

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 01/24/2012

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL: Simon Szykman
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 01/24/2012

ACTION REQUESTED: Revision of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201201-0648-012
AGENCY ICR TRACKING NUMBER:
TITLE: Alaska Rockfish Program: Permits and Reports
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0545

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 01/31/2015

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	496	408	681
New	513	490	353
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	19	86	-135
Change due to Agency Adjustment	-2	-4	-193
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official:

Kevin F. Neyland
Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Application for Rockfish Cooperative Fishing Quota (CQ)	NA	Application for Rockfish Cooperative Quota	
Application for Inter-Cooperative Transfer of Rockfish CQ	NA	Application for intercooperative transfer of rockfish CQ	
Annual Rockfish Cooperative Report			50 CFR 679.5(r)
Vessel Check-in/Check-out Report with Termination of Fishing Declaration	NA	Rockfish program vessel check-in/checkout and termination of fishing	
Appeals for denial of rockfish permit			50 CFR 679.4(n)
Application for Rockfish Cooperative Quota Share	NA	Application for rockfish quota share	
Rockfish Ex-vessel Volume and Value Report	NA	Rockfish Ex-Vessel Volume and Value Report	

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.

<p>1. Agency/Subagency originating request</p>	<p>2. OMB control number b. <input type="checkbox"/> None a. _____ - _____</p>
<p>3. Type of information collection (<i>check one</i>)</p> <p>a. <input type="checkbox"/> New Collection</p> <p>b. <input type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input type="checkbox"/> Extension of a currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without an OMB control number</p> <p>For b-f, note Item A2 of Supporting Statement instructions</p>	<p>4. Type of review requested (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Regular submission</p> <p>b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____</p> <p>c. <input type="checkbox"/> Delegated</p>
	<p>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</p>
	<p>6. Requested expiration date</p> <p>a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: <u>01/31/2013</u></p>
<p>7. Title</p>	
<p>8. Agency form number(s) (<i>if applicable</i>)</p>	
<p>9. Keywords</p>	
<p>10. Abstract</p>	
<p>11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>)</p> <p>a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms</p> <p>b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government</p> <p>c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government</p>	<p>12. Obligation to respond (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Voluntary</p> <p>b. <input type="checkbox"/> Required to obtain or retain benefits</p> <p>c. <input type="checkbox"/> Mandatory</p>
<p>13. Annual recordkeeping and reporting burden</p> <p>a. Number of respondents _____</p> <p>b. Total annual responses _____</p> <p> 1. Percentage of these responses collected electronically _____ %</p> <p>c. Total annual hours requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment _____</p>	<p>14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>)</p> <p>a. Total annualized capital/startup costs _____</p> <p>b. Total annual costs (O&M) _____</p> <p>c. Total annualized cost requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment _____</p>
<p>15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management</p> <p>b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research</p> <p>c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance</p> <p>d. <input type="checkbox"/> Audit</p>	<p>16. Frequency of recordkeeping or reporting (<i>check all that apply</i>)</p> <p>a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure</p> <p>c. <input type="checkbox"/> Reporting</p> <p> 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly</p> <p> 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually</p> <p> 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____</p>
<p>17. Statistical methods</p> <p>Does this information collection employ statistical methods</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>18. Agency Contact (person who can best answer questions regarding the content of this submission)</p> <p>Name: _____</p> <p>Phone: _____</p>

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 ROCKFISH PROGRAM: PERMITS & REPORTS

OMB CONTROL NO. 0648-0545

INTRODUCTION

This action is a resubmission with the final rule, of a revision of the information collection due to an associated proposed rule, RIN 0648-BA97. There were changes due to public comments. The title is also changed from Alaska Rockfish Pilot Program to Alaska Rockfish Program: Permits and Reports.

NMFS manages the groundfish fisheries in the exclusive economic zone (EEZ) off the coast of Alaska under the Fishery Management Plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Management Area and the FMP for Groundfish of the Gulf of Alaska. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the [Magnuson-Stevens Fishery Conservation and Management Act](#) (Magnuson-Stevens Act) as amended in 2006, became public law on January 12, 2007 (Public Law 109-479). Regulations implementing these procedures are located at [50 CFR part 679](#).

Previous to the Rockfish Pilot Program, NMFS managed rockfish fisheries under the License Limitation Program (LLP) (see OMB 0648-0334). Harvesters with LLP licenses competed with each other for the total allowable catch (TAC) assigned to the fishery. Harvesters increased the fishing capacity of their vessels to outcompete other vessels, resulting in an accelerated rate of fishing as fishermen raced to harvest more fish than their competitors. Similarly, processors increased their processing capacity to outcompete other processors. This reduced the ability of harvesters and processors to extract additional value from the fishery products because the TAC was harvested and processed quickly.

Under the LLP, participants of the Central Gulf of Alaska (CGOA) rockfish fisheries fished almost exclusively trawl gear. Participation in the fisheries required an LLP license with the requisite gear, area, and operating mode (catcher vessel or catcher/processor) endorsements, and designations. In addition, the LLP limits participation, based on length of the qualifying vessel.

In Section 802 of the [Consolidated Appropriations Act of 2004](#) (Pub. L. 108-199; Section 802), the U.S. Congress directed the Secretary of Commerce to establish, in consultation with the Council, a pilot program for management of the rockfish fisheries in the CGOA. The CGOA Rockfish Pilot Program (Pilot Program) provided exclusive harvesting and processing privileges for a specific set of rockfish species, associated species, and Pacific halibut harvested incidentally to those CGOA rockfish in an area from 140° W long. to 168° W. long. Section 802 authorized the Pilot Program for two years, from January 1, 2007, through December 31, 2008.

In 2007, the Pilot Program was implemented. The Pilot Program intended to enhance resource conservation and improve economic efficiency for harvesters and processors who participate in the program. Allocations of the primary rockfish (Pacific Ocean perch, Northern Rockfish, and

Pelagic rockfish) and important incidental catch species (i.e., sablefish, Pacific cod, shortraker and roughey rockfish, and thornyhead rockfish) are divided between the catcher vessel sector and the catcher/processor sector. In addition, each sector is allocated halibut prohibited species catch (PSC) based on historic catch of halibut in the target rockfish fisheries. Participants in each sector can either fish as part of a cooperative or in a competitive, open-access fishery.

The Magnuson-Stevens Act, in Section 303a, extended the Pilot Program for another three years, until December 31, 2011. The Pilot Program provided benefits to shoreside processors, catcher/processors, CGOA fishermen, and communities by allowing more rockfish and non-rockfish shoreside deliveries over an extended period of time, which, in turn, allowed for a more stable workforce and slower processing. Product quality and diversity increased. CGOA fishermen and processors noted fewer conflicts with other fisheries, especially salmon which traditionally overlapped with rockfish efforts. Catcher/processors noted greater spatial and temporal flexibility that resulted in lower bycatch numbers, more stable markets, and a rational distribution of efforts.

Amendment 88 to the GOA FMP will implement the Rockfish Program as recommended by the Council to replace the existing Pilot Program. The new Rockfish Program would be authorized for ten years: from January 1, 2012, until December 31, 2021. All Rockfish Program permits would expire ten years after the implementation of the Rockfish Program and would need to be renewed before expiration. The principal target rockfish species for this action are Pacific Ocean perch, Northern rockfish, and the pelagic shelf rockfish assemblage.

A. JUSTIFICATION

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

The Rockfish Program is a limited access privilege program that applies use caps to limit the amount of rockfish quota share (QS) and cooperative quota (CQ) that may be utilized by harvesters and processors. The intent of the use caps under the Rockfish Program is to limit the degree of consolidation that could occur in the CGOA rockfish fisheries. These use caps would balance the goals of improving economic efficiency, maintaining employment opportunities for vessel crew, and providing financially affordable access opportunities for new participants.

NMFS would require eligible rockfish harvesters, cooperatives, processors, and catcher/processor operators to submit information through the annual applications, cooperative transfers, and annual reports. NMFS would use the information to enforce the use cap provisions, to track primary rockfish species QS use, and dissuade eligible rockfish harvesters from forming corporate arrangements that would frustrate the goal of the use caps.

Consolidation of the fleet may occur as a result of the cooperative structure and transferability of shares between and within cooperatives. Reducing the number of vessels in the fleet may improve the overall economic efficiency of the sector. Production efficiency may improve as the most efficient rockfish vessels harvest more of the sector's allocation. The owners of these vessels may lease (or otherwise contract) the harvest privileges assigned to other vessels to achieve these efficiencies. Since most sector vessels participate in several fisheries, consolidation in the rockfish fishery is not likely to affect the number of jobs on participating vessels.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The Rockfish Program includes the following fisheries:

- ◆ A rockfish cooperative in the catcher/processor sector;
- ◆ A rockfish cooperative in the catcher vessel sector; and
- ◆ The rockfish entry-level longline fishery.

Application forms described in this document are available on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov> or by contacting NMFS at 800-304-4846, Option 2.

Upon completion, the applications may be submitted to NMFS by one of the following methods, as appropriate: online, by mail, by delivery/courier, or by fax. A completed application must be received by NMFS by the deadline for each permit. For those applications submitted by mail, fax, or hand delivery, NMFS will not consider an application as “received by the deadline” if the applicant cannot provide objective written evidence that NMFS Alaska Region received it. Proof of a timely application is:

- ◆ Application delivered by hand delivery or carrier -- is timely based on the receiving date of signature by NMFS staff
- ◆ Application submitted by mail or fax – is timely based on the postmark or date stamped received by NMFS.

a. Application for Rockfish Quota Share (QS)

The procedures for the Application for Rockfish Quota Share (QS) were established under the Pilot Program to identify participants, and then the application was removed from the collection,

The term “quota share” is used to describe the Rockfish Program’s multi-year exclusive harvest privileges based on historic harvest activities, consistent with similar North Pacific programs. Rockfish QS would be an attribute of the LLP license. Once NMFS calculates the amount QS to allocate to an LLP license, NMFS would modify that LLP license and designate that amount on the license. QS assigned to an LLP license could not be transferred independent from that LLP license, except to comply with the use caps. Rockfish QS assigned to an LLP license provides a harvest privilege, not a right, to its holder and would not confer a guaranteed harvest to the holder of that QS.

QS would be the basis for the annual calculation of the amount of fish that may be harvested or used if the QS were assigned to a rockfish cooperative. Once QS is assigned to an LLP license, it would authorize that LLP license holder to participate in the Rockfish Program. If an LLP license holder assigned that LLP license, and its associated QS, to a cooperative with other LLP license holders, the sum of the QS of all of the eligible harvesters would yield CQ – an exclusive

annual catch limit of rockfish primary species, secondary species, and halibut PSC that could be harvested by the members of the rockfish cooperative. Cooperatives would be formed by eligible harvesters holding LLP licenses in the same sector, either the catcher/processor sector or the catcher vessel sector.

A person who wishes to receive rockfish QS to participate in the Rockfish Program as a rockfish eligible harvester must submit a timely and complete Application for Rockfish Quota Share. Eligibility to receive QS is based on the official record of legal landings of CGOA primary rockfish species associated with an LLP license. A person is eligible to receive Rockfish QS if:

- ◆ that person held an permanent, fully transferable LLP license endorsed for CGOA groundfish with a trawl designation at the time of application;
- ◆ a vessel made legal landings of primary rockfish species under the authority of that LLP license during a specific time period; and
- ◆ that person submitted a timely application that is subsequently approved by NMFS.

NMFS will mail a Rockfish QS application package to all potentially eligible processor and harvester LLP license holders based on the address on record at the time the application period opens. An eligible rockfish harvester may apply to participate in only one fishery per year with an LLP license and its associated QS. The application would be valid for one year.

The Application for Rockfish QS may be submitted by mail, fax, or hand delivery or carrier. An eligible LLP license holder must submit to NMFS a timely and complete rockfish QS application. The application must be received by NMFS no later than 5:00 p.m. (1700 hours) Alaska local time (A.l.t.) on January 17, 2012, or if sent by U.S. mail, postmarked by that time. For applications delivered by hand delivery or carrier only, the receiving date of signature by NMFS staff is the date the application was received. If the application is submitted by facsimile, the receiving date of the application is the date stamped received by NMFS. Objective written evidence of timely application will be considered proof of a timely application.

Rockfish QS cannot be transferred separate from the LLP license. See OMB Control No. 0648-0334 for more information on the transfer of an LLP with rockfish QS for the very limited exception that allows a person issued over the Rockfish QS use cap to transfer a portion of the Rockfish QS over the cap to another LLP license.

A completed application must contain the following information.

Application for Rockfish Quota Share (QS)

Eligibility type (check one)

Indicate whether applying to receive Rockfish QS
in the catcher/processor sector or
in the catcher vessel sector

Indicate whether participant holds an LLP license in the entry level trawl fishery

Block A -- Applicant identification.

Applicant's name and NMFS person ID
Taxpayer ID number (EIN or SSN)
Permanent business mailing address
Business telephone number, business fax number, and business e-mail (if available)

If applicant is a U.S. citizen, enter date of birth

If applicant is a U.S. corporation, partnership, association, or other non-individual business entity
enter date of incorporation

If applicant is a successor-in-interest to a deceased individual or to a non-individual
no longer in existence, **attach** death certificate or evidence of dissolution

Block B -- Agreement With Rockfish Program Official Record (*check one*)

Indicate if you agree with the Rockfish Program Official Record Summary

If you do not agree with the Rockfish Program Official Record Summary, **attach** a separate page explaining your disagreement

If you did not receive a Rockfish Program Official Record Summary, **attach** a separate page explaining the basis for your eligibility

Block C – Rockfish Entry Level Trawl Fishery (*check one*)

If applying to participate in the Rockfish Program, indicate whether you hold an LLP license that made rockfish legal landings during the fishery seasons listed in Table 28a or Table 28b

If YES, indicate whether you wish to receive Rockfish QS based on rockfish legal landings listed in Table 28a or Table 28b

Indicate if applying not to receive rockfish QS (entry level trawl fishery only)

Block D – Claimed LLP licenses and vessel legal rockfish landings

LLP license number

Original qualifying vessel (QOV)

Name of the vessel that gave rise to the LLP license

Alaska Department of Fish and Game (ADF&G) vessel registration number

United States Coast Guard (USCG) documentation number

Dates when landings were made under this LLP license in 2000 and 2001

Other vessels used under the authority of this LLP license

Name of vessel

ADF&G vessel registration number

USCG documentation numbers of all other vessels

Dates when landings were made under this LLP license in 2000 and 2001

Block E – Applicant certification.

Print the applicant's name, signature, and date signed

If a representative, **attach** authorization

Application for Rockfish QS, Respondent	
Number of respondents	68
48 catcher vessels	
12 catcher/processors	
8 shoreside processors and SFPs	
Total annual responses	68
Number responses per respondent = 1	
Total burden hours	136 hr
Time per response = 2 hr	
Total personnel cost (136 x 25)	\$3,400
Total miscellaneous costs (77.30)	\$77
Postage cost (0.44 x 50 = 22)	
FAX cost (\$6 x 8 = 48)	
Online cost (0.05 x 10 = 0.50)	
Photocopy cost (0.05 x 2 x 68 = 6.80)	

Application for Rockfish QS, Federal Government	
Total annual responses	68
Total burden hours	34 hr
Time per response = 30 min	
Total personnel cost (34 x \$25)	\$850
Total miscellaneous cost	0

b. Application for Rockfish Cooperative Fishing Quota (CQ).

The procedures for the Application for Rockfish CQ were established under the Pilot Program (see <http://www.alaskafisheries.noaa.gov/ram/rockfish/cqapp.pdf>), and NMFS would continue them under the Rockfish Program.

A Rockfish CQ permit authorizes a rockfish cooperative to participate in the Rockfish Program. NMFS will issue a CQ permit annually to a rockfish cooperative when the members of the cooperative

- ◆ submit a complete and timely application for CQ that is subsequently approved by the Regional Administrator.
- ◆ specify how much CQ the cooperative could harvest. The amount is based on the sum of the QS of the cooperative members and any CQ that the rockfish cooperative subsequently receives by transfer from another rockfish cooperative.

