area, or in the West Yakutat District or in waters shoreward of that district.	"C"	catcher/processor designation or a catcher vessel designation.
(L) A Southeast Outside area endorsement	at least one documented harvest of any amount of license limitation groundfish was made in each of any two calendar years.	beginning January 1, 1992, through June 17, 1995.	in the Southeast Outside District or in waters shoreward of that district.	"A"	catcher/processor designation or a catcher vessel designation; or
(M) A Southeast Outside area endorsement	at least one documented harvest of any amount of license limitation groundfish was made in each of any two calendar years.	beginning January 1, 1992, through June 17, 1995.	in the Southeast Outside District or in waters shoreward of that district.	"B"	catcher/processor designation or a catcher vessel designation; or
(N) A Southeast Outside area endorsement	at least four documented harvest of any amount of license limitation groundfish were made.	beginning January 1, 1995, through June 17, 1995.	in the Southeast Outside District or in waters shoreward of that district.	"B"	catcher/processor designation or a catcher vessel designation; or
(O) A Southeast Outside area endorsement	at least one documented harvest of any amount of license limitation groundfish was made.	beginning January 1, 1992, through June 17, 1995.	in the Southeast Outside District or in waters shoreward of that district.	"C"	catcher/processor designation or a catcher vessel designation.

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(iii) An eligible applicant that is issued a groundfish license based on a vessel's qualifications in the table at paragraphs (k)(4)(i)(A)(2) or (k)(4)(i)(B)(2) of this section must choose only one area endorsement for that groundfish license even if documented harvests qualifies the eligible applicant for more than one area endorsement.

(iv) Notwithstanding the provisions in paragraph (k)(4)(i) of this section, NMFS will issue a groundfish license with the appropriate area endorsements to an eligible applicant whose vessel meets the requirements in the table at paragraph (k)(4)(i)(A) of this section, and the requirements in the table at any of the paragraphs (k)(4)(ii)(C) through (O) of this section, except:

(A) From whose vessel no documented harvests were made in the GOA or waters shoreward of the GOA during the period beginning January 1, 1988, through June 27, 1992, and

(B) From whose vessel no documented harvests were made in the BSAI or waters shoreward of the BSAI during the period beginning January 1, 1992, through June 17, 1995.

(v) Notwithstanding the provisions in paragraph (k)(4)(i) of this section, a groundfish license with the appropriate area endorsements will be issued to an eligible applicant whose vessel meets the requirements in the tables at paragraphs (k)(4)(i) and (k)(4)(ii) and (A) or (B) of this section, except:

(A) From whose vessel no documented harvests were made in the BSAI or waters shoreward of the BSAI during the period beginning January 1, 1988, through June 27, 1992, and

(B) From whose vessel no documented harvests were made in the GOA

or waters shoreward of the GOA during the period beginning January 1, 1992, through June 17, 1995.

(5) *Qualification for a crab species license.* A crab species license will be issued to an eligible applicant who owned a vessel that meets the criteria in paragraphs (k)(5)(i), (k)(5)(ii), and (k)(5)(iii) of this section, except that vessels are exempt from the requirements in paragraph (k)(5)(i) of this section for area/species endorsements at paragraphs (A) and (G) in the table at paragraph (k)(5)(ii) of this section.

(i) *General qualification period (GQP).* To qualify for one or more of the area/species endorsements in the table at paragraph (k)(5)(ii) of this section, the requirements of paragraph (k)(5)(iii) of this section must be met and:

(A) At least one documented harvest of any amount of crab species must have been made from a vessel between January 1, 1988, and June 27, 1992; or

(B) At least one documented harvest of any amount of crab species must have been made from a vessel between January 1, 1988, and December 31, 1994, providing that, during the period January 1, 1988, through February 9, 1992, the vessel for which the documented harvest was made also made a legal landing of any groundfish species harvested in the GOA or BSAI with any authorized gear, except sablefish caught with fixed gear, and, during the period February 10, 1992, through December 11, 1994, made a legal landing of any king or Tanner crab species harvested in the Bering Sea and Aleutian Islands Area.

(ii) *Area/species endorsements.* This table provides the documented harvest requirements for LLP crab license area/species endorsements:

A CRAB SPECIES LICENSE WILL BE ASSIGNED...	IF...	DURING THE PERIOD...	IN...
(A) A Pribilof red king and Pribilof blue king area/species endorsement	at least one documented harvest of red king crab or blue king crab was made by a vessel	beginning January 1, 1993, through December 31, 1994.	the area described in the definition for a Pribilof red king and Pribilof blue king area/species endorsement at § 679.2.
(B) A Bering Sea and Aleutian Islands Area <i>C. opilio</i> and <i>C. bairdi</i> area/species endorsement	at least three documented harvests of <i>C. opilio</i> and <i>C. bairdi</i> were made by a vessel	beginning January 1, 1992, through December 31, 1994.	the area described in the definition for a Bering Sea and Aleutian Islands Area <i>C. opilio</i> and <i>C. bairdi</i> area/species endorsement at § 679.2.