Cooperative quota (CQ) means for purposes of the Rockfish Program:

- ◆ The annual catch limit of a rockfish primary species or rockfish secondary species that may be harvested by a rockfish cooperative while fishing under a CQ permit;
- ◆ The amount of annual halibut PSC that may be used by a rockfish cooperative in the CGOA while fishing under a CQ permit.

Eligible harvesters holding LLP licenses in the same sector, either the catcher/processor sector or the catcher vessel sector, may form a cooperative and obtain a Rockfish CQ permit. Eligible license holders that do not join a cooperative are restricted from participating in that year's CGOA rockfish fishery. A cooperative is required to accept membership of any LLP license holder eligible for the cooperative subject to the same terms and conditions as governing other members. No minimum number of LLP licenses is required to form a cooperative. Once NMFS issues an annual catch amount to a cooperative, it may be fished by members of the cooperative or transferred to another cooperative.

Membership in a rockfish cooperative is voluntary. No person may be required to join a rockfish cooperative. Members may leave a rockfish cooperative, but any CQ contributed by the rockfish QS held by that member remains assigned to that rockfish cooperative for the remainder of the calendar year.

An LLP license holder who receives Rockfish QS is required to assign all the QS associated with the LLP license to a specific rockfish cooperative (or to the opt-out fishery if that LLP license is assigned Rockfish QS designated for the catcher/processor sector). The LLP license holder could not assign portions of Rockfish QS to different rockfish cooperatives within the same sector or apportion the QS otherwise. Once an LLP license and its associated QS are assigned for a year, the LLP license holder could not reassign the LLP license or QS to a different cooperative during that year.

Each catcher vessel in the Rockfish Program is eligible for membership in a single cooperative. A catcher vessel cooperative must form an association with a qualified shoreside processor with a Federal processor permit (OMB 0648-0206). In order to receive Rockfish CQ, the shoreside processor must be located within the boundaries of the City of Kodiak, Alaska, and have an approved catch monitoring and control plan (OMB 0648-0330). This requirement is intended to encourage harvesters and processors to discuss and possibly coordinate fishing plans as part of the application process to form a rockfish cooperative.

The cooperative/processor associations are intended to ensure that a cooperative lands a substantial portion of its catch with its members' historical processor. The exact terms of the association are subject to negotiation and are confidential to the parties. Because the cooperative agreement requires the approval of the associated processor, these agreements may contain terms defining cooperative landings requirements.

Upon NMFS' approval of a CQ permit, the cooperative will receive a rockfish allocation. This allocation will establish an annual catch limit of primary and secondary species based on the collective catch history holdings of the LLPs held and contributed by the members of the rockfish cooperative. In addition, the cooperative will receive allocated CQ for halibut prohibited species catch (PSC) to be used while fishing for primary rockfish species or secondary species. A CQ permit will list:

- ◆ the amount of rockfish primary species and rockfish secondary species that may be harvested and the amount of rockfish halibut PSC that may be used by the cooperative;
- ◆ the members of the rockfish cooperative;
- ◆ names of vessels which are authorized to fish under the CQ permit; and
- ◆ the rockfish eligible processor with whom that rockfish cooperative is associated, if applicable.

A vessel named on a CQ permit is considered to be actively engaged in fishing the CQ for that rockfish cooperative and would be subject to all observer, permitting, and reporting requirements applicable to vessels fishing CQ. A person fishing CQ assigned to a rockfish cooperative must maintain a legible copy of a current CQ permit onboard any vessel used to harvest any rockfish primary species, or rockfish secondary species, or that uses any rockfish CQ halibut.

A rockfish cooperative must meet the following legal and organizational requirements before it is eligible to receive CQ:

- ◆ Must be formed as a partnership, corporation, or other legal business entity that is registered under the laws of one of the 50 states or the District of Columbia.
- ◆ Must appoint an individual as designated representative to act on the rockfish cooperative's behalf and serve as contact

Cooperatives are intended to conduct and coordinate fishing of their member's allocations, and may not be formed under the Fishermen's Collective Marketing Act and therefore may not

negotiate prices. Cooperative members are jointly and severally liable for the harvest of the cooperative's allocation.

A rockfish cooperative must submit to NMFS for approval a completed application for Rockfish CQ, including all amendments, previously was set by NMFS to be no later than March 1. Due to a public comment on the proposed rule, the Application for Rockfish Cooperative Fishing Quota submittal deadline was extended to April 1, 2012, for the first year, and then March 1 for all subsequent years to allow participants more time to organize under the new program. A complete application includes prior payment of any rockfish cost recovery fees due as required under § 679.85.

The cooperative is required to attach a Cooperative Agreement with the Application for Rockfish CQ. A Cooperative Agreement has a one-year term and must include a fishing plan, a monitoring plan for the harvest of the cooperative's allocation, and a plan for payment of cost recovery fees. A cooperative may include fishing practice codes of conduct in its membership agreement.

If an eligible vessel is added or removed from a rockfish cooperative, the representative must submit to NMFS for approval an amended application for CQ

The Application for Rockfish CQ may be submitted by mail, fax, or hand delivery/carrier.

Application for Rockfish Cooperative Fishing Quota (CQ)

Attachments

This is a checklist of documents to attach to the application

Block A – Rockfish Cooperative Identification

Rockfish cooperative's legal name and NMFS Person ID
Type of business entity under which cooperative is organized
State in which legally registered as a business entity
Date of incorporation
Name authorized representative
Permanent business address
Business telephone number and business fax number
Business e-mail address (if available)

Block B – Members of the Rockfish Cooperative (*LLP holder and ownership documentation*)

Full name and NMFS Person ID
LLP license number(s),
Names of all persons, to the individual level, holding an ownership interest in the LLP license(s)
assigned to the rockfish cooperative
Percentage ownership each person and individual holds in the LLP license(s)

Block C – Identification of rockfish cooperative member vessels

Vessel name
ADF&G number of vessel
USCG number of vessel

Block D – Shoreside Processor associates of the rockfish cooperative.

Processor name and NMFS Person ID
Facility name
ADF&G processor code

Block E – Certification of cooperative authorized representative

Printed name and signature of authorized representative and date signed
Attach authorization

Block F – Certification of processor associate’s authorized representative
 Printed name and signature of authorized representative and date signed
 Attach authorization

Application for Rockfish CQ, Respondent	
Number of respondents	6
Total annual responses (1 response per respondent)	6
Total burden hours	12 hr
Time per response = 2 hr	
Total personnel cost (\$25 x 12)	\$300
Total miscellaneous costs (222.24)	\$222
Postage cost (0.88 x 3 = 2.64)	
Fax cost (\$6 x 12 pages x 3 = 216)	
Photocopy cost (0.05 x 12 pages x 6 = 3.60)	

Application for Rockfish CQ, Federal Government	
Total responses	6
Total burden hours (0.5 x 6 = 3)	3 hr
Time per response = 30 min	
Total personnel cost (\$25 x 3)	\$75
Total miscellaneous cost	0

c. Application for Inter-Cooperative Transfer of CQ.

The procedures for the Application for Inter-Cooperative Transfer of Rockfish CQ were established under the Pilot Program (see <http://www.alaskafisheries.noaa.gov/ram/rockfish/coopcqtransferapp.pdf>), and NMFS would continue them under the Rockfish Program.

If a cooperative seeks to receive CQ by transfer, the cooperative must have a minimum of two assigned LLP licenses. This limitation would encourage cooperative formation among LLP license holders by providing them greater flexibility to transfer CQ to meet operational demands. A cooperative may only transfer or receive by transfer an annual catch amount if the cooperative submits an Application for Inter-Cooperative Transfer of CQ to NMFS. Transfer of CQ would be valid only during the calendar year of the transfer.

Once NMFS issues CQ to a rockfish cooperative, the CQ may be fished by members of the rockfish cooperative or transferred to another rockfish cooperative. A rockfish cooperative in the catcher vessel sector, however, could not transfer CQ to a rockfish cooperative in the catcher/processor sector. Similarly, a rockfish cooperative in the catcher/processor sector could not transfer rougheye or shorttraker CQ to a rockfish cooperative in the catcher vessel sector. A rockfish cooperative may transfer all or part of its CQ to another rockfish cooperative.

In order for an inter-cooperative transfer to be approved, both parties must be already established and recognized by NMFS as a cooperative prior to the transfer. A rockfish cooperative could only transfer CQ if the transfer would not cause the receiving rockfish cooperative to exceed its use cap limitations.

The Application for Inter-Cooperative Transfer of CQ must be submitted to NMFS online using an electronic online transfer application available on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>. When using the online submittal method, the NMFS Person ID and transfer key take the place of a signature and certify that all information is true, correct, and complete.

In response to a public comment on the proposed rule, NMFS clarified that a rockfish cooperative may not transfer or receive halibut PSC CQ after November 15, or after NMFS has approved a rockfish cooperative termination of fishing declaration for that rockfish cooperative.

Application for Inter-Cooperative Transfer of CQ (ONLINE ONLY)

Block A -- Identification of transferor

- Name and NMFS Person ID of cooperative
- Name of designated representative
- Permanent business mailing address; a temporary mailing address may be included, if appropriate
- Business telephone number and business fax number
- Business e-mail address

Block B -- Identification of transferee

- Name and NMFS Person ID
- Name of designated representative
- Permanent business mailing address; a temporary mailing address may be included, if appropriate
- Business telephone number and business fax number
- Business e-mail address

Block C -- Identification of Rockfish Cooperative member

- Name and NMFS person ID of member to whose use cap the rockfish cooperative CQ will be applied
- Amount of CQ applied (in mt)

Block D – CQ to be transferred

- Identify the type and amount to be transferred
 - primary species
 - secondary species
 - rockfish halibut PSC CQ

Block E -- Certification of transferor

- Signature of transferor and date signed
- Printed name of transferor (or authorized representative); if representative, attach authorization

Block F -- Certification of transferee

- Signature of transferee and date signed
- Signature of eligible rockfish processor and date signed
- Printed name of transferee (or authorized representative); if representative, attach authorization

Application for Inter-Cooperative Transfer of Rockfish CQ, Respondent	
Number of respondents	6
Total annual responses (3 x 6) 3 transfers per coop per season	18
Total annual time burden hours Time per response = 1 hr	18 hr
Total personnel cost (18 x \$25)	\$450
Total miscellaneous cost (2.70) Online (0.05 x 18 = 0.90) Photocopy cost (0.05 x 2 pp x 18 =1.80)	\$3

Application for Inter-Cooperative Transfer of Rockfish CQ, Federal Government	
Total responses	18
Total burden hours	9
Time per response = 30 min	
Total personnel cost (\$25 x 9)	\$225
Total miscellaneous cost	0

d. Application for rockfish limited access fishery [REMOVED]

Under the Pilot Program structure, catcher/processors that chose not to join a cooperative were permitted to fish in a limited access fishery or opt-out of the fishery for the season. The Council eliminated the limited access fishery, because the fishery created unintended incentives for the catcher/processor sector to avoid joining a cooperative.

e. Application for rockfish entry-level fishery [REMOVED]

An application for the rockfish entry-level fishery is removed. A new procedure, entitled the rockfish entry-level longline fishery, replaces the application process,. No form exists for this application.

f. Rockfish entry-level longline fishery [NO FORM]

Harvesters and processors not eligible to receive rockfish QS under the Pilot Program, but hold an LLP license, may participate in a small entry-level longline-gear fishery for Central GOA rockfish. QS assigned to the entry level longline fishery would not result in an annual exclusive allocation.

The entry level longline fishery will be conducted as a competitive, limited-access fishery that will open on January 1 of each year. NMFS will manage this fishery similarly to other competitive fisheries in the GOA, except that participants would not be required to submit an annual application in order to take part in the fishery. Participants in this longline-gear-only entry level fishery would not be required to submit an annual application in order to take part in the fishery. . This may improve entry into these fisheries by removing an application deadline that would prevent a vessel from opportunistically deciding to enter the fishery mid-season.

If a longline gear participant targets rockfish primary species in the Central GOA, then the catch would be deducted from the entry level longline TAC. If the longline participant is not directed fishing for rockfish primary species, and instead targets a different species such as Pacific cod, then the catch would be deducted from the ICA. NMFS will use existing recordingkeeping and reporting (mostly eLandings) to monitor this fishery. Monitoring provisions are necessary for accurate catch accounting and to monitor compliance with the Rockfish Program.

Unlike catcher vessels fishing in cooperatives, participants in the entry-level longline gear fishery may deliver to any shorebased processing facility in any community and are not restricted to delivery to a Kodiak processor. The longline gear sector typically consists of relatively small vessels. The CGOA extends to areas that are distant from Kodiak, but close to other ports such as Homer and Seward. Requiring entry-level participants to comply with a landing requirement

within the boundaries of Kodiak might pose too great of an expense for the participants and expose participants to unacceptable risks.

g. Application to Opt-out of Rockfish Fishery [REMOVED]

The procedures for the Application to Opt-out of the Rockfish Fishery CQ were established under the Pilot Program (see <http://www.alaskafisheries.noaa.gov/ram/rockfish/optoutapp.pdf>). NMFS would not continue them under the Rockfish Program. NMFS removed the requirement for catcher/processors who wish to opt-out of a cooperative to submit an Application to Opt-out of Rockfish Cooperative. NMFS will presume a rockfish eligible harvester has opted-out of participating in a rockfish cooperative if their LLP license with assigned rockfish QS is not named on an Annual Application for Cooperative Fishing Quota.

h. Rockfish Cooperative Termination of Fishing Declaration [REMOVED]

The procedures for the Rockfish Cooperative Termination of Fishing Declaration were established under the Pilot Program. NMFS would continue these procedures under the Rockfish Program, except that this form and the check-in/check-out report would be combined into one form.

i. Rockfish Cooperative Vessel Check-in Report, Check-out Report, or Termination of Fishing Declaration

The procedures for the Rockfish Cooperative Vessel Check-in/Check-out Report were established under the Pilot Program (see http://www.alaskafisheries.noaa.gov/rr/forms/rockfish_checkin.pdf) and NMFS would continue them under the Rockfish Program.

NMFS requires a Rockfish Program cooperative to designate a vessel fishing under the authority of a CQ permit. This procedure is necessary because vessels fish in both Rockfish Program fisheries and non-Rockfish Program fisheries (e.g., pollock, Pacific cod, and various flatfish fisheries) that do not require the same catch monitoring provisions. NMFS will no longer limit the number of check-in or check-out reports for a vessel in a season, because the electronic submission of the check-in and check-out report makes tracking of vessel status more efficient.

Each check-in report, check-out report, and termination of fishing declaration must be submitted online. The designated representative must log into the system and create a vessel check-in request, vessel check-out request, or termination of fishing declaration as indicated on the computer screen. By using the transferor's NMFS ID, password, and submitting the request, the designated representative certifies that all information is true, correct, and complete.

According to a comment received on the proposed rule, the 48-hour check-in requirement, as specified in the proposed rule is operationally very difficult for catcher/processors when a vessel is changing areas from the Rockfish Program to Central GOA fishing, or vice versa and back again. Since the catcher/processor sector submits the check-ins electronically, the 48-hour delay seems unnecessary and does not seem worth the operational cost. The commenter recommended eliminating this requirement altogether, or at least reducing the lead time from 48 hours. NMFS agreed and reduced the 48-hour check-in requirement for catcher/processor cooperatives, to a one

hour check-in requirement. This one hour check-in requirement would still provide adequate time for NMFS to properly track and account for catch against a cooperative CQ permit.

The 48-hour check-in requirement is a good management tool for the catcher vessel sector. Catcher vessel cooperatives are still subject to the 48-hour check-in requirement.

Check-in Report

The designated representative of a rockfish cooperative must designate any vessel that is fishing under the rockfish cooperative's CQ permit before that vessel may fish under that CQ permit. This check-in provides adequate time for NMFS to properly track and account for catch against a Rockfish cooperative CQ permit. A check-in designation for a vessel is effective at the beginning of the first fishing trip after the designation is submitted.

In § 679.5, due to receipt of a public comment on the proposed rule, NMFS changed the 48 hour check-in requirement to be specific to the catcher vessel sector only, and added a one hour check-in requirement for the catcher/processor sector. NMFS also changed the check-out designation effective date of for the catcher/processor sector to be effective upon the submission of the designation to NMFS.