A CRAB SPECIES LICENSE WILL BE ASSIGNED...	IF...	DURING THE PERIOD...	IN...
(C) A St. Matthew blue king area/species endorsement	at least one documented harvest of red king crab or blue king crab was made by a vessel	beginning January 1, 1992, through December 31, 1994.	the area described in the definition for a St. Matthew blue king area/species endorsement at § 679.2.
(D) An Aleutian Islands brown king area/species endorsement	at least three documented harvests of brown king crab were made by a vessel	beginning January 1, 1992, through December 31, 1994.	the area described in the definition for an Aleutian Islands brown king area/species endorsement at § 679.2.
(E) An Aleutian Islands red king area/species endorsement	at least one documented harvest of red king crab or blue king crab was made by a vessel	beginning January 1, 1992, through December 31, 1994.	the area described in the definition for an Aleutian Islands red king area/species endorsement at § 679.2.
(F) A Bristol Bay red king area/species endorsement	at least one documented harvest of red king crab or blue king crab was made by a vessel	beginning January 1, 1991, through December 31, 1994.	the area described in the definition for a Bristol Bay red king area/species endorsement at § 679.2.
(G) A Norton Sound red king and blue king area/species endorsement	at least one documented harvest of red king crab or blue king crab was made by a vessel	beginning January 1, 1993, through December 31, 1994.	the area described in the definition for a Norton Sound red king and blue king area/species endorsement at § 679.2.

(iii) *Recent participation period (RPP).* (A) A person must have made at least one documented harvest of any amount of crab species from a qualifying vessel during the period from January 1, 1996, through February 7, 1998, to qualify for one or more of the area/species endorsements specified at § 679.2.

(B) *Exceptions to the RPP.* A person does not need to meet the documented harvest requirements in paragraph (k)(5)(iii)(A) of this section if he or she deployed a vessel that met the documented harvest requirements in paragraph (k)(5)(i) of this section, if applicable, paragraph (k)(5)(ii) of this section, and:

(1) Only qualifies area/species endorsement at paragraph (G) in the table at paragraph (k)(5)(ii).

(2) Those documented harvests were made from a vessel that meets the requirements for vessel length category "C".

(3) The vessel used to meet the document harvest requirements in paragraphs (k) (5) (i) and (k) (5) (ii) of this section was lost or destroyed, and he or she made a documented harvest of crab species any time during the period beginning after the vessel was lost or destroyed but before January 1, 2000.

(iv) *Exception to the complete fishing history earned on one vessel.* A person who can demonstrate that his or her vessel made a documented harvest of crab species during the period from

January 1, 1998, through February 7, 1998, and who obtains the fishing history of a vessel that meets the documented harvest requirements of paragraphs (k)(5)(i) and (k)(5)(ii) of this section, or who entered into a contract to obtain the fishing history of a vessel that meets the documented harvest requirements of paragraphs (k)(5)(i) and (k)(5)(ii) of this section by 8:36 am Pacific standard time on October 10, 1998, is exempted from the requirement of having a complete fishing history earned on one vessel.

(v) A qualified person who owned a vessel on June 17, 1995, that met the requirements in paragraphs (k)(5)(i) and (ii) of this section, but whose vessel was unable to meet requirements of paragraph (k)(5)(iii) of this section because of unavoidable circumstances (i.e., the vessel was lost damaged, or otherwise unable to participate in the license limitation crab fisheries) may receive a license if the qualified person is able to demonstrate that:

(A) The owner of the vessel at the time of the unavoidable circumstance held a specific intent to conduct fishing for license limitation crab species with that vessel during a specific time period in a specific area;

(B) The specific intent to conduct directed fishing for license limitation crab species was thwarted by a circumstance that was:

(1) Unavoidable;

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(2) Unique to the owner of that vessel, or unique to that vessel; and

(3) Unforeseen and reasonably unforeseeable to the owner of the vessel;

(C) The circumstance that prevented the owner from conducting directed fishing for license limitation crab species actually occurred;

(D) Under the circumstances, the owner of the vessel took all reasonable steps to overcome the circumstances that prevented the owner from conducting directed fishing for license limitation crab species; and

(E) Any amount of license limitation crab species was harvested on the vessel after the vessel was prevented from participating but before January 1, 2000.

(vi) A groundfish license or crab species license may be used on a vessel that is named on the license, that complies with the vessel designation, and that does not exceed the MLOA on the license.

(6) *Application for a groundfish license or a crab species license.* (i) *General.* The Regional Administrator will issue a groundfish license or a crab species license to an applicant if a complete application is submitted by or on behalf of the applicant during the specified application period, and if that applicant meets all the criteria for eligibility in paragraph (k) of this section. An application that is postmarked or delivered after the ending date for the application period for the License Limitation Program specified in the *Federal Register* will be denied. An application form will be sent to the last known address of a person identified as an eligible applicant by the official LLP record. An application form may be requested from the Regional Administrator.

(ii) *Application period.* An application period of no less than 90 days will be specified by notification in the *Federal Register* and other information sources deemed appropriate by the Regional Administrator.