Check-out Report

The designated representative of a rockfish cooperative must specify any vessel that is no longer fishing under a CQ permit for that rockfish cooperative. A check-out report must be submitted within 6 hours after the effective date and time the rockfish cooperative wishes to end the vessel's authority to fish under the CQ permit.

- ◆ If fishing under a CQ permit for a catcher vessel cooperative, a check-out designation is effective at the end of a complete offload.
- ◆ If fishing under a CQ permit for a catcher/processor cooperative, a check-out designation is effective at the end of the week-ending date as reported in a production report, or the end of a complete offload, whichever occurs first.

Rockfish Cooperative Termination of Fishing Declaration

The procedures for the Rockfish Cooperative Termination of Fishing Declaration were established under the Pilot Program. This declaration is incorporated into the check-in/check-out report rather than being a separate form.

A Rockfish cooperative may choose to terminate its CQ permit prior to the end of the fishing season through a declaration submitted to NMFS. NMFS will review the declaration and notify the rockfish cooperative's designated representative once the declaration has been approved. In response to a comment to the proposed rule, accounts would not be set to zero for rockfish primary or secondary species after a cooperative submits a Declaration of Termination of fishing to NMFS as suggested in the preamble text of the proposed rule. CQ would be available for transfer until the end of the calendar year.

The cooperative accounts for rockfish primary and secondary species will not be set to zero. A cooperative may use rockfish primary species and rockfish secondary species CQ for transfer until the end of the calendar year. However, halibut PSC CQ may not be used for transfer after a termination of fishing declaration is submitted to NMFS.

Rockfish Cooperative Vessel Check-in/Check-out/Termination Report

Block A – Cooperative Information

- Name of cooperative, CQ permit number (group ID), and NMFS Person ID
- Name and signature of cooperative representative
- Permanent business address
- Business telephone number, business fax number, and business e-mail address

Block B – Vessel Information

- Name of vessel
- Federal Fisheries Permit number
- ADF&G vessel registration number
- USCG documentation number

Block C -- Vessel Check-IN or Vessel Check-OUT (indicate which)

- Date effective
- Time effective

Block D -- Termination of Fishing Declaration.

- Date the declaration is submitted

Rockfish Cooperative Check-in/Check-out/Termination Report, Respondent	
Number of respondents	6
Total annual responses	408
Check-in/out responses = 66 x 6 = 396	
Termination responses = 2 x 6 = 12	
Total annual time burden hours (68)	68 hr
Time per response = 10 min	
Total personnel cost (68 x \$25)	\$1,700
Total miscellaneous cost (40.80)	\$41
Online cost (0.05 x 408 = 20.40)	
Photocopy cost (0.05 x 1 pp x 408 = 20.40)	

Rockfish Cooperative Check-in/Check-out/Termination Report, Federal Government	
Total annual responses	408
Total annual time burden hours	102 hr
Time per response = 15 min	
Total personnel cost (102 x \$25)	\$2,550
Total miscellaneous cost	0

j. Rockfish Cooperative Report.

The procedures for the Rockfish Cooperative Report were established under the Pilot Program, and NMFS would continue them under the Rockfish Program.

A rockfish cooperative permitted in the Rockfish Program (see § 679.4(n)(1)) annually must submit to the Regional Administrator an annual rockfish cooperative report detailing the use of the cooperative's CQ by December 15 of each year. No form exists for this information. The annual rockfish cooperative report may be submitted by mail, fax, or delivery.

Annual Rockfish Cooperative Report

Cooperative's CQ

Sideboard limit (if applicable)

Any rockfish sideboard fishery harvests made by the rockfish cooperative vessels on a vessel-by-vessel basis

The cooperative's actual retained and discarded catch of CQ and sideboard limit on an area-by-area and vessel-by-vessel basis

Describe method used to monitor fisheries in which cooperative vessels participated

Describe private, civil actions taken by the cooperative in response to any members that exceeded their allowed catch

Annual Rockfish Cooperative Report, Respondent	
Number of respondents	6
Total annual responses	6
Total annual time burden hours	240 hr
Time per response = 40 hr	
Total personnel cost (240 x \$25)	\$6,000
Total miscellaneous cost (7.55)	\$8
Online cost (0.05 x 1 = 0.05)	
Photocopy cost (0.05 x 25 pages x 6 = 7.50)	

Annual Rockfish Cooperative Report, Federal Government	
Total annual responses	6
Total annual time burden hours	12 hr
Time per response = 2 hr	
Total personnel cost (12 x \$25)	\$300
Total miscellaneous cost	0

k. Rockfish Cooperative Catch Report [REMOVED]

The procedures for the Rockfish Cooperative Catch Report were established under the Pilot Program. Operators of catcher/processors and managers of shoreside processors or stationary floating processors authorized to receive fish harvested under a CQ permit in the Rockfish Program were required to submit Rockfish Cooperative Catch Report detailing each cooperative's delivery and discard of fish.

The Rockfish Coop Catch Report is no longer included in the Rockfish Program, because the information formerly obtained in the Coop Catch Report is now provided through other reporting systems, namely eLandings (see OMB 0648-0515).

Rockfish Cost Recovery

The Rockfish Program is established under the provisions of section 303A of the Magnuson-Stevens Act which requires that NMFS collect fees for the limited access programs equal to the actual costs directly related to the management, enforcement and data collection (management costs). Section 304(d)(2) of the Magnuson-Stevens Act also limits the cost recovery fee so that it may not exceed 3 percent of the ex-vessel value of the fish harvested under the Rockfish Program. Fees will be assessed on the ex-vessel value of rockfish primary species and rockfish secondary species CQ harvested by rockfish cooperatives in the Central GOA and waters adjacent to the Central GOA when rockfish primary species caught by that vessel is deducted

from the Federal TAC. Halibut PSC CQ would not be subject to a cost recovery fee because that halibut cannot be retained for sale and, therefore, does not have an ex-vessel value. The entry level longline fishery and opt-out vessels are not subject to cost recovery fees.

Ex-vessel prices will fluctuate with market conditions, so the fee percentage may change throughout the season. NMFS will establish the fee percentage for rockfish based on the prior year's costs and ex-vessel values. A fee, not to exceed 3 percent of ex vessel value, will be charged on all program landings, to cover the costs of administration of the program.

The primary components of the Rockfish Cost Recovery are:

- ◆ Rockfish Ex-vessel Volume and Value Report from each Shoreside Processor.
The Rockfish Program would collect data from shoreside processors using an annual Rockfish Ex-vessel Volume and Value Report on rockfish primary species and rockfish secondary species CQ ex-vessel value.
- ◆ Rockfish Fee from each Cooperative
NMFS will assess a fee against rockfish primary species and rockfish secondary species cooperative quota (CQ) caught by rockfish cooperatives. Pacific halibut prohibited species catch (PSC) CQ will not be subject to a cost recovery fee, because halibut is not retained for sale and, therefore, does not have an ex-vessel value. NMFS will assess management costs and assign the appropriate fee to each rockfish cooperative. Full payment of a cost recovery fee liability is required from each rockfish CQ holder.

Rockfish Quota Share (QS) holders may join a cooperative and receive an exclusive harvest privilege, even if those participants choose not to fish in a cooperative. Participants fishing in either the limited access fishery or under a cooperative will be subject to cost recovery fees based on their catch. Those participants that do not fish, (e.g., those participants that opt-out) will not be subject to cost recovery fees, because they do not harvest species that are managed under the Rockfish Program. Only eligible harvesters holding LLP licenses designated for the catcher/processor sector could choose to participate in the opt-out fishery. Entry-level longline participants who do not hold a limited access privilege will not be responsible for cost recovery fees.

The Rockfish Pilot Program did not include a cost recovery program because it was originally conceived as an experimental, two-year program. The new Rockfish Program will be authorized for ten years.

I. Rockfish Ex-vessel Volume and Value Report

Shoreside processors that receive rockfish CQ must submit to NMFS an annual Rockfish Ex-vessel Volume and Value Report that details the ex-vessel value of harvests and the price paid for rockfish primary and secondary species summarized by month for five months (May through September). Each shoreside processor receiving fish harvested under a rockfish CQ permit would be required to submit this report no later than December 1 of each year.

NMFS would generate the average price paid per pound for all shoreside processors receiving

rockfish primary and secondary species CQ. NMFS would scale the average price in proportion to the amount of landings receiving that price during the month.

Shoreside processors must submit the Rockfish Ex-vessel Volume and Value Report online such that it is received by the NMFS Regional Administrator no later than December 1 of the year in which the rockfish processor received the rockfish CQ groundfish.

This report must be submitted online, the rockfish processor must log in to <http://alaskafisheries.noaa.gov> using the Rockfish Processor's password and NMFS person ID. Instead of a signature, the rockfish processor enters the NMFS ID and password. By submitting the report, the processor certifies that all information is true, correct, and complete to the best of his or her knowledge and belief.

Rockfish Ex-vessel Volume and Value Report

Rockfish processor identification

- Name and NMFS Person ID of shoreside processor
- Rockfish CQ permit number
- Business mailing address; indicate whether permanent or temporary
- Port location
- Business telephone number, business fax number, and business e-mail address (if available)

Certification

Printed name, signature, and date signed

Rockfish Program Pounds Purchased and Ex-vessel Value

- For each primary and secondary species by landing period, enter Pounds (round weight)
- Total gross ex-vessel value paid

Rockfish Ex-vessel Volume and Value Report, Respondent	
Number of respondents	6
Total annual responses	6
Response per year = 1	
Total burden hours	12 hr
Time per response = 2 hr	
Total personnel cost (\$25/hr)	\$300
Total miscellaneous costs (0.60)	\$1
Online cost (0.05 x 6 = 0.30)	
Photocopy cost (0.05 x 6 = 0.30)	

Rockfish Ex-vessel Volume and Value Report, Federal Government	
Total responses	6
Total burden hours (0.5 hr)	\$1
Time per response = 5min	
Total personnel cost (\$25/hr)	\$25
Total miscellaneous cost	0

m. Rockfish Fee Submittal

All participants fishing under a rockfish cooperative are subject to rockfish cost recovery fees based on their catch. NMFS will require each rockfish CQ holder (effectively each rockfish cooperative) to submit a rockfish fee payment for all Rockfish CQ landings made under the authority of a Rockfish CQ permit.

Each year, NMFS would determine the total value of the rockfish fisheries subject to fee collection by summing the total value for all rockfish primary and rockfish secondary species harvested by all rockfish cooperatives during the previous year using the standard ex-vessel prices.

NMFS would apply standard ex-vessel prices to the catcher/processor rockfish cooperatives. Catcher/processors process catch at sea and do not use ex-vessel pricing to establish the value of catch, because there is no processor receiving the catch and paying the harvester. After receiving the annual Rockfish Value and Volume Report from each shoreside processor, NMFS will inform each rockfish cooperative of the fee percentage applied to the previous year's landings and the total amount due (fee liability). NMFS will provide a summary to all rockfish CQ permit holders during the first quarter of the year following the calendar year in which the rockfish CQ landings were made. The summary will explain the fee liability determination -- including the current fee percentage, details of rockfish primary species, rockfish secondary species, and CQ pounds debited from rockfish CQ allocations by permit, species, date, and price. NMFS will provide the fee liability summary before fees are due on February 15 of each year.

This standard ex-vessel price would apply to all rockfish primary and secondary CQ landings made, starting in 2012. NMFS would use a standard ex-vessel price rather than specific actual price data provided by each rockfish CQ holder. The use of an actual ex-vessel price would require that the rockfish CQ holder document all landings and prices. Based on NMFS' experience with the halibut and sablefish IFQ program, very few IFQ holders subject to fee collection have used actual prices.

NMFS will return any amount submitted in excess of the rockfish cost recovery fee to the rockfish CQ permit holder, unless the permit holder requests the agency to credit the excess amount against the permit holder's future rockfish cost recovery fee liability.

A Rockfish CQ permit holder must submit any rockfish cost recovery fee payment(s) to NMFS no later than February 15 of the year following the calendar year in which the Rockfish CQ landings were made. NMFS cannot assess penalties until at least 30 days after a payment is due; however any debit or credit to the fee collection account must be carried forward and applied toward the fee percentage calculations for future years.

Failure to pay on time will result in the permit holder's QS becoming non-transferable and the person being ineligible to receive any additional QS by transfer. No rockfish QS holder will receive any rockfish QS until the rockfish CQ holder submits full payment of the rockfish cost recovery fee. If a rockfish CQ holder fails to submit full payment by the deadline, NMFS will disapprove any transfer of rockfish CQ to or from the rockfish CQ permit holder. In addition, no rockfish CQ permit will be issued to that rockfish CQ holder for that calendar year. And, no rockfish CQ will be issued based on the rockfish QS held by the members of that rockfish cooperative to any other rockfish CQ permit for that calendar year. If NMFS does not receive payment by the 30th day after the final agency action, NMFS will refer the matter to the appropriate authorities for purposes of collection.

Communication with NMFS will provide ample opportunity for each Rockfish permit holder to reconcile his or her account. However, if the individual continues not to pay, NMFS will produce

a formal determination and state the amount due. Any such formal determination may be appealed. If the formal determination is not appealed and the account remains unpaid or underpaid, the matter will be referred for collection.

NMFS would require that the fee be submitted online. Electronic payment would reduce administrative costs borne by industry. All of the rockfish cooperatives operating under the Pilot Program are familiar with, and regularly use, electronic submissions of various forms under the Pilot Program. NMFS would extend this common practice to fee submission for the Rockfish Program. Instructions for electronic payment would be made available on both the payment website and a fee liability summary letter mailed to the rockfish CQ permit holder

The rockfish fee payments must be made electronically through the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>. Payment must be made in U.S. dollars by personal check drawn on a U.S. bank account, money order, bank certified check, credit card, automated clearing house, or electronic check drawn on a U.S. bank account. Instructions for electronic payment are available on both the payment website and in a fee liability summary letter mailed to each rockfish CQ permit holder.

No costs or burden for the six cooperatives are anticipated for this fee payment, other than a few minutes to complete the fee submittal process online.

m. Appeals for denials of QS or CQ applications.

There is no change to this information collection: 1 respondent and response, 4 hours, \$100 personnel costs and \$1 miscellaneous costs.

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. 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 to Question 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.

Applications are “fillable” on the computer screen by participant at the NMFS Alaska Region Home Page at www.alaskafisheries.noaa.gov, then must be downloaded, printed, and mailed, faxed, or delivered to NMFS. Check-in/check-out reports, Termination of fishing declarations, and application for inter-cooperative transfer must be filed online. The Rockfish cooperative reports must be mailed or faxed. Future plans include additional interactive permit applications completed through the Internet.

4. Describe efforts to identify duplication.

This information collection is part of a specialized and technical program that is not like any other.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Twelve catcher/processors are eligible for the Rockfish Program regulated by this action; none are small entities, as defined by the RFA. Thirty-two catcher vessels eligible for the rockfish program are either members of a cooperative and, as such, are not considered small entities for the purpose of the RFA, or had annual gross revenues of at least \$4 million. The remaining 14 eligible catcher vessels are all considered small entities. It is likely that some of these eligible 14 catcher vessels are affiliated through partnerships with other entities, and would be considered large entities for the purpose of this action. In the absence of complete ownership information, these affiliations cannot be definitively determined.

The reporting and recordkeeping mandates will not increase the burden on small entities, because, by entering into contractual relationships, cooperatives are affiliations, and as such, are subject to evaluation on the basis of the aggregate gross receipts of all members, worldwide. It is highly unlikely that any cooperative will form in these fisheries which will qualify as a small entity under RFA criteria. Any operators not joining a cooperative are already required to record and report catch data. These reporting burdens will not change under the proposed action.

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

The existing Pilot Program will sunset after 2011. Consequently, the Pilot Program management, economic, safety, and conservation gains would disappear without the implementation of the new Rockfish Program.