(iii) *Contents of application.* To be complete, an application for a groundfish license or a crab species license must be signed by the applicant, or the individual representing the applicant, and contain the following, as applicable:

(A) Name, business address, telephone number, and FAX number of the applicant;

(B) Name, state registration number (e.g., ADF&G number), and, if applicable, the USCG documentation number of the vessel being used as the basis for eligibility for a license; and name, state registration number (e.g., ADF&G number), and, if applicable, the USCG documentation number of the vessel to be deployed with the license if different than the vessel used as the basis of eligibility for a license;

(C) Name of the managing company, if any;

(D) Valid evidence of the documented harvests that are the basis of eligibility for a license, including harvest area, gear used, date of landing, and, if applying for a crab species license, species;

(E) Valid evidence of LOA on June 24, 1992, of the vessel used as the basis of eligibility for a license, except if that vessel was under reconstruction on that date, valid evidence of LOA on the date reconstruction was completed and valid evidence of when reconstruction began and ended;

(F) Valid evidence of LOA on June 17, 1995, of the vessel used as the basis of eligibility for a license, except if that vessel was under reconstruction on that date, valid evidence of LOA on the date reconstruction was completed, and valid evidence of when reconstruction began and ended;

(G) Valid evidence to support the applicant's claim for a vessel designation of catcher vessel or catcher/processor vessel;

(H) Valid evidence of ownership of the vessel being used as the basis for eligibility for a license (for USCG documented vessels, valid evidence must be the USCG Abstract of Title), or if eligibility is based on a fishing history that has been separated from a vessel, valid evidence of ownership of the fishing history being used as the basis of eligibility for a license; and

(I) Valid evidence of the LOA of the vessel to be deployed by the license if different than the vessel used as the basis for eligibility for a license.

(iv) *Other information required for special circumstances.*

(A) *Successor-in-interest.* If an applicant is applying as the successor-in-interest to an eligible applicant, an application, to be complete, also must contain valid evidence proving the applicant's status as a successor-in-interest to that eligible applicant and:

(1) Valid evidence of the death of that eligible applicant at the time of application, if the eligible applicant was or is an individual; or

(2) Valid evidence that the eligible applicant is no longer in existence at the time of application, if the eligible applicant is not an individual.

(B) *Norton Sound crab species license endorsement.* If an applicant is applying for a crab species license endorsement for Norton Sound and if the applicant is a person, an application, to be complete, must contain valid evidence that the applicant was a State of Alaska permit holder for the Norton Sound king crab summer fishery in 1993 or 1994. If the applicant is a corporation, an application, to be complete, must contain valid evidence that the corporation owned or had a lease for a vessel on June 17, 1995, that participated in the Norton Sound king crab summer fishery in 1993 or 1994.

(C) *Extended general qualification period.* If an applicant is applying for a license based on meeting the general qualification period requirements of paragraph (k)(4)(i)(A)(2) or (k)(4)(i)(B)(2) of this section, the application, to be complete, must indicate which single endorsement area the applicant has selected for license. A license cannot be endorsed for more than one area, notwithstanding the fact that the applicant may have the documented harvests to qualify for more than one endorsement area.

(D) *Unavoidable circumstances.* If a person is claiming that unavoidable circumstances prevented him or her from meeting certain eligibility requirements for a license under paragraph (k) of this section, he or she must provide the information required in the particular paragraph of this section authorizing such a claim, and include valid evidence of the date the vessel was lost, damaged, or otherwise unable to participate in the fishery, and the date a documented harvest was made after the vessel was unable to

participate in the fishery by the unavoidable circumstance.

(v) *Application evaluation.* The Regional Administrator will evaluate an application submitted during the specified application period and compare all claims in the application with the information in the official LLP record. Claims in the application that are consistent with information in the official LLP record will be accepted by the Regional Administrator. Inconsistent claims in the application, unless verified by evidence, will not be accepted. Pursuant to paragraph (k)(6)(vii) of this section, an applicant who submits inconsistent claims, or an applicant who fails to submit the information specified in paragraphs (k)(6)(iii) and (k)(6)(iv) of this section, will be provided a 60-day evidentiary period pursuant to paragraph (k)(6)(vii) 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 LLP record. An applicant who submits claims that are inconsistent with information in the official LLP record has the burden of proving that the submitted claims are correct.

(vi) *Additional information or evidence.* The Regional Administrator will evaluate additional information or evidence to support an applicant's inconsistent claims submitted within the 60-day evidentiary period pursuant to paragraph (k)(6)(vii) of this section. 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 is correct, the official LLP record will be amended and the information will be used in determining whether the applicant is eligible for a license. 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 is correct, the applicant will be notified by an initial administrative determination, pursuant to paragraph (k)(6)(viii) of this section, that the applicant did not meet the burden of proof to change the information in the official LLP record.

(vii) *60-day evidentiary period.* The Regional Administrator will specify by letter a 60-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 LLP 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 (k)(6)(iii) and (k)(6)(iv) of this section will have 60 days to provide that information. An applicant will be limited to one 60-day evidentiary period. Additional information or evidence, or a revised application, received after the 60-day evidentiary period specified in the letter has expired will not be considered for purposes of the initial administrative determination.

(viii) *Initial administrative determinations (IAD).* The Regional will prepare and send an IAD to the applicant following the expiration of the 60-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 LLP 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 60-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 a transferable license until after the final resolution of that appeal, notwithstanding the eligibility of that applicant for

some claims based on consistent information in the application.

(ix) *Issuance of a non-transferable license.* The Regional Administrator will issue a non-transferable license to the applicant on issuance of an IAD if required by the license renewal provisions of 5 U.S.C. 558. A non-transferable license authorizes a person to deploy a vessel to conduct directed fishing for license limitation groundfish or crab species as specified on the non-transferable license, and will have the specific endorsements and designations based on the claims in his or her application. A non-transferable license will expire upon final agency action.

(7) *Transfer of a groundfish license or a crab species license—(i) General.* The Regional Administrator will transfer a groundfish license or a crab species license if a complete transfer application is submitted to Restricted Access Management, Alaska Region, NMFS, and if the transfer meets the eligibility criteria as specified in paragraph (k)(7)(ii) of this section. An application form may be requested from the Regional Administrator.

(ii) *Eligibility criteria for transfers.* A groundfish license or crab species license can be transferred if:

(A) The designated transferee is eligible to document a fishing vessel under Chapter 121, Title 46, U.S.C.;

(B) The parties to the transfer do not have any fines, civil penalties, other payments due and outstanding, or outstanding permit sanctions resulting from Federal fishing violations;

(C) The transfer will not cause the designated transferee to exceed the license caps in § 679.7(i); and

(D) The transfer does not violate any other provision specified in this part.

(iii) *Contents of application.* To be complete, an application for a groundfish license transfer or a crab species license transfer must be signed by the license holder and the designated transferee, or the individuals representing them, and contain the following, as applicable:

(A) Name, business address, telephone number, and FAX number of the license holder and the designated transferee;

(B) Name, state registration number (e.g., ADF&G number), and, if applicable, the USCG documentation number of the vessel to be deployed with the license (i.e., the designated vessel) after the transfer is approved;

(C) Valid evidence that the designated transferee is a person eligible to document a fishing vessel under Chapter 121, Title 46, U.S.C.;

(D) A legible copy of a contract or sales agreement that specifies the license to be transferred, the license holder, the designated transferee, the monetary value or the terms of the license transfer, and the signature of the license holder and the designated transferee; and

(E) Information regarding whether a broker was used for the transaction, whether the license was collateralized, and other information the Regional Administrator deems necessary for measuring program performance.

(iv) *Incomplete applications.* The Regional Administrator will return an incomplete transfer application to the applicant and identify any deficiencies if the Regional Administrator determines that the application does not meet all the criteria identified in paragraph (k)(7) of this section.

(v) *Transfer by court order, operation of law, or as part of a security agreement.* The Regional Administrator will transfer a groundfish license or a crab species license based on a court order, operation of law, or a security agreement if the Regional Administrator determines that the transfer application is complete and the transfer will not violate any of the provisions of this section.

(vi) *Voluntary transfer limitation.* A groundfish license or a crab species license may be voluntarily transferred only once in any calendar year. A voluntary transfer is a transfer other than one pursuant to a court order, operation of law, or a security agreement. An application for transfer that would cause a person to exceed the transfer limit of this provision will not be approved.

(vii) *Request to change the designated vessel.* A request to change the vessel designated on an LLP groundfish or crab species license must be made on a transfer application. If this request is

approved and made separately from a license transfer, it will count towards the annual limit on voluntary transfers specified in paragraph (k)(7)(vi) of this section.

(viii) *Severability of licenses.* (A) Area endorsements or area/species endorsements specified on a license are not severable from the license and must be transferred together.

(B) A groundfish license and a crab species license issued based on the legal landings of the same vessel and initially issued to the same qualified person are not severable and must be transferred together.

(ix) *Other transfer restrictions.* The transfer of a LLP license that was issued based on the documented harvests from a vessel that did not have an FFP during the period beginning January 1, 1988, through October 8, 1998, must be accompanied by the vessel from which the documented harvests were made or its replacement vessel, or if the LLP license and vessel were separated by transfer prior to February 7, 1998, then by the vessel that is currently being deployed by the license holder. The Regional Administrator will deny a transfer application that requests the transfer of a LLP license that was issued based on the documented harvests from a vessel that did not have an FFP during the period beginning January 1, 1988, through October 8, 1998, if the appropriate vessel is not being transferred as part of the same transaction. A license holder of an LLP license that was issued based on the documented harvests from a vessel that did not have an FFP during the period beginning January 1, 1988, through October 8, 1998, may replace the vessel from which the documented harvests were made with another vessel that meets the vessel designation and MLOA requirements specified on the LLP license if the original qualifying vessel is lost or destroyed.

(8) *Other provisions.* (i) Any person committing, or a fishing vessel used in the commission of, a violation of the Magnuson-Stevens Fishery Conservation and Management Act or any regulations issued pursuant thereto, is subject to the civil and criminal penalty

provisions and the civil forfeiture provisions of the Magnuson-Stevens Fishery Conservation and Management Act, part 621 of this chapter, 15 CFR part 904 (Civil Procedure), and other applicable law. Penalties include, but are not limited to, permanent or temporary sanctions to licenses.

(ii) Notwithstanding the provisions of the license limitation program in this part, vessels fishing for species other than license limitation groundfish as defined in § 679.2 that were authorized under Federal regulations to incidentally catch license limitation groundfish without a Federal fisheries permit described at § 679.4(b) will continue to be authorized to catch the maximum retainable bycatch amounts of license limitation groundfish as provided in this part without a groundfish license.

(iii) An eligible applicant, who qualifies for a groundfish license or crab species license but whose vessel on which the eligible applicant's qualification was based was lost or destroyed, will be issued a license. This license:

(A) Will have the vessel designation of the lost or destroyed vessel.

(B) Cannot be used to conduct directed fishing for license limitation groundfish or to conduct directed fishing for crab species on a vessel that has an LOA greater than the MLOA designated on the license.