If the Rockfish Program is not conducted or is conducted less frequently, the benefits of the program would be lost. The Rockfish Program would retain the Pilot Program gains, while also considering the goals and limitations of the Magnuson-Stevens Act Limited Access Privilege Program provisions. Some of the improvement seen under the Pilot Program are:

- ◆ improved safety at sea
- ◆ controlled capacity of the fleets
- ◆ improved NMFS' ability to conserve and manage the species in the program
- ◆ increased vessel accountability
- ◆ reduced sea floor contact
- ◆ allowed full retention of allocated species
- ◆ reduced halibut bycatch

In addition, the rockfish fishery dependent community in the CGOA and the shorebased processing sector have benefited from

- ◆ stabilization of the work force
- ◆ more shoreside deliveries of rockfish

- ◆ additional non-rockfish deliveries with the Pilot Program halibut savings
- ◆ increased rockfish quality and diversity of rockfish products

Moreover, the CGOA fishermen and the shorebased processing sector have benefited from the removal of processing conflicts with GOA salmon production. The portion of the catcher/processor sector currently participating in the rockfish cooperatives has also benefitted from the Pilot Program, including greater spatial and temporal flexibility in prosecuting the fishery, which result in

- ◆ lower bycatch
- ◆ a more rational distribution of effort
- ◆ more stable markets

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

No inconsistencies occur in this collection.

8. Provide information on 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.

The Council adopted the proposed Central GOA Rockfish Program on June 14, 2010 to replace the existing Pilot Program that is scheduled to expire December 31, 2011. NMFS published a notice of availability for Amendment 88 on July 28, 2011 (76 FR 45217). On August 19, 2011, NMFS published a proposed rule to implement the Rockfish Program (76 FR 521488) requesting comments from the public. The public comment period ended on September 19, 2011.

NMFS received 13 comment letters from 11 unique individuals regarding the FMP amendment and the proposed rule. The Secretary approved Amendment 88 on October 26, 2011. Three of the public comments resulted in actions taken by NMFS.

1) NMFS removed the opt-out application.

Comment 1. It is unclear why an Application to Opt-out of Rockfish Cooperative described at 679.81(e)(2) is needed in the new Rockfish Program. If no Application for Rockfish Cooperative Fishing Quota is received by NMFS, then the default appears to be the same as opting out. Are the observer coverage and monitoring requirements identical for both the opt-out vessels and participants that do not submit a timely application? If there is no difference then the opt-out application seems unnecessary.

Response 1. NMFS removed the requirement for catcher/processors who wish to opt-out of a cooperative to submit an Application to Opt-out of Rockfish Cooperative. NMFS will presume a rockfish eligible harvester has opted-out of participating in a rockfish cooperative if their LLP

license with assigned rockfish QS is not named on an Annual Application for Cooperative Fishing Quota.

2) NMFS changed the deadline for CQ application.

Comment 2: The Application for Rockfish Cooperative Fishing Quota deadline, as specified at § 679.81(f)(3), should be extended to April 1, 2012, for the first year, and then March 1 for all subsequent years to allow participants more time to organize under the new Rockfish Program. After the January 3, 2012 deadline for the initial Application for Rockfish QS, actual allocations will not be known for some time. The organization of cooperatives will not be fully understood until a list of LLP licenses with QS is released by NMFS. The processing and harvesting sectors will need to define their associations under the new program, which will take some negotiation.

Response 2: NMFS disagrees. The March 1 deadline for the Application for Rockfish Cooperative Fishing Quota in the first year of the Rockfish Program is consistent with requirements in the first year under the Pilot Program, when participants were in similar circumstances. However, as indicated in Additional Changes from the Proposed Rule, NMFS changed the deadline for the Application for Rockfish QS to January 17, 2012. This change will provide potential participants additional time to prepare their applications after the effective date of this rule. To ensure rockfish cooperatives are allotted the same amount of time to apply for CQ as indicated in the proposed rule, NMFS changed the deadline for the Application for Rockfish Cooperative Fishing Quota, as specified at § 679.81(f)(3), to March 15, 2012 for the first year and then March 1 for all subsequent years to ensure applicants. This change will allow 30 days for Rockfish Program participants to prepare for the fishing season, join rockfish cooperatives, and apply for CQ after NMFS revises and distributes LLP licenses.

3) NMFS clarified transfer details.

Comment 3: Accounts should not be set to zero for rockfish primary or secondary species after a cooperative submits a Declaration of Termination of fishing to NMFS. CQ should be available for transfer until the end of the calendar year. Additionally, halibut PSC CQ may need to be available for transfer to cover cooperative overages. Observer data can change after debriefing and a halibut CQ overage could occur if no halibut PSC is available for transfer.

Response 3: NMFS agrees. The cooperative accounts for rockfish primary and secondary species will not be set to zero. A cooperative may use rockfish primary species and rockfish secondary species CQ for transfer until the end of the calendar year. However, halibut PSC CQ may not be used for transfer after a termination of fishing declaration is submitted to NMFS.

4) NMFS changed the check-in requirement.

Comment 4: The 48-hour check-in requirement, as specified in the proposed rule, is operationally very difficult for catcher/processors when a vessel is changing areas from the Rockfish Program to Central GOA fishing, or vice versa and back again. Perhaps the 48-hour requirement is a good management tool for the catcher vessel sector, but since the catcher/processor sector submits the check-ins electronically, the 48-hour delay seems unnecessary and does not seem worth the operational cost. We recommend eliminating this requirement altogether, or at least reducing the lead time from 48 hours to 12 hours.

Response 4: NMFS agrees. NMFS reduced the 48-hour check-in requirement for catcher/processor cooperatives, to a one hour check-in requirement. This one hour check-in requirement would still provide adequate time for NMFS to properly track and account for catch against a cooperative CQ permit.

Catcher vessel cooperatives are still subject to the 48-hour check-in requirement, as specified in 679.5(8)(i)(A)(1).

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payment or gift will be provided under this program.

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

As stated on the forms and in the regulations, the information collected is confidential under section 402(b) of the Magnuson-Stevens Act(16 U.S.C. 1801 *et seq.*); and also under [NOAA Administrative Order \(AO\) 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics. All information collected is part of a system of records: NOAA #19, Permits and Registrations for United States Federally Regulated Fisheries.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This information collection does not involve information of a sensitive nature.

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

Estimated total unique respondents, 74 (68 QS holders, 6 cooperatives), increased from 55. Estimated total responses, 513, increased from 496. Estimated total burden, 490 hr, increased from 408 hr. Estimated total personnel cost, \$12,250 increased from \$10,200.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).

Estimated total miscellaneous costs \$353, decreased from \$681.

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

NMFS estimates that the current annual costs for managing and enforcing the existing Pilot Program at approximately \$620,000 per year. This estimate includes regulatory development, inseason management, permitting, database management, and enforcement. However, management costs may be slightly lower because NMFS removed the limited access fishery. Management of the limited access fishery, and the inseason management actions necessary to manage that fishery, require substantially more time than oversight of cooperative allocations.

Estimated total burden, 186 hr, increased from 181 hr. Estimated total personnel cost, \$6,525, decreased from \$7,033.

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

Program changes are made in this collection. The Rockfish Pilot Program is replaced with the Rockfish Program. The addition of the Application for Rockfish QS, the addition of the Volume And Value Report, and the removal of Applications for Limited Access, Entry-Level Fisheries, and Opt-out, as well as removal of the Annual Cooperative Catch Report, are program changes.

Adjustments are made in this collection, due in part to differences in numbers of participants based on current permit counts and due to revisions to postage rates and online and fax costs. The form, Termination of Fishing Declaration, is removed, and the information requests are combined into the form for check-in and check-out. In addition, this action corrects an error in the calculation of appeals personnel costs.

Burden changes due to program changes:

Application for Rockfish Quota Share [NEW]

- an increase of 68 respondents and responses, 68 instead of 0
- an increase of 136 hr burden, 136 instead of 0
- an increase of \$3,400 personnel costs, \$3,400 instead of \$0
- an increase of \$77 miscellaneous costs, \$77 instead of \$0

Rockfish Ex-vessel Volume & Value Report [NEW]

- an increase of 6 respondents and responses, 6 instead of 0
- an increase of 12 hr burden, 12 instead of 0
- an increase of \$300 personnel costs, \$300 instead of \$0
- an increase of \$1 miscellaneous costs, \$1 instead of \$0

Application for limited access fishery [REMOVED]

- a decrease of 9 respondents and responses, 0 instead of 9
- a decrease of 18 hr burden, 0 instead of 18 hr
- a decrease of \$450 personnel costs, \$0 instead of \$450
- a decrease of \$51 miscellaneous costs, \$0 instead of \$51

Application for entry-level fishery [REMOVED]

- a decrease of 10 respondents and responses, 0 instead of 10
- a decrease of 20 hr burden, 0 instead of 20 hr
- a decrease of \$500 personnel costs, \$0 instead of \$500
- a decrease of \$63 miscellaneous costs, \$0 instead of \$63

Annual rockfish cooperative catch report [REMOVED]

- a decrease of 6 respondents, 0 instead of 6
- a decrease of 45 responses, 0 instead of 45
- a decrease of 23 hr burden, 0 instead of 23 hr

a decrease of \$575 personnel costs, \$0 instead of \$575
a decrease of \$69 miscellaneous costs, \$0 instead of \$69

Burden changes due to adjustments:

Application for rockfish cooperative CQ

an increase of \$2 miscellaneous costs, \$222 instead of \$220

Application for inter-cooperative transfer

a decrease of \$13 miscellaneous costs, \$3 instead of \$16

Application to Opt-out [REMOVED]

a decrease of 3 respondents and responses, 0 instead of 3

a decrease of 6 hr burden, 0 instead of 6 hr

a decrease of \$150 personnel costs, \$0 instead of \$150

a decrease of \$25 miscellaneous costs, \$0 instead of \$25

Rockfish cooperative termination of fishing declaration [REMOVED]

a decrease of 2 respondents and responses, 0 instead of 2

a decrease of 4 hr burden, 0 instead of 1 hr

a decrease of \$25 personnel costs, \$0 instead of \$25

a decrease of \$12 miscellaneous costs, \$0 instead of \$12

Rockfish cooperative check-in report, check-out report, and terminate

an increase of 12 respondents, 408 instead of 396

an increase of 2 hr burden, 68 hr instead of 66 hr

an increase of \$50 personnel costs, \$1,700 instead of \$1,650

a decrease of \$17 miscellaneous costs, \$41 instead of \$58

Annual rockfish cooperative report

a decrease of \$158 miscellaneous costs, \$8 instead of \$166.

No change to this information collection: Appeals for denials of QS or CQ applications: 1 respondent and response, 4 hours, \$100 personnel costs and \$1 miscellaneous costs.

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

NMFS would publish the rockfish fee percentage in the Federal Register that would determine the total fee, up to 3 percent of the total ex-vessel value of the fishery, required from all rockfish cooperatives based on landings of rockfish primary and secondary species CQ made in the previous year. The fee percentage is the total percentage of ex-vessel value due for each pound of rockfish primary and secondary species CQ made by a cooperative during the previous year.

With the halibut and sablefish IFQ cost recovery program, NMFS publishes the standard ex-vessel prices and the rockfish fee percentage in the same Federal Register notice in the first quarter of the year, and NMFS anticipates using the same process for the Rockfish Program. The fee percentage is the amount of the ex-vessel value that is due to NMFS based on the standard

ex-vessel value of the rockfish primary and secondary species CQ debited from all rockfish CQ accounts relative to the actual costs directly related to the management, enforcement, and data collection of the Rockfish Program.

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.

Not applicable.

18. Explain each exception to the certification statement.

Not applicable.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

**APPLICATION
FOR
ROCKFISH QUOTA SHARE (QS)**

U.S. Dept. of Commerce/
NOAA National Marine Fisheries Service
Restricted Access Management
P.O. Box 21668
Juneau, AK 99802-1668
(800) 304-4846 toll free
(907) 586-7202 in Juneau
(907) 586-7354 fax



**This application must be submitted annually and received by NMFS
no later than 1700 hours A.l.t. on January 3, 2012.**

In addition to this application, each year the **holder of an LLP License with Rockfish QS** must join a Rockfish Cooperative or file an Application to Opt-out of the Rockfish fishery.

ELIGIBILITY TYPE

Each person who is eligible to participate in the Rockfish Program must submit this application to receive an allocation of Rockfish Quota Share (QS) for an eligible License Limitation Program (LLP) groundfish license.

Please indicate the type of eligibility to participate for which you are applying.

- [] Rockfish Quota Share in the Catcher/Processor Sector:

I hold an LLP license that was previously assigned Rockfish QS that participated in the Rockfish Program fishery in the catcher/processor sector during the fishery seasons established in Table 28a to part 679.

YES

NO

- [] Rockfish Quota Share in the Catcher Vessel Sector:

I hold an LLP license previously assigned Rockfish QS that participated in a Rockfish Program Fishery in the catcher vessel sector during the fishery seasons established in Table 28a to part 679.

YES

NO

- [] Rockfish Quota Share in the Entry Level Trawl Fishery:

If you hold an LLP license that made rockfish legal landings during the entry level trawl fishery in 2007, 2008, or 2009 you must complete Block C even if you do not wish to receive QS.

Applicants for Rockfish Quota Share in the Entry Level Trawl Fishery must complete Block C.

BLOCK C – ROCKFISH ENTRY LEVEL TRAWL FISHERY (check one)

I AM APPLYING TO PARTICIPATE IN THE ROCKFISH PROGRAM
based on rockfish legal landings made during the rockfish entry level trawl fishery during 2007, 2008, or 2009.

YES NO

If YES – indicate whether you hold an LLP license that made Rockfish legal landings during the fishery seasons listed in Table 28a or Table 28b.

YES NO

If YES – indicate whether you wish to receive Rockfish QS based on Rockfish legal landings listed in:

Table 28a to part 679

Table 28b to part 679

(you may not select landings from both tables)

I DO NOT WISH TO RECEIVE ROCKFISH QS (Entry Level Trawl Fishery only).
I hold an LLP license that made rockfish legal landings during the fishery seasons established in Table 28a and during the entry-level trawl fishery during 2007, 2008, or 2009 established in Table 28b.

By checking this box, I choose to be excluded from the Rockfish Program and not receive Rockfish QS.

I hereby forego all rights to Rockfish QS in the Rockfish Program.

Sign and date this application in Block E. Submit completed application no later than January 3, 2012.

BLOCK D – CLAIMED LLP LICENSES AND VESSEL LEGAL ROCKFISH LANDINGS

If you are claiming rockfish legal landings from a vessel associated with an LLP license, enter the following information for each LLP license.

LLP license number			
Name of original qualifying vessel (QQV)	ADF&G No.	USCG No.	Date Landings Made in 2000 and 2001
Other vessels used under authority of this LLP license			
Name of Vessel	ADF&G No.	USCG No.	Date Landings Made in 2000 and 2001
Name of Vessel	ADF&G No.	USCG No.	Date Landings Made in 2000 and 2001

Name of Vessel	ADF&G No.	USCG No.	Date Landings Made in 2000 and 2001
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LLP license number			
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Name of original qualifying vessel (OOV)	ADF&G No.	USCG No.	Date Landings Made in 2000 and 2001
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Other vessels used under authority of this LLP license

Name of Vessel	ADF&G No.	USCG No.	Date Landings Made in 2000 and 2001
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Name of Vessel	ADF&G No.	USCG No.	Date Landings Made in 2000 and 2001
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Name of Vessel	ADF&G No.	USCG No.	Date Landings Made in 2000 and 2001
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LLP license number			
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Name of original qualifying vessel (OOV)	ADF&G No.	USCG No.	Date Landings Made in 2000 and 2001
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Other vessels used under authority of this LLP license

Name of Vessel	ADF&G No.	USCG No.	Date Landings Made in 2000 and 2001
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Name of Vessel	ADF&G No.	USCG No.	Date Landings Made in 2000 and 2001
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Name of Vessel	ADF&G No.	USCG No.	Date Landings Made in 2000 and 2001
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BLOCK E -- APPLICANT CERTIFICATION

The applicant must sign and date the application certifying that all information is true, correct, and complete to the best of his/her knowledge and belief. If the application is completed by an authorized representative, attach authorization to application.

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.

1. Signature of Applicant (or Authorized Representative)	2. Date Signed
--	----------------

3. Printed Name of Applicant (or Authorized Representative); if representative, attach authorization

Instructions for
APPLICATION FOR ROCKFISH QUOTA SHARE

**This application must be submitted annually and received by NMFS no later than
1700 Alaska local time (A.l.t.) January 3, 2012.**

Each person who is eligible to participate in the Rockfish Program as a rockfish eligible harvester must submit a timely and complete Application for Rockfish Quota Share (QS) to receive an allocation of Rockfish QS for an eligible License Limitation Program (LLP) groundfish license.