(iv) A qualified person who owned a vessel on June 17, 1995, that made a documented harvest of license limitation groundfish, or crab species if applicable, between January 1, 1988, and February 9, 1992, but whose vessel was unable to meet all the criteria in paragraph (k)(4) of this section for a groundfish license or paragraph (k)(5) of this section for a crab species license because of an unavoidable circumstance (i.e., the vessel was lost, damaged, or otherwise unable to participate in the license limitation groundfish or crab fisheries) may receive a license if the qualified person is able to demonstrate that:

(A) The owner of the vessel at the time of the unavoidable circumstance held a specific intent to conduct directed fishing for license limitation groundfish or crab species with that vessel during a specific time period in a specific area.

(B) The specific intent to conduct directed fishing for license limitation groundfish or crab species with that vessel was thwarted by a circumstance that was:

(1) Unavoidable.

(2) Unique to the owner of that vessel, or unique to that vessel.

(3) Unforeseen and reasonably unforeseeable to the owner of the vessel.

(C) The circumstance that prevented the owner from conducting directed fishing for license limitation groundfish or crab species actually occurred.

(D) Under the circumstances, the owner of the vessel took all reasonable steps to overcome the circumstance that prevented the owner from conducting directed fishing for license limitation groundfish or crab species.

(E) Any amount of license limitation groundfish or appropriate crab species was harvested on the vessel in the specific area that corresponds to the area endorsement or area/species endorsement for which the qualified person who owned a vessel on June 17, 1995, is applying and that the license limitation groundfish or crab species was harvested after the vessel was prevented from participating by the unavoidable circumstance but before June 17, 1995.

(v) A groundfish license or a crab species license may be used on a vessel that complies with the vessel designation on the license and that does not exceed the MLOA on the license.

(9) *Pacific cod endorsements*—(i) *General*. In addition to other requirements of this part, and unless specifically exempted in paragraph (k)(9)(iv) of this section, a license holder must have a Pacific cod endorsement on his or her groundfish license to conduct directed fishing for Pacific cod with hook-and-line or pot gear in the BSAI. A license holder can only use the specific non-trawl gear(s) indicated on his or her license to conduct directed fishing for Pacific cod in the BSAI.

(ii) *Eligibility requirements for a Pacific cod endorsement*. This table provides eligibility requirements for Pacific cod endorsements on an LLP groundfish license:

If a license holder's license has a . . .	And the license holder harvested Pacific cod in the BSAI with . . .	Then the license holder must demonstrate that he or she harvested at least . . .	In . . .	To receive a Pacific cod endorsement that authorizes harvest with . . .
(A) Catcher vessel designation.	Hook-and-line gear or jig gear.	7.5 mt of Pacific cod in the BSAI.	In any one of the years 1995, 1996, 1997, 1998, or 1999.	Hook-and-line gear.
(B) Catcher vessel designation.	Pot gear or jig gear	100,000 lb of Pacific cod in the BSAI.	In each of any two of the years 1995, 1996, 1997, 1998, or 1999.	Pot gear.
(C) Catcher/processor vessel designation.	Hook-and-line gear	270 mt of Pacific cod in the BSAI.	In any one of the years 1996, 1997, 1998, or 1999.	Hook-and-line gear.
(D) Catcher/processor vessel designation.	Pot gear	300,000 lb of Pacific cod in the BSAI.	In each of any two of the years 1995, 1996, 1997, or 1998.	Pot gear.

(iii) *Explanations for Pacific cod endorsements.* (A) All eligibility amounts in the table at paragraph (k)(9)(ii) of this section will be determined based on round weight equivalents.

(B) Discards will not count toward eligibility amounts in the table at paragraph (k)(9)(ii) of this section.

(C) Pacific cod harvested for personal bait use will not count toward eligibility amounts in the table at paragraph (k)(9)(ii) of this section.

(D) A legal landing of Pacific cod in the BSAI for commercial bait will count toward eligibility amounts in the table at paragraph (k)(9)(ii) of this section.

(E) Harvests within the BSAI will count toward eligibility amounts in the table at paragraph (k)(9)(ii) of this section; however, a license holder will only be able to harvest Pacific cod in the specific areas in the BSAI for which he or she has an area endorsement.

(F) Harvests within the BSAI will count toward eligibility amounts in the table at paragraph (k)(9)(ii) of this section only if those harvests were made from the vessel that was used as the basis of eligibility for the license holder's LLP groundfish license.

(G) Except as provided in paragraph 679.4(k)(9)(iii)(D), only harvests of BSAI Pacific cod in the directed fishery will count toward eligibility amounts.

(iv) *Exemptions to Pacific cod endorsements.* (A) Any vessel exempted from the License Limitation Program at paragraph (k)(2) of this section.

(B) Any catcher vessel less than 60 ft (18.3 m) LOA.

(C) Any catch of Pacific cod for personal use bait.

(v) *Combination of landings and hardship provision.* Notwithstanding the eligibility requirements in paragraph (k)(9)(ii) of this section, a license holder may be eligible for a Pacific cod endorsement by meeting the following criteria.

(A) *Combination of landings.* A license holder may combine the landings of a sunken vessel and the landings of a vessel obtained to replace a sunken vessel to satisfy the eligibility amounts in the table at paragraph (k)(9)(ii) of this section only if he or she meets the requirements in paragraphs (k)(9)(v)(A)(1)–(4) of this section. No other combination of landings will satisfy the eligibility amounts in the table at paragraph (k)(9)(ii) of this section.

(1) The sunken vessel was used as the basis of eligibility for the license holder's groundfish license;

(2) The sunken vessel sank after January 1, 1995;

(3) The vessel obtained to replace the sunken vessel was obtained by December 31 of the year 2 years after the sunken vessel sank; and

(4) The length of the vessel obtained to replace the sunken vessel does not exceed the MLOA specified on the license holder's groundfish license.

(B) *Hardship provision.* A license holder may be eligible for a Pacific cod endorsement because of unavoidable circumstances if he or she meets the requirements in paragraphs (k)(9)(v)(B)(1)–(4) of this section. For purposes of this hardship provision, the term license holder includes the person

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whose landings were used to meet the eligibility requirements for the license holder's groundfish license, if not the same person.

(1) The license holder at the time of the unavoidable circumstance held a specific intent to conduct directed fishing for BSAI Pacific cod in a manner sufficient to meet the landing requirements in the table at paragraph (k)(9)(ii) of this section but that this intent was thwarted by a circumstance that was:

(i) Unavoidable;

(ii) Unique to the license holder, or unique to the vessel that was used as the basis of eligibility for the license holder's groundfish license; and

(iii) Unforeseen and reasonably unforeseeable to the license holder.

(2) The circumstance that prevented the license holder from conducting directed fishing for BSAI Pacific cod in a manner sufficient to meet the landing requirements in paragraph (k)(9)(ii) actually occurred;

(3) The license holder took all reasonable steps to overcome the circumstance that prevented the license holder from conducting directed fishing for BSAI Pacific cod in a manner sufficient to meet the landing requirements in paragraph (k)(9)(ii) of this section; and

(4) Any amount of Pacific cod was harvested in the BSAI aboard the vessel that was used as the basis of eligibility for the license holder's groundfish license after the vessel was prevented from participating by the unavoidable circumstance but before April 16, 2000.

[61 FR 31230, June 19, 1996]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 679.4, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 67 FR 18138, Apr. 15, 2002, § 679.4, paragraph (k)(9) was added effective May 15, 2002, except for paragraph (k)(9)(i) which is effective Jan. 1, 2003.

§ 679.5 Recordkeeping and reporting.

(a) *General requirements*—(1) *Applicability*—(i) *Who must comply with recordkeeping and reporting requirements?* Except as provided in paragraphs (a)(1)(iii) and (iv) of this section, the

owner, operator, or manager of the following participants must comply with the recordkeeping and reporting requirements of this section:

(A) Any catcher vessel, mothership, catcher/processor, or tender vessel, 5 net tons or larger, that is required to have a Federal fisheries permit under § 679.4.

(B) Any shoreside processor, stationary floating processor, mothership, or buying station that receives groundfish from vessels issued a Federal fisheries permit under § 679.4.

(C) Any buying station that receives or delivers groundfish in association with a mothership issued a Federal fisheries permit under § 679.4(b) or with a shoreside processor or stationary floating processor issued a Federal processor permit under § 679.4(f).

(D) Any shoreside processor or stationary floating processor that is required to have a Federal processor permit under § 679.4.

(E) For purposes of this section, “operator or manager” means “the operator of a catcher/processor or mothership, the manager of a shoreside processor or stationary floating processor, or the operator or manager of a buying station.”

(ii) *What fish need to be recorded and reported?* A shoreside processor, stationary floating processor, mothership, or buying station subject to recordkeeping and reporting requirements must report all groundfish and prohibited species received, including:

(A) Fish received from vessels not required to have a federal fisheries permit.

(B) Fish received under contract for handling or processing for another processor.

(iii) *Who is exempt from recordkeeping and reporting requirements?* (A) *Catcher vessels less than 60 ft (18.3 m) LOA.* A catcher vessel less than 60 ft (18.3 m) LOA is not required to comply with recordkeeping and reporting requirements contained in paragraphs (a) through (k) of this section.

(B) *Catcher vessels that take groundfish in crab pot gear for use as crab bait on that vessel.* (1) Owners or operators of catcher vessels who, during open crab season, take groundfish in crab pot gear for use as crab bait on board their



THIS DATA CURRENT AS OF THE FEDERAL REGISTER DATED JANUARY 27, 2003

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§ 679.6 Exempted fisheries.

(a) *General.* For limited experimental purposes, the Regional Administrator may authorize, after consulting with the Council, fishing for groundfish in a manner that would otherwise be prohibited. No exempted fishing may be conducted unless authorized by an exempted fishing permit issued by the Regional Administrator to the participating vessel owner in accordance with the criteria and procedures specified in this section. Exempted fishing permits will be issued without charge and will expire at the end of a calendar year unless otherwise provided for under paragraph (e) of this section.

(b) *Application.* An applicant for an exempted fishing permit shall submit to the Regional Administrator, at least 60 days before the desired effective date of the exempted fishing permit, a written application including, but not limited to, the following information:

(1) The date of the application.

(2) The applicant's name, mailing address, and telephone number.

(3) A statement of the purpose and goal of the experiment for which an exempted fishing permit is needed, including a general description of the arrangements for disposition of all species harvested under the exempted fishing permit.

(4) Technical details about the experiment, including:

(i) Amounts of each species to be harvested that are necessary to conduct the experiment, and arrangement for disposition of all species taken.

(ii) Area and timing of the experiment.

(iii) Vessel and gear to be used.

(iv) Experimental design (e.g., sampling procedures, the data and samples to be collected, and analysis of the data and samples).

(v) Provision for public release of all obtained information, and submission of interim and final reports.

(5) The willingness of the applicant to carry observers, if required by the Regional Administrator, and a description of accommodations and work space for the observer(s).