In addition to this application, each year the **holder of an LLP License with Rockfish QS** must join a Rockfish Cooperative or file an Application to Opt-out of the Rockfish fishery.

NOTE: Participant must be a U.S. Citizen or U.S. Corporation, partnership, or other non-individual business.

NMFS will assign rockfish legal landings only if a vessel made those landings:

- ◆ Under the authority of a **permanent fully transferrable LLP** license endorsed for Central Gulf of Alaska (CGOA) groundfish with a trawl gear designation during the season dates for a primary rockfish species as established in Table 28a to part 679;
- ◆ Under the authority of an **interim LLP license** endorsed for CGOA groundfish with a trawl gear designation during the season dates for that primary rockfish species as established in Table 28a to part 679, provided that:

NMFS has determined that interim LLP license is ineligible to receive a designation as a permanent LLP license endorsed for CGOA groundfish with a trawl gear designation; and

A permanent fully transferrable LLP license endorsed for CGOA groundfish with a trawl gear designation was assigned to the vessel that made legal rockfish landings under the authority of an interim LLP license endorsed for CGOA groundfish prior to December 31, 2003 and was continuously assigned to that vessel through June 14, 2010; or

- ◆ Under the authority of a **permanent fully transferrable LLP** license endorsed for CGOA groundfish with a trawl gear designation during the season dates for the entry level trawl fishery in 2007, 2008, or 2009 for a primary rockfish species as established in Table 28b to part 679.

**Table 28a to Part 679 –
Qualifying Season Dates for Central GOA Primary Rockfish Species**

A Rockfish Legal Landing includes...	Year						
	2000	2001	2002	2003	2004	2005	2006
Northern rockfish that were harvested between...	July 4 - 26	July 1 – 23 and Oct 1 – 21	June 30 – July 21	June 29 – July 29	July 4-25	July 5 July 24	July 1-21
and landed by ...	Aug. 2	July 30 and Oct 28, respectively	July 28	Aug 5	Aug 1	July 31	July 28
Pelagic shelf rockfish that were harvested between...	July 4 - 26	July 1- 23 and Oct. 1- 21	June 30 – July 21	June 29 – July 31	July 4-25	July 5-24 Sept. 1, Sept 4, and Sept 8-10	July 1-21 and Oct. 2-8
and landed by ...	Aug. 2	July 30 and Oct. 28, respectively	July 28	Aug 7	Aug 1	July, 31, Sept. 11, and Sept 17 respectively	July 28 and Oct. 15 respectively
Pacific ocean perch that were harvested between...	July 4 - 15	July 1 – 12	June 30 - July 8	June 29 – July 8	July 4-12	July 5-14	July 1-6
and landed by ...	July 22	July 19	July 15	July 15	July 19	July 21	July 13

**Table 28b to Part 679 –
Qualifying Season Dates for Central GOA Primary Rockfish Species**

A Rockfish Legal Landing includes...	2007	2008	2009
Northern rockfish that were harvested by vessels authorized to fish in the rockfish entry level trawl fishery between ...	Sept.1 – Nov. 8	Sept.1 – Nov. 15	Sept.1 – Nov. 15
and landed by ...	Nov. 15	Nov. 22	Nov. 22
Pelagic shelf rockfish that were harvested by vessels authorized to fish in the rockfish entry level trawl fishery between...	July 4 – July 25	July 5 – July 24	July 1 – July 21
and landed by ...	Aug 1		
Pacific ocean perch that were harvested by vessels authorized to fish in the rockfish entry level trawl fishery between...	July 4 – July 12	July 5 – July 14	July 1 – July 6
and landed by ...	July 19	July 21	July 13

GENERAL

Application forms are available on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>, or by contacting NMFS at 800–304–4846, Option 2.

A completed Application for Rockfish Quota Share must be received by NMFS no later than 1700 hours, A.l.t., on January 3, 2012, or if sent by U.S. mail, postmarked by that time. For applications delivered by hand delivery or carrier only, the receiving date of signature by NMFS staff is the date the application was received. If the application is submitted by fax, the receiving date of the application is the date stamped received by NMFS.

Objective written evidence of timely application will be considered proof of a timely application.

This application may only be submitted to NMFS using the methods described below. Type or print legibly in ink; retain a copy of completed application for your records.

Complete application and submit:

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

By delivery to: **Room 713, Federal Building
709 West 9th Street
Juneau, AK**

Or by fax to: **(907) 586-7354**

If you need additional information, contact RAM at **(800) 304-4846 (Option 2)** or **(907) 586-7202 (Option 2)**.

Please allow at least 10 working days for your application to be processed. Items will be sent by first class mail, unless you provide alternate instructions *and* include a prepaid mailer with appropriate postage or corporate account number for express delivery.

COMPLETING THE APPLICATION

ELIGIBILITY TYPE

Each person who is eligible to participate in the Rockfish Program must submit this application to receive an allocation of Rockfish QS for an eligible LLP groundfish license.

Please indicate by a check mark (✓) the type of eligibility to participate or exclusion for which you are applying and answer YES or NO whether you currently have an LLP described.

- ◆ Rockfish Quota Share in the Catcher/Processor Sector
To be eligible, you must hold an LLP license that was previously assigned Rockfish QS that participated in the Rockfish Program fishery in the catcher/processor sector during the fishery seasons established in Table 28a to part 679.
- ◆ Rockfish Quota Share in the Catcher Vessel Sector
To be eligible, you must hold an LLP license previously assigned Rockfish QS that participated in a Rockfish Program Fishery in the catcher vessel sector during the fishery seasons established in Table 28a to part 679.
- ◆ Rockfish Quota Share in the Entry Level Trawl Fishery
To be eligible, you must hold an LLP license that made rockfish legal landings during the fishery seasons established in Table 28b to part 679 and during the entry level trawl fishery during 2007, 2008, or 2009.

BLOCK A – APPLICANT IDENTIFICATION

- 1-2. Enter Applicant Name and NMFS Person ID
3. Taxpayer ID Number (EIN or SSN)

4. Permanent Business Mailing Address
- 5-7. Business telephone number, business fax number, and business e-mail address (if available)
8. If applicant is a U.S. citizen, enter date of birth.
9. If applicant is a U.S. corporation, partnership, association, or other non-individual business entity, enter date of incorporation
10. If applicant is a successor-in-interest to a deceased individual or to a non-individual no longer in existence, **attach** death certificate or evidence of dissolution to the application.

BLOCK B -- AGREEMENT WITH ROCKFISH PROGRAM OFFICIAL RECORD (*check one*)

I Agree

If you agree with the Rockfish Program Official Record Summary sent to you by NMFS, check this box to indicate that you are accepting the Rockfish Program Official Record. Sign and date this application in Block E. Submit completed application no later than January 3, 2012.

I Do Not Agree

If you do not agree with the Rockfish Program Official Record Summary sent to you by NMFS, check this box. Indicate the areas of disagreement in Block C or D or attach a separate page to explain your disagreement and provide evidence to support your claims. Complete Block E.

I Did Not Receive

If you did not receive a Rockfish Program Official Record Summary from NMFS, check this box. If you believe that you are qualified for QS under the Rockfish Program as an eligible rockfish harvester, indicate in Block C or D or attach a separate page to explain the basis for your eligibility as an eligible rockfish harvester. Sign and date this application in Block E. Submit completed application no later than January 3, 2012.

BLOCK C – ROCKFISH ENTRY LEVEL TRAWL FISHERY (*check one*)

If you hold an LLP license that made rockfish legal landings during the entry level trawl fishery in 2007, 2008, or 2009 you must complete Block C even if you do not wish to receive QS. Complete questions below as appropriate.

I Am Applying To Participate In The Rockfish Program

Indicate YES or NO whether you are applying to participate in the Rockfish Program based on rockfish legal landings made during the rockfish entry level trawl fishery during 2007, 2008, or 2009.

If YES – indicate whether you hold an LLP license that made Rockfish legal landings during the fishery seasons listed in Table 28a or Table 28b.

If YES – indicate whether you wish to receive Rockfish QS based on Rockfish legal landings listed in Table 28a to part 679 or Table 28b to part 679 (you may not select landings from both tables)

I Do Not Wish To Receive Rockfish QS (Entry Level Trawl Fishery Only)

If you do not wish to receive Rockfish QS based on rockfish legal landings made during the rockfish entry level trawl fishery under the authority of your LLP license in 2007, 2008, or 2009, you must check this box and sign the application form in Block E. By doing so, you are foregoing all rights to Rockfish QS in the Rockfish Program.

BLOCK D – CLAIMED LLP LICENSES AND VESSEL LEGAL ROCKFISH LANDINGS

NMFS will assign Rockfish legal landings to an LLP license only if the vessel that made the landings was named on the LLP license at the time the landings were made. Because no vessels were named on LLP licenses

in 2000 and 2001, the official record assumes the original qualifying vessel was the vessel that made landings under the authority of the eligible LLP license.

If a vessel other than the original qualifying vessel made landings under the authority of the eligible LLP license you must list that vessel here and indicate the dates in 2000 and/or 2001 that rockfish legal landings were made under the authority of this license.

1. LLP license number of original qualifying vessel (OOV)

Name of vessel

Alaska Department of Fish & Game (ADF&G) vessel registration number

U.S. Coast Guard (USCG) documentation number

Date landings made under the authority of an LLP license for 2000 and 2001

2. Other vessels used under this LLP license

Name of vessel

Vessel ADF&G vessel registration number

USCG documentation number

Date landings made under the authority of an LLP license for 2000 and 2001

BLOCK E -- APPLICANT CERTIFICATION

The applicant must print name, sign, and date the application certifying that all information is true, correct, and complete to the best of his/her knowledge and belief. If the application is completed by an authorized representative, **attach** authorization.

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 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. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

ROCKFISH PROGRAM VESSEL CHECK-IN/CHECK-OUT REPORT	U.S. Department of Commerce NOAA/National Marine Fisheries Service, Alaska Region Post Office Box 21668 Juneau, Alaska 99802-1668 Fax: 907-586-7269 Telephone: 907-586-7131	
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Each check-in report, check-out report, and termination of fishing declaration must be submitted online.

<i>BLOCK A – COOPERATIVE INFORMATION</i>		
1. Name of Rockfish Cooperative:	2. NMFS Person ID:	3. CQ Permit Number:
4. Name of Cooperative Representative:	5. Signature of Cooperative Representative:	
6. Permanent Business Address:		
7. Business Telephone Number:	8. Business Fax Number:	9. Business E-mail Address:
<i>BLOCK B – VESSEL INFORMATION</i>		
1. Name of Vessel:		
2. USCG Documentation Number:	3. Federal Fisheries Permit Number:	4. ADF&G Vessel Registration Number:
<i>BLOCK C – VESSEL CHECK-IN OR CHECK-OUT REPORT</i>		
1. Indicate whether this is a check-in or check-out report		
<input type="checkbox"/> Vessel Check-IN <input type="checkbox"/> Vessel Check-OUT		
2. Date Effective:	3. Time Effective:	
<i>BLOCK D – TERMINATION OF FISHING DECLARATION</i>		
Date Declaration Submitted		

Instructions
ROCKFISH PROGRAM
CHECK-IN/CHECK-OUT REPORT

Each Rockfish Cooperative must designate when a vessel is fishing under the authority of a Rockfish Program Cooperative Quota (CQ) permit. This procedure is necessary because vessels fish in both Rockfish Program fisheries and non-Rockfish Program fisheries (e.g., pollock, Pacific cod, and various flatfish fisheries) do not require the same catch monitoring provisions.

Note: Each check-in report, check-out report, and termination of fishing declaration must be submitted online.

Rockfish Cooperative Check-In Report

The Rockfish Check-in Report authorizes a vessel to fish under the CQ permit.

- ◆ The designated representative must submit a Rockfish Check-in Report at least 48 hours prior to the time the vessel begins a fishing trip to fish under a CQ permit.
- ◆ A check-in report is effective at the beginning of the first fishing trip after the designation has been submitted.

Rockfish Cooperative Check-Out Report

The Check-out Report states that a vessel is no longer fishing under the CQ permit.

- ◆ The designated representative must submit a Rockfish Check-out Report for any vessel within 6 hours after the effective date and time the rockfish cooperative wishes to end the vessel's authority to fish under the CQ permit.
- ◆ This designation is effective at:
 - The end of a complete offload if that vessel is fishing under a CQ permit for a catcher vessel cooperativeor the earlier of;
 - The end of the week-ending date as reported in a production report if that vessel is fishing under a CQ permit for a catcher/processor cooperative; or
 - The end of a complete offload if that vessel is fishing under a CQ permit for a catcher/processor cooperative.

Rockfish Cooperative Termination of Fishing Declaration

The Rockfish Cooperative Termination of Fishing Declaration terminates a CQ permit.

Submit the Check-in Report, Check-out Report, or Termination of Fishing Declaration to NMFS using an electronic online application available on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>.

The designated representative must log onto the system and create a check-in report or check-out report as indicated on the computer screen. By using the cooperative's NMFS ID, password, and Transfer Key and submitting the report, the designated representative certifies that all information is true, correct, and complete. If you have questions or need additional information, contact Sustainable Fisheries Division at 907-586-7228.

COMPLETING THE REPORT

BLOCK A – COOPERATIVE INFORMATION

1. Provide the name of the Rockfish Cooperative
- 2-4. NMFS Person ID, CQ Permit Number, and NMFS Person ID
- 5-6. Name and signature of Cooperative Representative
7. Permanent Business Address
- 8-10. Business Telephone Number, Business Fax Number, and Business E-mail Address

BLOCK B – VESSEL INFORMATION

1. Name of Vessel:
- 2-4. United States Coast Guard (USCG) Documentation Number, Federal Fisheries Permit Number, and Alaska Department of Fish and Game (ADF&G) Vessel Registration Number.

BLOCK C – VESSEL CHECK-IN OR CHECK-OUT REPORT

1. Indicate whether this is a check-in or check-out report
- 2-3. Date and Time Check-in or Check-out is effective

BLOCK D – TERMINATION OF FISHING DECLARATION

Date the Termination of Fishing Declaration is submitted

PUBLIC REPORTING BURDEN STATEMENT

Public reporting for this collection of information is estimated to average 10 minutes per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 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. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

Application to Opt Out of Rockfish Cooperatives

U.S. Dept. of Commerce
 NOAA National Marine Fisheries Service (NMFS)
 Restricted Access Management (RAM)
 P.O. Box 21668
 Juneau, AK 99802-1668
 800- 304-4846 toll free / 907-586-7202 in Juneau
 907-586-7354 fax



This application must be submitted annually and received by NMFS no later than 1700 hours A.l.t. on **March 1** of the year for which the applicant wishes to opt-out of participating in a rockfish cooperative, or if sent by U.S. mail, the application must be postmarked by that time.

BLOCK A -- APPLICANT INFORMATION

1. Applicant Name:		2. NMFS Person ID:
3. Permanent Business Mailing Address:		
4. Business Telephone Number:	5. Business Fax Number:	6. E-mail Address <i>(if available)</i> :
7. Is the applicant a U.S. citizen? [<input type="checkbox"/>] YES [<input type="checkbox"/>] NO IF YES , enter date of birth _____		
8. Is the applicant a U.S. corporation, partnership, association, or other non-individual business entity? [<input type="checkbox"/>] YES [<input type="checkbox"/>] NO IF YES , enter date of incorporation: _____		
9. Is the applicant an Eligible Rockfish Harvester? [<input type="checkbox"/>] YES [<input type="checkbox"/>] NO		
10. Is the applicant opting-out of participating in a rockfish cooperative? [<input type="checkbox"/>] YES [<input type="checkbox"/>] NO		
11. Does the applicant hold an LLP license with Rockfish quota share (QS) assigned to the catcher/processor sector? [<input type="checkbox"/>] YES [<input type="checkbox"/>] NO		

BLOCK B -- VESSEL INFORMATION

1. Name of Vessel:	2. ADF&G Number:
	3. USCG Number:
	4. LLP license Number(s):

BLOCK C -- LLP HOLDERSHIP DOCUMENTATION

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

Name	% Ownership in LLP License

BLOCK D -- APPLICANT CERTIFICATION

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information is true, correct, and complete.

1. Signature of Applicant (or Authorized Representative):	2. Date:
3. Printed Name of Applicant (or Authorized Representative); if representative, attach authorization:	

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 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 as amended in 2006. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

INSTRUCTIONS
Application to Opt Out of Rockfish Cooperatives

GENERAL INFORMATION

Each year, a person holding an License Limitation Program (LLP) license with catcher/processor operation type and rockfish quota share (QS) assigned to that LLP may opt-out of participating in a rockfish cooperative for a calendar year by completing a timely Application to Opt-out of Rockfish Cooperative. A person may not assign an LLP license assigned rockfish QS in the catcher/processor sector to both a rockfish cooperative and opt-out of participating in a rockfish cooperative. An LLP license holder who opts-out may not fish for that fishing year with any vessel named on that LLP license in any directed fishery for any rockfish primary species in the Central Gulf of Alaska (GOA) and waters adjacent to the Central GOA as specified under § 679.20.

Type or print legibly in ink; retain a copy of completed application for your records. The Application to Opt-out of Rockfish Cooperatives may be submitted by mail, fax, or hand delivery or carrier.

Application forms are available on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>, or by contacting NMFS at 800-304-4846, Option 2.

A completed application must be received by NMFS no later than 1700 hours, A.l.t., on March 1 of each year, or if sent by U.S. mail, the application must be postmarked by that time. For applications delivered by hand delivery or carrier only, the receiving date of signature by NMFS staff is the date the application was received. If the application is submitted by fax, the receiving date of the application is the date stamped received by NMFS.

Objective written evidence of timely application will be considered as proof of a timely application.

When complete, submit application

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

by fax to: **(907) 586-7354**

or deliver to: **Room 713, Federal Building
709 West 9th Street
Juneau, AK 99801**

If you need additional information, contact RAM at **(800) 304-4846 (Option 2)** or **(907) 586-7202 (Option 2)**.

Please allow at least 10 working days for your application to be processed. Items will be sent by first class mail, unless you provide alternate instructions *and* include a prepaid mailer with appropriate postage or corporate account number for express delivery.

COMPLETING THE APPLICATION

BLOCK A. APPLICANT INFORMATION

1. Name
2. NMFS person ID
3. Permanent business mailing address

4. Business telephone number, business fax number, and business e-mail address (if available)
5. Indicate whether applicant is a U.S. citizen; **if YES**, provide date of birth
6. Indicate whether applicant is a U.S. corporation; **if YES**, provide date of incorporation
7. Indicate whether the applicant is an Eligible Rockfish Harvester
8. Indicate whether the applicant is opting-out of the rockfish cooperatives
9. Indicate whether the applicant holds an LLP license with Rockfish quota share (QS) assigned to the catcher/processor sector

BLOCK B. VESSEL INFORMATION

1. Name of vessel and Alaska Department of Fish and Game (ADF&G) vessel registration number
2. United States Coast Guard (USCG) documentation number
3. LLP license number(s) held by the applicant and used on that vessel

BLOCK C. LLP HOLDERSHIP DOCUMENTATION

Names of all persons, to the individual level, holding an ownership interest in the LLP license and the percent of ownership each person and individual holds in the LLP license.

BLOCK D. APPLICANT CERTIFICATION

The applicant must sign and date the application certifying that all information is true, correct, and complete to the best of his or her knowledge and belief. If the application is completed by a designated representative, then explicit authorization signed by the applicant must accompany the application.

<p>Application for Inter-Cooperative Transfer of Rockfish CQ</p>	<p>U.S. Dept. of Commerce/ NOAA National Marine Fisheries Service (NMFS) Restricted Access Management (RAM) P.O. Box 21668 Juneau, AK 99802-1668 (800) 304-4846 toll free / (907) 586-7202 in Juneau (907) 586-7354 fax</p>	
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This application must be submitted online

<p>BLOCK A -- IDENTIFICATION OF TRANSFEROR</p> <p>Applicant must be a U.S. corporation, partnership, association, or other non-individual business entity.</p>		
1. Name of Rockfish Cooperative		2. NMFS person ID
3. Name of authorized representative		
4. Permanent business mailing address		5. Temporary business mailing address (if applicable)
6. Business telephone No.	7. Business fax No.	8. E-mail address (if available)

<p>BLOCK B -- IDENTIFICATION OF TRANSFEREE</p>		
1. Name of Rockfish Cooperative		2. NMFS person ID
3. Name of authorized representative		
4. Permanent business mailing address		5. Temporary business mailing address (if applicable)
6. Business telephone No.	7. Business fax No.	8. E-mail address (if available)

**BLOCK C¹ – IDENTIFICATION OF ROCKFISH COOPERATIVE QUOTA (CQ)
TO BE TRANSFERRED (LEASE) TO COOPERATIVE MEMBER(S)
(To Be Completed By Transferor)**

Identify the type and amount of Primary Species, Secondary Species, or Rockfish Halibut PSC CQ to be transferred. Distribute the CQ identified in Block C¹ to cooperative members in Block C².

Duplicate this page as necessary.

Type of CQ (Primary, Secondary, Halibut PSC)	Species to be Transferred	Amount (in mt)

**BLOCK C² – IDENTIFICATION OF ROCKFISH COOPERATIVE MEMBER(S)
(To Be Completed By Transferee)**

A rockfish cooperative receiving primary rockfish species CQ by transfer must assign that primary rockfish species CQ to a member of the rockfish cooperative for purposes of applying the use caps established under § 679.82(a). **Duplicate this page** as necessary.

1. Name of Qualifying Member (print):	NMFS Person ID:	Species:	Amount of CQ:
2. Name of Qualifying Member (print):	NMFS Person ID:	Species:	Amount of CQ:
3. Name of Qualifying Member (print):	NMFS Person ID:	Species:	Amount of CQ:
4. Name of Qualifying Member (print):	NMFS Person ID:	Species:	Amount of CQ:
5. Name of Qualifying Member (print):	NMFS Person ID:	Species:	Amount of CQ:
6. Name of Qualifying Member (print):	NMFS Person ID:	Species:	Amount of CQ:

BLOCK D -- CERTIFICATION OF TRANSFEROR

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information is true, correct, and complete.

1. Signature of Transferor's Designated Representative	2. Date
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3. Printed Name of Transferor's Designated Representative; attach authorization

BLOCK E -- CERTIFICATION OF TRANSFEREE

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information is true, correct, and complete.

1. Signature of Applicant (or Authorized Representative)	2. Date
--	---------

3. Printed Name of Applicant (or Authorized Representative); if representative, attach authorization

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 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 as amended in 2006. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

Instructions
**APPLICATION FOR
INTER-COOPERATIVE TRANSFER OF ROCKFISH COOPERATIVE QUOTA (CQ)**

Once NMFS issues an annual catch amount to a cooperative, it may be fished by members of the cooperative or transferred to another cooperative. **Note:** a cooperative in the catcher vessel sector may not transfer an annual catch amount to a cooperative in the catcher/processor sector.

In order for NMFS to approve an inter-cooperative transfer, both parties must be already established and recognized by NMFS as a cooperative. NMFS will notify the transferor and transferee once the application has been received and approved.

A Rockfish Cooperative may transfer all or part of its CQ to another Rockfish Cooperative.

Note: This transfer must be submitted online.

This transfer of an annual catch amount is only valid during the calendar year of the transfer. A cooperative may only transfer or receive by transfer an annual catch amount, if the cooperative:

- ◆ Notifies NMFS. A transfer of cooperative quota (CQ) is not effective until NMFS has been notified and Application forms are available on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>, or by contacting NMFS at 800-304-4846, Option 2.

A completed application must be received by NMFS no later than 1700 hours, A.l.t., on March 1 of each year. Objective written evidence of timely application will be considered as proof of a timely application.

NMFS has sent confirmation to the transferor and the transferee.

- ◆ Identifies the amount and type or annual catch amount transferred and the cooperative and cooperative member to which that annual catch amount is transferred. An annual catch amount received by a cooperative has to be attributed to a member of that cooperative to apply the use caps.
- ◆ Ensures that any transfer does not cause the receiving cooperative to exceed its use cap limitations.

GENERAL INFORMATION

- ◆ Retain a copy of completed application for your records.
- ◆ Do not wait until right before an opening to apply for your permit, as you may not receive it on time. Please **allow up to ten working days** for a transfer application to be reviewed, processed, and approved; the parties will be notified upon approval or disapproval of the transfer.

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

Website: <http://www.alaskafisheries.noaa.gov/ram/default.htm>

Telephone (toll free): 800-304-4846 (press “2”)

Telephone (in Juneau): 907-586-7202 (press “2”)

e-Mail: RAM.Alaska@noaa.gov

Submit the Application for Inter-Cooperative Transfer of CQ to NMFS using an electronic online transfer application available on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>.

The transferor's designated representative must log into the online system and create a transfer request as indicated on the computer screen. By using the transferor's NMFS ID, password, and Transfer Key and submitting the transfer request, the transferor's designated representative certifies that all information is true, correct, and complete.

The transferee's designated representative must log into the online system and accept the transfer request. By using the transferee's NMFS ID, password, and Transfer Key, the transferee's designated representative certifies that all information is true, correct, and complete.

COMPLETING THE APPLICATION

BLOCK A -- IDENTIFICATION OF TRANSFEROR (BUYER).

1. Name and NMFS Person ID
2. Name of authorized representative
- 3-4. Permanent business mailing address; a temporary mailing address may be included, if applicable
- 5-6. Business telephone number and business fax number
7. Business e-mail address (if available)

BLOCK B -- IDENTIFICATION OF TRANSFEREE (SELLER)

1. Name and NMFS Person ID
2. Name of designated representative
- 3-4. Permanent business mailing address; a temporary mailing address may be included, if applicable
- 5-6. Business telephone number and business fax number, including area codes.
7. Business e-mail address (if available)

BLOCK C¹ – IDENTIFICATION OF ROCKFISH COOPERATIVE QUOTA (CQ) TO BE TRANSFERRED (LEASE) TO COOPERATIVE MEMBER(S) *(to be completed by transferor)*

Distribute the CQ identified in Block C¹ to cooperative members in Block C². Duplicate this page as necessary.

Type of CQ (Primary, Secondary, Halibut PSC)
Species to be transferred
Amount of transfer (in metric tons)

BLOCK C² – IDENTIFICATION OF ROCKFISH COOPERATIVE MEMBER(S) *(to be completed by transferee)*

A rockfish cooperative receiving primary rockfish species CQ by transfer must assign that primary rockfish species CQ to a member of the rockfish cooperative for purposes of applying the use caps established under § 679.82(a). Duplicate this page as necessary.

Name of Qualifying Member (print)
NMFS Person ID
Species transferred
Amount of CQ transferred

BLOCK D -- CERTIFICATION OF TRANSFEROR

Enter printed name and signature of transferor, and date signed. If designated representative, attach authorization.

BLOCK E -- CERTIFICATION OF TRANSFEREE

Enter printed name and signature of transferee, and date signed. If designated representative, attach authorization.

<p>Application for Rockfish Cooperative Fishing Quota (CQ)</p>	<p>U.S. Dept. of Commerce/ NOAA National Marine Fisheries Service (NMFS) Restricted Access Management (RAM) P.O. Box 21668 Juneau, AK 99802-1668 (800) 304-4846 toll free / (907) 586-7202 in Juneau (907) 586-7354 fax</p>	
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This application must be submitted annually by each Rockfish Cooperative and received by NMFS no later than March 1

A Rockfish Cooperative that submits a complete application that NMFS approves will receive a CQ permit. CQ permit will establish an annual amount of primary rockfish species, secondary species, and rockfish halibut prohibited species catch (PSC) based on the collective rockfish quota share (QS) of the License Limitation Program (LLP) licenses assigned to the rockfish cooperative by its members. A CQ permit will list the amount of CQ, by fishery, held by the Rockfish Cooperative, the members of the Rockfish Cooperative, LLP licenses assigned to that rockfish cooperative, and the vessels that are authorized to harvest fish under that CQ permit.

ATTACHMENTS

Attach the following documents to the cooperative application.

- ◆ A copy of the business license issued by the state where the Rockfish Cooperative is registered as a business entity
- ◆ A copy of the articles of incorporation or partnership agreement of the Rockfish Cooperative
- ◆ A copy of the Rockfish Cooperative agreement signed by the Rockfish Cooperative member (if different from the articles of incorporation or partnership agreement of the Rockfish Cooperative)
- ◆ A copy of proposed fishing plan

NOTE: The articles of incorporation or cooperative agreement must specify that

- ◆ the Rockfish QS holders affiliated with Rockfish processors cannot participate in price setting negotiations, except as permitted by general antitrust law
- ◆ the Rockfish Cooperative has a monitoring program sufficient to ensure compliance with the Rockfish Program

BLOCK A – ROCKFISH COOPERATIVE IDENTIFICATION

1. Rockfish Cooperative's Legal Name:	2. NMFS Person ID:
3. Type of business entity under which the cooperative is organized: <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Cooperative <input type="checkbox"/> Partnership <input type="checkbox"/> Other (Please specify) </div>	
4. Date of Incorporation:	5. State in which the cooperative is legally registered as a business entity:

6. Name of Authorized Representative:		
7. Permanent Business Address:		
8. Business Telephone Number:	9. Business Fax Number:	10. Business E-mail Address:

***BLOCK B – MEMBERS OF THE ROCKFISH COOPERATIVE
LLP Holder and Ownership Documentation***

1. Full Name:	2. NMFS Person ID:
	3. LLP Number(s):

Enter the names of all persons, to the individual level, holding an ownership interest in the LLP license(s) assigned to the rockfish cooperative and the percent of ownership each person and individual holds in the LLP license(s).

Name	% Ownership in LLP License

LLP Holder and Ownership Documentation

1. Full Name:	2. NMFS Person ID:
	3. LLP Number(s):

Enter the names of all persons, to the individual level, holding an ownership interest in the LLP license(s) listed above and the percentage ownership each person and individual holds in the LLP license(s). Attach additional pages as necessary.

Name	% Ownership in LLP License

LLP Holder and Ownership Documentation

1. Full Name:	2. NMFS Person ID:
	3. LLP Number(s):

Enter the names of all persons, to the individual level, holding an ownership interest in the LLP license(s) listed above and the percentage ownership each person and individual holds in the LLP license(s). Attach additional pages as necessary.

Name	% Ownership in LLP License

LLP Holder and Ownership Documentation

1. Full Name:	2. NMFS Person ID:
	3. LLP Number(s):

Enter the names of all persons, to the individual level, holding an ownership interest in the LLP license(s) listed above and the percentage ownership each person and individual holds in the LLP license(s). Attach additional pages as necessary.

Name	% Ownership in LLP License

LLP Holder and Ownership Documentation

1. Full Name	2. NMFS Person ID:
	3. LLP Number(s):

Enter the names of all persons, to the individual level, holding an ownership interest in the LLP license(s) listed above and the percentage ownership each person and individual holds in the LLP license(s). Attach additional pages as necessary.

Name	% Ownership in LLP License

BLOCK C -- IDENTIFICATION OF ROCKFISH COOPERATIVE MEMBER VESSELS

Vessel Name	ADF&G Number:	USCG Number:
Vessel Name	ADF&G Number:	USCG Number:
Vessel Name	ADF&G Number:	USCG Number:
Vessel Name	ADF&G Number:	USCG Number:
Vessel Name	ADF&G Number:	USCG Number:
Vessel Name	ADF&G Number:	USCG Number:

BLOCK D – SHORESIDE PROCESSOR ASSOCIATE OF THE ROCKFISH COOPERATIVE

1. Processor Name:	2. NMFS Person ID:
3. Facility Name:	4. ADF&G Processor Code:
	5. Federal Processor Permit Number:

BLOCK E - CERTIFICATION OF COOPERATIVE AUTHORIZED REPRESENTATIVE

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information is true, correct, and complete.

1. Signature of Cooperative Authorized Representative:	2. Date Signed:
3. Printed Name of Cooperative Authorized Representative (attach authorization):	

BLOCK F - CERTIFICATION OF PROCESSOR ASSOCIATE

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information is true, correct, and complete.