(6) Details for all coordinating parties engaged in the experiment and signatures of all representatives of all principal parties.

(7) Information about each vessel to be covered by the exempted fishing permit, including:

(i) Vessel name.

(ii) Name, address, and telephone number of owner and master.

(iii) USCG documentation, state license, or registration number.

(iv) Home port.

(v) Length of vessel.

(vi) Net tonnage.

(vii) Gross tonnage.

(8) The signature of the applicant.

(9) The Regional Administrator may request from an applicant additional information necessary to make the determinations required under this section. Any application that does not include all necessary information will be considered incomplete. An incomplete application will not be considered to be complete until the necessary information is provided in writing. An applicant for an exempted fishing permit need not be the owner or operator of the vessel(s) for which the exempted fishing permit is requested.

(c) *Review procedures.* (1) The Regional Administrator, in consultation with the Alaska Fishery Science

Center, will review each application and will make a preliminary determination whether the application contains all the information necessary to determine if the proposal constitutes a valid fishing experiment appropriate for further consideration. If the Regional Administrator finds any application does not warrant further consideration, the applicant will be notified in writing of the reasons for the decision.

(2) If the Regional Administrator determines any application is complete and warrants further consideration, he or she will initiate consultation with the Council by forwarding the application to the Council. The Council's Executive Director shall notify the applicant of a meeting at which the Council will consider the application and invite the applicant to appear in support of the application, if the applicant desires. If the Regional Administrator initiates consultation with the Council, NMFS will publish notification of receipt of the application in the Federal Register with a brief description of the proposal.

(d) *Notifying the applicant.* (1) The decision of the Regional Administrator, after consulting with the Council, to grant or deny an exempted fishing permit is the final action of the agency. The Regional Administrator shall notify the applicant in writing of the decision to grant or deny the exempted fishing permit and, if denied, the reasons for the denial, including:

(i) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with the application.

(ii) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect living marine resources, including marine mammals and birds, and their habitat in a significant way.

(iii) Activities to be conducted under the exempted fishing permit would be inconsistent with the intent of this section or the management objectives of the FMP.

(iv) The applicant has failed to demonstrate a valid justification for the permit.

(v) The activity proposed under the exempted fishing permit could create a significant enforcement problem.

(vi) The applicant failed to make available to the public information that had been obtained under a previously issued exempted fishing permit.

(vii) The proposed activity had economic allocation as its sole purpose.

(2) In the event a permit is denied on the basis of incomplete information or design flaws, the applicant will be provided an opportunity to resubmit the application, unless a permit is denied because exempted fishing would detrimentally affect marine resources, be inconsistent with the management objectives of the FMP, create significant enforcement problems, or have economic allocation as its sole purpose.

(e) *Terms and conditions.* The Regional Administrator may attach terms and conditions to the exempted fishing permit that are consistent with the purpose of the experiment, including, but not limited to:

- (1) The maximum amount of each species that can be harvested and landed during the term of the exempted fishing permit, including trip limitations, where appropriate.
- (2) The number, sizes, names, and identification numbers of the vessels authorized to conduct fishing activities under the exempted fishing permit.
- (3) The time(s) and place(s) where exempted fishing may be conducted.
- (4) The type, size, and amount of gear that may be used by each vessel operated under the exempted fishing permit.
- (5) The condition that observers be carried aboard vessels operated under an exempted fishing permit.
- (6) Reasonable data reporting requirements.
- (7) Such other conditions as may be necessary to assure compliance with the purposes of the exempted fishing permit and consistency with the FMP objectives.
- (8) Provisions for public release of data obtained under the exempted fishing permit.

(f) *Effectiveness.* Unless otherwise specified in the exempted fishing permit or superseding notification or regulation, an exempted fishing permit is effective for no longer than 1 calendar year, but may be revoked, suspended, or modified during the calendar year. Exempted fishing permits may be renewed following the application procedures in paragraph (b) of this section.

(g) *Recordkeeping and reporting requirements.* In addition to the recordkeeping and reporting requirements in this section, the operator or manager must comply with requirements at § 679.5(a) through (k).

[61 FR 31230, June 19, 1996, as amended at 64 FR 61981, Nov. 15, 1999; 67 FR 4148, Jan. 28, 2002; 67 FR 22017, May 2, 2002]

[[Go to the previous search result.](#)]



(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

(c) PROPOSED REGULATIONS.--Proposed regulations which the Council deems necessary or appropriate for the purposes of--

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.

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: December 20, 2002.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02-33034 Filed 12-30-02; 8:45 am]

BILLING CODE 3510-KE-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 122602B]

Proposed Information Collection; Comment Request; Capital Construction Fund Deposit/Withdrawal Report

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

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, Public Law 104-13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before March 3, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Charles L. Cooper, Financial

Services Division, Office of Sustainable Fisheries, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, Maryland 20910, 301-713-2396.

SUPPLEMENTARY INFORMATION:

I. Abstract

Respondents will be commercial fishing industry individuals, partnerships, and corporations which entered into Capital Construction Fund agreements with the Secretary of Commerce allowing deferral of Federal taxation on fishing vessel income deposited into the fund for use in the acquisition, construction, or reconstruction of fishing vessels. Deferred taxes are recaptured by reducing an agreement vessel's basis for depreciation by the amount withdrawn from the fund for its acquisition, construction, or reconstruction. The deposit/withdrawal information collected from agreement holders is required pursuant to 50 CFR part 259.35 and Public Law 99-514 (The Tax Reform Act, 1986). The information collected is required to ensure that agreement holders are complying with fund deposit/withdrawal requirements established in program regulations and properly accounting for fund activity on their Federal income tax returns. The information must also be reported annually to the Secretary of Treasury in accordance with the Tax Reform Act, 1986.