1. Signature of Shoreside Processor Associate Authorized Representative:	2. Date Signed:
3. Printed Name of Shoreside Processor Associate Authorized Representative (attach authorization):	

Instructions for
APPLICATION FOR
ROCKFISH COOPERATIVE FISHING QUOTA (CQ)

Catcher vessel sector: Those rockfish eligible harvesters, who hold an LLP license without a catcher/processor designation with at least one rockfish legal landing that could, or does, generate rockfish quota share (QS). Catcher vessels may form a cooperative with other catcher vessels with an association with any shoreside processor located within the geographic boundaries of the City of Kodiak. No minimum number of License Limitation Program (LLP) licenses is required.

Catcher/processor sector: Those rockfish eligible harvesters, who hold an LLP license with a catcher/processor designation that is assigned at least one rockfish legal landing that could, or does, generate rockfish QS. Catcher/processors may form a cooperative with other catcher/processors. No minimum number of LLP licenses required.

A rockfish cooperative that submits a complete application and that is approved by NMFS will receive a rockfish cooperative allocation that establishes an annual catch limit of primary and secondary species based on the collective catch history holdings of the LLPs held and contributed by the members of the rockfish cooperative. An allocation will list the amount of allocation, by fishery, held by the rockfish cooperative and identify the members of the rockfish cooperative.

Rockfish Program Species of the Central Gulf of Alaska	
Rockfish Primary Species	Rockfish Secondary Species
Northern rockfish	Sablefish not allocated to the IFQ Program
Pacific Ocean perch	Thornyhead rockfish
Pelagic Shelf rockfish	Pacific cod for catcher vessel sector
	Rougheye rockfish for the catcher/processor sector
	Shortraker rockfish for the catcher/processor sector

A Rockfish CQ permit is valid only until the end of the calendar year for which the CQ permit is issued.

Fishing by vessels participating in a rockfish cooperative is authorized from 1200 hours, A.l.t., May 1 through 1200 hours, A.l.t., November 15.

GENERAL

Please allow at least 10 working days for your application to be processed. Items will be sent by first class mail, unless you provide alternate instructions *and* include a prepaid mailer with appropriate postage or corporate account number for express delivery.

Application forms are available on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov>, or by contacting NMFS at 800-304-4846, Option 2.

A completed application must be received by NMFS no later than 1700 hours, A.l.t., on March 1 of each year, or if sent by U.S. mail, the application must be postmarked by that time. For applications delivered by hand delivery or carrier only, the receiving date of signature by NMFS staff is the date the application was received. If the application is submitted by fax, the receiving date of the application is the date stamped received by NMFS.

Objective written evidence of timely application will be considered as proof of a timely application.

This application may only be submitted to NMFS using the methods described below. Type or print legibly in ink; retain a copy of completed application for your records.

Complete application and submit:

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

by delivery to: **Room 713, Federal Building
709 West 9th Street
Juneau, AK**

by fax to: **(907) 586-7354**

If you need additional information, contact RAM at:

(800) 304-4846 (Option #2) or

(907) 586-7202 (Option #2)

Print information in the application legibly in ink or type information.

Retain a copy of completed application for your records.

COMPLETING THE APPLICATION

ATTACHMENTS

The following documents must be attached to the completed application:

- ◆ A copy of the **business license** issued by the state in which the Cooperative is registered as a business entity
- ◆ A copy of the **articles of incorporation or partnership agreement** of the Rockfish Cooperative
- ◆ A copy of the **cooperative agreement** signed by the members of the Rockfish Cooperative. The Cooperative Agreement
 - must include specific monitoring procedures
 - may include any voluntary codes of conduct that apply to the members of the cooperative
 - may specify the obligations of rockfish cooperative members to ensure the full payment of rockfish cost recovery fees that may be due.

NOTE: The articles of incorporation or cooperative agreement submitted by the Rockfish Cooperative must specify that the eligible processor does not participate in price setting negotiations except to the extent permitted by general antitrust law.

BLOCK A – ROCKFISH COOPERATIVE IDENTIFICATION

1. Legal name and NMFS Person ID of cooperative

2. Check one box to indicate the type of business entity: Cooperative, Partnership, or specify some other type of business entity
3. State in which legally registered as a business entity
4. Date of Incorporation
5. Name of the authorized representative who will be conducting business with NMFS
6. Permanent business address, including P.O. Box number or street address, city, state, and zip code
- 7-8. Business telephone number and business fax number, including area code
9. Business e-mail address

BLOCK B – MEMBERS OF ROCKFISH COOPERATIVE (LLP Holdership Documentation)

(Copy this page to accommodate additional coop members)

1. Full name of member
2. NMFS Person ID
3. LLP license number(s)
4. Name and the percent of ownership each person holds in the LLP(s).
List all persons, to the individual level, holding an ownership interest in the LLP(s) assigned to the rockfish cooperative and the percent of ownership each person and individual holds in the LLP license(s).

BLOCK C -- IDENTIFICATION OF ROCKFISH COOPERATIVE MEMBER VESSELS

Provide a list of any vessels that may be used by the cooperative to harvest rockfish CQ during the year for which CQ is applied. This list **may not be modified** during the year for which the CQ permit is issued.

For each vessel provide:

- Vessel name
- Alaska Department of Fish and Game (ADF&G) vessel registration number
- U.S. Coast Guard (USCG) documentation number

BLOCK D – SHORESIDE PROCESSOR ASSOCIATE OF THE ROCKFISH COOPERATIVE

1. Processor Name. A Rockfish processor is a shoreside processor with a Federal processor permit that receives groundfish harvested under the authority of a CQ permit.
2. NMFS Person ID
3. Facility Name
4. ADF&G Processor Code
5. Federal Processor Permit Number

BLOCK E – CERTIFICATION OF COOPERATIVE AUTHORIZED REPRESENTATIVE

The Rockfish Cooperative's authorized representative must enter printed name, signature, and date signed certifying that all information is true, correct, and complete to the best of his/her knowledge and belief.

BLOCK F – CERTIFICATION OF PROCESSOR ASSOCIATE

The Rockfish Cooperative's Processor Associate authorized representative must enter printed name, signature, and date signed certifying that all information is true, correct, and complete to the best of his/her knowledge and belief.

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 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 as amended in 2006. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

	<h2 style="margin: 0;">ROCKFISH PROGRAM</h2> <h3 style="margin: 0;">Ex-vessel Volume and Value Report</h3>	U.S. Department of Commerce/NOAA National Marine Fisheries Service (NMFS) Restricted Access Management (RAM) P.O. Box 21668 Juneau, Alaska 99802-1668	
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This form must be submitted ON LINE.

<p>Did the Shoreside Processor receive any rockfish during this current fishing year?</p> <p style="text-align: center;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </p> <p style="text-align: center;">If NO, STOP, you are not required to submit this report</p>
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BLOCK A – ROCKFISH PROCESSOR IDENTIFICATION

1. Name of Shoreside Processor	2. Rockfish CQ Permit No.	
4. Business Mailing Address <u>Permanent</u> <input type="checkbox"/> or <u>Temporary</u> <input type="checkbox"/>	3. NMFS Person ID	
6. Business Telephone No.	5. Port location	
7. Business Fax No.	8. Business E-mail Address (if available)	

BLOCK B – CERTIFICATION

Under penalties of perjury, I declare that I have examined this submission of material, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.	
1. Printed Name (if authorized representative, attach authorization)	
2. Signature	3. Date

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing the instructions, searching 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, Sustainable Fisheries Division, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing effort under 50 CFR part 679 and under section 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 as amended in 2006. It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

Instructions for
ROCKFISH EX-VESSEL VOLUME AND VALUE REPORT

This form must be submitted ON LINE.

A rockfish processor that receives and purchases landings of rockfish cooperative quota (CQ) must submit annually to NMFS a complete Rockfish Ex-vessel Volume and Value Report, as described in §679.5(r)(10), for each reporting period for which the rockfish processor receives rockfish CQ groundfish. All shoreside processors that buy fish from fishermen must submit this information. NOTE, if no ex-vessel sale occurs (e.g., if the processor accepted fish for special processing), do not include that sale.

The reporting period of the Rockfish Ex-vessel Volume and Value Report shall extend from May 1 through November 15 of the current year. The processor must include all pounds and associated value of any purchased landings plus transactions that occurred during the last three months of last year.

The purpose of this report is to collect information from all buyers that operate as shoreside processors, so that NMFS Restricted Access Management (RAM) can establish a standard ex-vessel price. The standard price will be used to assess a fee from permit holders who choose not to itemize their landings and receipts.

The Rockfish Ex-vessel Volume and Value Report must be submitted **on line** and must be received by the NMFS Regional Administrator no later than December 1 of the year in which the rockfish processor received the rockfish CQ groundfish.

To submit a Rockfish Ex-vessel Volume and Value Report online, the rockfish processor must log in to <http://alaskafisheries.noaa.gov> using the Rockfish Processor's password and NMFS person ID. Instead of a signature, the rockfish processor enters the NMFS ID and password and submits the report, which certifies that all information is true, correct, and complete to the best of his or her knowledge and belief.

COMPLETING THE REPORT

The Rockfish Ex-vessel Volume and Value Report must include the following information.

Indicate if the shoreside processor received any rockfish during the current fishing year.

If NO, stop, you are not required to submit this report

BLOCK A – ROCKFISH PROCESSOR IDENTIFICATION

1. Name of shoreside processor receiving fish from harvester
2. Rockfish CQ permit number
3. Enter NMFS person ID
4. Business Mailing Address, including zip code.
Indicate whether permanent or temporary address.
If you check Permanent Address, we will update the database.
If you check Temporary Address, we will use it for this one application and we will not change the RAM database.

5 - 7. Business telephone number, business fax number, including area code, and business e-mail address.

8. Enter the port location where landings occurred.

BLOCK B - CERTIFICATION

1. Printed name of the Shoreside processor or the Authorized Representative; if Representative, attach authorization.
2. Signature of shoreside processor .
3. Enter the date the application was signed.

BLOCK C – ROCKFISH PROGRAM POUNDS PURCHASED AND EX-VESSEL VALUE REPORT

For each primary and secondary species by landing period, enter

Pounds (round weight)

Total gross ex-vessel value paid

BLOCK C – ROCKFISH PROGRAM
POUNDS PURCHASED AND EX-VESSEL VALUE

Period Ending	May 31		June 30		July 31		August 31		September 30	
	Pounds (round weight)	Total Gross Ex- vessel Value Paid*								
Primary Species										
Northern rockfish										
Pacific Ocean perch										
Pelagic shelf rockfish**										
Secondary Species										
Sablefish										
Thornyhead										
Pacific cod (catcher vessel sector)										
Rougheye rockfish (catcher/processor sector)										
Shortraker rockfish (catcher/processor sector)										
<p>*Total Gross Ex-vessel value paid should include the dollar value of purchased pounds before any deductions are made for goods and services (e.g., bait, ice, fuel, repairs, machinery replacement, etc.) provided to the Permit Holder. It should also include price adjustments (retro payments) made in each month to permit holders for landings made during the previous calendar year.</p> <p>**Pelagic shelf rockfish means <i>S. variabilis</i> (dusky), <i>S. entomelas</i> (widow), and <i>S. flavidus</i> (yellowtail)</p>										

BLOCK C – ROCKFISH PROGRAM
POUNDS PURCHASED AND EX-VESSEL VALUE

Period Ending	October 31		November 15		
	Pounds (round weight)	Total Gross Ex- vessel Value Paid*	Pounds (round weight)	Total Gross Ex- vessel Value Paid*	
Primary species					
Northern rockfish					
Pacific Ocean perch					
Pelagic shelf rockfish**					
Secondary species					
Sablefish					
Thornyhead					
Pacific cod (catcher vessel sector)					
Rougheye rockfish (catcher/processor sector)					
Shortraker rockfish (catcher/processor sector)					

*Total Gross Ex-vessel value paid should include the dollar value of purchased pounds before any deductions are made for goods and services (e.g., bait, ice, fuel, repairs, machinery replacement, etc.) provided to the Permit Holder. It should also include price adjustments (retro payments) made in each month to permit holders for landings made during the previous calendar year.

**Pelagic shelf rockfish means *S. variabilis* (dusky), *S. entomelas* (widow), and *S. flavidus* (yellowtail)

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) **REQUIRED PROVISIONS.**—Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall—

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are—

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify—

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

109-479

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, charter fishing, and fish processing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, economic information necessary to meet the requirements of this Act, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

109-479

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on, and possible mitigation measures for—

(A) participants in the fisheries and fishing communities affected by the plan or amendment;

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants; and

(C) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority—

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

16 U.S.C. 1853
MSA § 303

(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;

109-479

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

109-479

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate, taking into consideration the economic impact of the harvest restrictions or recovery benefits on the fishery participants in each sector, any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery and;

109-479

(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability.

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;

109-479

(2)(A) 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;

(B) designate such zones in areas where deep sea corals are identified under section 408, to protect deep sea corals from physical damage from fishing gear or to prevent loss or damage to such fishing gear from interactions with deep sea corals, after considering long-term sustainable uses of fishery resources in such areas; and

(C) with respect to any closure of an area under this Act that prohibits all fishing, ensure that such closure—

- (i) is based on the best scientific information available;
- (ii) includes criteria to assess the conservation benefit of the closed area;
- (iii) establishes a timetable for review of the closed area's performance that is consistent with the purposes of the closed area; and
- (iv) is based on an assessment of the benefits and impacts of the closure, including its size, in relation to other management measures (either alone or in combination with such measures), including the benefits and impacts of limiting access to: users of the area, overall fishing activity, fishery science, and fishery and marine conservation;

(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;

109-479

(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 and take into account the different circumstances affecting fisheries from different States and ports, including distances to fishing grounds and proximity to time and area closures;

109-479

(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;
- (F) the fair and equitable distribution of access privileges in the fishery; and
- (G) any other relevant considerations;

16 U.S.C. 1853
MSA § 303

(7) require fish processors who first receive fish that are subject to the plan to submit 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;

109-479

(12) include management measures in the plan to conserve target and non-target species and habitats, considering the variety of ecological factors affecting fishery populations; and

(14)[sic]¹⁵ 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.

¹⁵ So in original.

P.L. 109-479, sec. 104(b), MSA § 303 note

16 U.S.C. 1853 note

EFFECTIVE DATES; APPLICATION TO CERTAIN SPECIES.—The amendment made by subsection (a)(10)¹⁶—

(1) shall, unless otherwise provided for under an international agreement in which the United States participates, take effect—

(A) in fishing year 2010 for fisheries determined by the Secretary to be subject to overfishing; and

(B) in fishing year 2011 for all other fisheries; and

(2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species; and

(3) shall not limit or otherwise affect the requirements of section 301(a)(1) or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)(1) or 1854(e), respectively).

109-479

SEC. 303A. LIMITED ACCESS PRIVILEGE PROGRAMS.

16 U.S.C. 1853a

(a) **IN GENERAL.**—After the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, a Council may submit, and the Secretary may approve, for a fishery that is managed under a limited access system, a limited access privilege program to harvest fish if the program meets the requirements of this section.

(b) **NO CREATION OF RIGHT, TITLE, OR INTEREST.**—Limited access privilege, quota share, or other limited access system authorization established, implemented, or managed under this Act—

(1) shall be considered a permit for the purposes of sections 307, 308, and 309;

(2) may be revoked, limited, or modified at any time in accordance with this Act, including revocation if the system is found to have jeopardized the sustainability of the stock or the safety of fishermen;

(3) shall not confer any right of compensation to the holder of such limited access privilege, quota share, or other such limited access system authorization if it is revoked, limited, or modified;

(4) shall not create, or be construed to create, any right, title, or interest in or to any fish before the fish is harvested by the holder; and

(5) shall be considered a grant of permission to the holder of the limited access privilege or quota share to engage in activities permitted by such limited access privilege or quota share.

¹⁶ Section 104(a)(10) of P.L. 109-479 added section 303(a)(15).