II. Method of Collection

The information will be collected on the Capital Construction Fund Deposit/Withdrawal Report form, which agreement holders are required to submit at the end of their tax year.

III. Data

OMB Number: 0648-0041.

Form Number: NOAA Form 38-42.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 3,600.

Estimated Time Per Response: 20 minutes.

Estimated Total Annual Burden Hours: 1,200.

Estimated Total Annual Cost to Public: \$20,000.

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: December 20, 2002.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02-33035 Filed 12-30-02; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 122602C]

Proposed Information Collection; Comment Request; Alaska Region Permit Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

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, Public Law 104-13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before March 3, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, NMFS Alaska Region, 907-586-7228 or e-mail at patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

Fishermen and processors wishing to participate in regulated fisheries in the Exclusive Economic Zone off Alaska must obtain either a Federal Fisheries Permit, a Federal Processor Permit, a High-Seas Power Troller Permit, or an Experimental Fishing Permit. A holder of an Experimental Fishing Permit must file a progress and final report. The application and report information is used to identify participants in the fishery, aid enforcement of fishery regulations, and analyze activity within the fisheries.

II. Method of Collection

Paper forms are used.

III. Data

OMB Number: 0648-0206.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations, individuals or households, and not-for-profit institutions.

Estimated Number of Respondents: 931.

Estimated Time Per Response: 21 minutes for Federal Fisheries Permit application; 21 minutes for Federal Processor Permit application; 20 minutes for a High-Seas Power Troller Permit application; 20 hours for Exempted Fisheries Permit application; 5 hours for an Exempted Fisheries Permit progress report; and 10 hours for an Exempted Fisheries Permit final report.

Estimated Total Annual Burden Hours: 483.

Estimated Total Annual Cost to Public: \$1,329.

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: December 20, 2002.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02-33036 Filed 12-30-02; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 120202B]

Marine Mammal Authorization Program Integration of Registration for Selected Atlantic Ocean, Gulf of Mexico, and Caribbean Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of expansion of integrated registration program.

SUMMARY: NMFS is providing notice that it is increasing the number of fisheries for which the Marine Mammal Authorization Program (MMAP) registration is integrated with existing Federal fishery licensing and permitting programs. NMFS is integrating MMAP registration at this time for Category I or II federal fisheries permitted through the NMFS Southeast Regional office. Fishers who participate in a Category I or II fishery for which registration is not integrated must continue to register as specified in the List of Fisheries.

ADDRESSES: For east coast fisheries, registration information and marine mammal injury/mortality reporting forms may be obtained from the following regional offices:

NMFS, Northeast Region, Protected Resources Division, One Blackburn Drive, Gloucester, MA 01930-2298, Attn: Marcia Hobbs.

NMFS, Southeast Region, 9721 Executive Center Drive North, St. Petersburg, FL 33702, Attn: Teletha Griffin.

FOR FURTHER INFORMATION CONTACT: Patricia Lawson, Office of Protected Resources, 301-713-2322; Marcia Hobbs, Northeast Regional Office, 978-281-9328; or Teletha Griffin, Southeast Regional Office, 727-570-5312.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:**Background**

According to the Marine Mammal Protection Act (MMPA), all fishers who participate in a Category I or II fishery as provided in the List of Fisheries (67 FR 2410, January 17, 2002) must be registered in the MMAP. The MMAP provides an authorization for commercial fishers which allows the incidental (i.e., non-intentional) taking of marine mammals pursuant to the MMPA during the course of commercial fishing operations. To qualify for this authorization, fishers who participate in a Category I or II fishery must register in the MMAP. (For a complete description of requirements for Category I and II fisheries, consult 50 CFR 229.4). A complete description of the purpose and history of the MMAP integration process can be found in 67 FR 42237 (June 21, 2002).

The goals of the expanded integration program include assuring consistency in registration procedures across a greater number of fisheries, increasing the number of registrants to better reflect the level of participation in the fisheries for monitoring purposes, and conducting outreach to the fishing industry with regard to MMPA requirements. By using data from existing fishery licensing programs, the MMAP integration will reduce the registration burden on the fishing industry while better facilitating the protection and conservation of marine mammals. In a licensing system that is integrated with the MMAP, fishers will no longer have to submit an MMAP registration form, current fishery permit holders registration form, renewal form, or processing fee to NMFS in order to receive or validate their MMAP Authorization Certificates.

NMFS is pursuing the integration of MMAP registration based on the fishery listings in the 2002 LOF. Southeast fisheries permitted through the Southeast Regional Federal Permits office which will be integrated include Coastal Migratory Pelagics, Rock Shrimp, Shark, Snapper-Grouper, High Seas, and Swordfish. Of those fisheries, only those permit holders who indicated use of gear types that fall within the 2002 LOF will be integrated. These gear types include portions of the gillnet, longline, and trawl fisheries.

A database has been established to query the license-holder information from the Federal permit database. Using this information, NMFS will mail MMAP Authorization Certificates and marine mammal injury/mortality reporting forms to each permit or license-holder. The certificates will