(c) REQUIREMENTS FOR LIMITED ACCESS PRIVILEGES.—

(1) IN GENERAL.—Any limited access privilege program to harvest fish submitted by a Council or approved by the Secretary under this section shall—

(A) if established in a fishery that is overfished or subject to a rebuilding plan, assist in its rebuilding;

(B) if established in a fishery that is determined by the Secretary or the Council to have over-capacity, contribute to reducing capacity;

(C) promote—

(i) fishing safety;

(ii) fishery conservation and management; and

(iii) social and economic benefits;

(D) prohibit any person other than a United States citizen, a corporation, partnership, or other entity established under the laws of the United States or any State, or a permanent resident alien, that meets the eligibility and participation requirements established in the program from acquiring a privilege to harvest fish, including any person that acquires a limited access privilege solely for the purpose of perfecting or realizing on a security interest in such privilege;

(E) require that all fish harvested under a limited access privilege program be processed on vessels of the United States or on United States soil (including any territory of the United States);

(F) specify the goals of the program;

(G) include provisions for the regular monitoring and review by the Council and the Secretary of the operations of the program, including determining progress in meeting the goals of the program and this Act, and any necessary modification of the program to meet those goals, with a formal and detailed review 5 years after the implementation of the program and thereafter to coincide with scheduled Council review of the relevant fishery management plan (but no less frequently than once every 7 years);

(H) include an effective system for enforcement, monitoring, and management of the program, including the use of observers or electronic monitoring systems;

(I) include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges;

(J) provide for the establishment by the Secretary, in consultation with appropriate Federal agencies, for an information collection and review process to provide any additional information needed to determine whether any illegal acts of anti-competition, anti-trust, price collusion, or price fixing have occurred among regional fishery associations or persons receiving limited access privileges under the program; and

(K) provide for the revocation by the Secretary of limited access privileges held by any person found to have violated the antitrust laws of the United States.

(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(E) if the Secretary determines that—

- (A) the fishery has historically processed the fish outside of the United States; and
- (B) the United States has a seafood safety equivalency agreement with the country where processing will occur.

(3) FISHING COMMUNITIES.—

(A) IN GENERAL.—

(i) ELIGIBILITY.—To be eligible to participate in a limited access privilege program to harvest fish, a fishing community shall—

- (I) be located within the management area of the relevant Council;
- (II) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;
- (III) consist of residents who conduct commercial or recreational fishing, processing, or fishery-dependent support businesses within the Council's management area; and
- (IV) develop and submit a community sustainability plan to the Council and the Secretary that demonstrates how the plan will address the social and economic development needs of coastal communities, including those that have not historically had the resources to participate in the fishery, for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

(ii) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section for any person who fails to comply with the requirements of the community sustainability plan. Any limited access privileges denied or revoked under this section may be reallocated to other eligible members of the fishing community.

- (B) PARTICIPATION CRITERIA.—In developing participation criteria for eligible communities under this paragraph, a Council shall consider—
- (i) traditional fishing or processing practices in, and dependence on, the fishery;
 - (ii) the cultural and social framework relevant to the fishery;
 - (iii) economic barriers to access to fishery;
 - (iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;
 - (v) the expected effectiveness, operational transparency, and equitability of the community sustainability plan; and
 - (vi) the potential for improving economic conditions in remote coastal communities lacking resources to participate in harvesting or processing activities in the fishery.

(4) REGIONAL FISHERY ASSOCIATIONS.—

(A) IN GENERAL.—To be eligible to participate in a limited access privilege program to harvest fish, a regional fishery association shall—

- (i) be located within the management area of the relevant Council;
- (ii) meet criteria developed by the relevant Council, approved by the Secretary, and published in the Federal Register;
- (iii) be a voluntary association with established by-laws and operating procedures;
- (iv) consist of participants in the fishery who hold quota share that are designated for use in the specific region or subregion covered by the regional fishery association, including commercial or recreational fishing, processing, fishery-dependent support businesses, or fishing communities;
- (v) not be eligible to receive an initial allocation of a limited access privilege but may acquire such privileges after the initial allocation, and may hold the annual fishing privileges of any limited access privileges it holds or the annual fishing privileges that is [sic]¹⁷ members contribute; and
- (vi) develop and submit a regional fishery association plan to the Council and the Secretary for approval based on criteria developed by the Council that have been approved by the Secretary and published in the Federal Register.

(B) FAILURE TO COMPLY WITH PLAN.—The Secretary shall deny or revoke limited access privileges granted under this section to any person participating in a regional fishery association who fails to comply with the requirements of the regional fishery association plan.

¹⁷ So in original.

(C) PARTICIPATION CRITERIA.—In developing participation criteria for eligible regional fishery associations under this paragraph, a Council shall consider—

- (i) traditional fishing or processing practices in, and dependence on, the fishery;
- (ii) the cultural and social framework relevant to the fishery;
- (iii) economic barriers to access to fishery;
- (iv) the existence and severity of projected economic and social impacts associated with implementation of limited access privilege programs on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery in the region or subregion;
- (v) the administrative and fiduciary soundness of the association; and
- (vi) the expected effectiveness, operational transparency, and equitability of the fishery association plan.

(5) ALLOCATION.—In developing a limited access privilege program to harvest fish a Council or the Secretary shall—

(A) establish procedures to ensure fair and equitable initial allocations, including consideration of—

- (i) current and historical harvests;
- (ii) employment in the harvesting and processing sectors;
- (iii) investments in, and dependence upon, the fishery; and
- (iv) the current and historical participation of fishing communities;

(B) consider the basic cultural and social framework of the fishery, especially through—

- (i) the development of policies to promote the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including regional or port-specific landing or delivery requirements; and
- (ii) procedures to address concerns over excessive geographic or other consolidation in the harvesting or processing sectors of the fishery;

(C) include measures to assist, when necessary and appropriate, entry-level and small vessel owner-operators, captains, crew, and fishing communities through set-asides of harvesting allocations, including providing privileges, which may include set-asides or allocations of harvesting privileges, or economic assistance in the purchase of limited access privileges;

(D) ensure that limited access privilege holders do not acquire an excessive share of the total limited access privileges in the program by—

- (i) establishing a maximum share, expressed as a percentage of the total limited access privileges, that a limited access privilege holder is permitted to hold, acquire, or use; and
- (ii) establishing any other limitations or measures necessary to prevent an inequitable concentration of limited access privileges; and

(E) authorize limited access privileges to harvest fish to be held, acquired, used by, or issued under the system to persons who substantially participate in the fishery, including in a specific sector of such fishery, as specified by the Council.

(6) PROGRAM INITIATION.—

(A) LIMITATION.—Except as provided in subparagraph (D), a Council may initiate a fishery management plan or amendment to establish a limited access privilege program to harvest fish on its own initiative or if the Secretary has certified an appropriate petition.

(B) PETITION.—A group of fishermen constituting more than 50 percent of the permit holders, or holding more than 50 percent of the allocation, in the fishery for which a limited access privilege program to harvest fish is sought, may submit a petition to the Secretary requesting that the relevant Council or Councils with authority over the fishery be authorized to initiate the development of the program. Any such petition shall clearly state the fishery to which the limited access privilege program would apply. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the limited access program shall be eligible to sign a petition for such a program and shall serve as the basis for determining the percentage described in the first sentence of this subparagraph.

(C) CERTIFICATION BY SECRETARY.—Upon the receipt of any such petition, the Secretary shall review all of the signatures on the petition and, if the Secretary determines that the signatures on the petition represent more than 50 percent of the permit holders, or holders of more than 50 percent of the allocation in the fishery, as described by subparagraph (B), the Secretary shall certify the petition to the appropriate Council or Councils.

(D) NEW ENGLAND AND GULF REFERENDUM.—

(i) Except as provided in clause (iii) for the Gulf of Mexico commercial red snapper fishery, the New England and Gulf Councils may not submit, and the Secretary may not approve or implement, a fishery management plan or amendment that creates an individual fishing quota program, including a Secretarial plan, unless such a system, as ultimately developed, has been approved by more than 2/3 of those voting in a referendum among eligible permit holders, or other persons described in clause (v), with respect to the New England Council, and by a majority of those voting in the referendum among eligible permit holders with respect to the Gulf Council. For multispecies permits in the Gulf of Mexico, only those participants who have substantially fished the species proposed to be included in the individual fishing quota program shall be eligible to vote in such a referendum. If an individual fishing quota program fails to be approved by the requisite number of those voting, it may be revised and submitted for approval in a subsequent referendum.

(ii) The Secretary shall conduct a referendum under this subparagraph, including notifying all persons eligible to participate in the referendum and making available to them information concerning the schedule, procedures, and eligibility requirements for the referendum process and the proposed individual fishing quota program. Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.

(iii) The provisions of section 407(c) of this Act shall apply in lieu of this subparagraph for an individual fishing quota program for the Gulf of Mexico commercial red snapper fishery.

(iv) Chapter 35 of title 44, United States Code, (commonly known as the Paperwork Reduction Act) does not apply to the referenda conducted under this subparagraph.

(v) The Secretary shall promulgate criteria for determining whether additional fishery participants are eligible to vote in the New England referendum described in clause (i) in order to ensure that crew members who derive a significant percentage of their total income from the fishery under the proposed program are eligible to vote in the referendum.

(vi) In this subparagraph, the term ‘individual fishing quota’ does not include a sector allocation.

(7) TRANSFERABILITY.—In establishing a limited access privilege program, a Council shall—

(A) establish a policy and criteria for the transferability of limited access privileges (through sale or lease), that is consistent with the policies adopted by the Council for the fishery under paragraph (5); and

(B) establish, in coordination with the Secretary, a process for monitoring of transfers (including sales and leases) of limited access privileges.

(8) PREPARATION AND IMPLEMENTATION OF SECRETARIAL PLANS.—This subsection also applies to a plan prepared and implemented by the Secretary under section 304(c) or 304(g).

(9) ANTITRUST SAVINGS CLAUSE.—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of the preceding sentence, the term ‘antitrust laws’ has the meaning given such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

16 U.S.C. 1853a
MSA § 303A

(d) AUCTION AND OTHER PROGRAMS.—In establishing a limited access privilege program, a Council shall consider, and may provide, if appropriate, an auction system or other program to collect royalties for the initial, or any subsequent, distribution of allocations in a limited access privilege program if—

(1) the system or program is administered in such a way that the resulting distribution of limited access privilege shares meets the program requirements of this section; and

(2) revenues generated through such a royalty program are deposited in the Limited Access System Administration Fund established by section 305(h)(5)(B) and available subject to annual appropriations.

(e) COST RECOVERY.—In establishing a limited access privilege program, a Council shall—

(1) develop a methodology and the means to identify and assess the management, data collection and analysis, and enforcement programs that are directly related to and in support of the program; and

(2) provide, under section 304(d)(2), for a program of fees paid by limited access privilege holders that will cover the costs of management, data collection and analysis, and enforcement activities.

(f) CHARACTERISTICS.—A limited access privilege established after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 is a permit issued for a period of not more than 10 years that—

(1) will be renewed before the end of that period, unless it has been revoked, limited, or modified as provided in this subsection;

(2) will be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have failed to comply with any term of the plan identified in the plan as cause for revocation, limitation, or modification of a permit, which may include conservation requirements established under the plan;

(3) may be revoked, limited, or modified if the holder is found by the Secretary, after notice and an opportunity for a hearing under section 554 of title 5, United States Code, to have committed an act prohibited by section 307 of this Act; and

(4) may be acquired, or reacquired, by participants in the program under a mechanism established by the Council if it has been revoked, limited, or modified under paragraph (2) or (3).

(g) LIMITED ACCESS PRIVILEGE ASSISTED PURCHASE PROGRAM.—

(1) IN GENERAL.—A Council may submit, and the Secretary may approve and implement, a program which reserves up to 25 percent of any fees collected from a fishery under section 304(d)(2) to be used, pursuant to section 53706(a)(7) of title 46, United States Code, to issue obligations that aid in financing—

(A) the purchase of limited access privileges in that fishery by fishermen who fish from small vessels; and

(B) the first-time purchase of limited access privileges in that fishery by entry level fishermen.

(2) ELIGIBILITY CRITERIA.—A Council making a submission under paragraph (1) shall recommend criteria, consistent with the provisions of this Act, that a fisherman must meet to qualify for guarantees under subparagraphs (A) and (B) of paragraph (1) and the portion of funds to be allocated for guarantees under each subparagraph.

(h) EFFECT ON CERTAIN EXISTING SHARES AND PROGRAMS.—Nothing in this Act, or the amendments made by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, shall be construed to require a reallocation or a reevaluation of individual quota shares, processor quota shares, cooperative programs, or other quota programs, including sector allocation in effect before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.

(i) TRANSITION RULES.—

(1) IN GENERAL.—The requirements of this section shall not apply to any quota program, including any individual quota program, cooperative program, or sector allocation for which a Council has taken final action or which has been submitted by a Council to the Secretary, or approved by the Secretary, within 6 months after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, except that—

(A) the requirements of section 303(d) of this Act in effect on the day before the date of enactment of that Act shall apply to any such program;

(B) the program shall be subject to review under subsection (c)(1)(G) of this section not later than 5 years after the program implementation; and

(C) nothing in this subsection precludes a Council from incorporating criteria contained in this section into any such plans.

(2) PACIFIC GROUND FISH PROPOSALS.—The requirements of this section, other than subparagraphs (A) and (B) of subsection (c)(1) and subparagraphs (A), (B), and (C) of paragraph (1) of this subsection, shall not apply to any proposal authorized under section 302(f) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 that is submitted within the timeframe prescribed by that section.

16 U.S.C. 1853a note, 1854
MSA §§ 303A note, 304

P.L. 109-479, sec. 106(e), MSA § 303A note

16 U.S.C. 1853a note

APPLICATION WITH AMERICAN FISHERIES ACT.—Nothing in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), as added by subsection (a) [P.L. 109-479], shall be construed to modify or supersede any provision of the American Fisheries Act (46 U.S.C. 12102 note; 16 U.S.C. 1851 note; et alia).

P.L. 104-297, sec. 108(i), MSA § 303 note

EXISTING QUOTA PLANS.—Nothing in this Act [P.L.104-297] or the amendments made by this Act shall be construed to require a reallocation of individual fishing quotas under any individual fishing quota program approved by the Secretary before January 4, 1995.

SEC. 304. ACTION BY THE SECRETARY

16 U.S.C. 1854

104-297

(a) REVIEW OF PLANS.—

(1) Upon transmittal by the Council to the Secretary of a fishery management plan or plan amendment, the Secretary shall—

(A) immediately commence a review of the plan or amendment to determine whether it is consistent with the national standards, the other provisions of this Act, and any other applicable law; and

(B) immediately publish in the Federal Register a notice stating that the plan or amendment is available and that written information, views, or comments of interested persons on the plan or amendment may be submitted to the Secretary during the 60-day period beginning on the date the notice is published.

(2) In undertaking the review required under paragraph (1), the Secretary shall—

(A) take into account the information, views, and comments received from interested persons;

(B) consult with the Secretary of State with respect to foreign fishing; and

(C) consult with the Secretary of the department in which the Coast Guard is operating with respect to enforcement at sea and to fishery access adjustments referred to in section 303(a)(6).

(3) The Secretary shall approve, disapprove, or partially approve a plan or amendment within 30 days of the end of the comment period under paragraph (1) by written notice to the Council. A notice of disapproval or partial approval shall specify—

(A) the applicable law with which the plan or amendment is inconsistent;

(B) the nature of such inconsistencies; and

(C) recommendations concerning the actions that could be taken by the Council to conform such plan or amendment to the requirements of applicable law.

If the Secretary does not notify a Council within 30 days of the end of the comment period of the approval, disapproval, or partial approval of a plan or amendment, then such plan or amendment shall take effect as if approved.

104-297

SEC. 402. INFORMATION COLLECTION

16 U.S.C. 1881a

109-479

(a) COLLECTION PROGRAMS.—

(1) COUNCIL REQUESTS.—If a Council determines that additional information would be beneficial for developing, implementing, or revising a fishery management plan or for determining whether a fishery is in need of management, the Council may request that the Secretary implement an information collection program for the fishery which would provide the types of information specified by the Council. The Secretary shall undertake such an information collection program if he determines that the need is justified, and shall promulgate regulations to implement the program within 60 days after such determination is made. If the Secretary determines that the need for an information collection program is not justified, the Secretary shall inform the Council of the reasons for such determination in writing. The determinations of the Secretary under this paragraph regarding a Council request shall be made within a reasonable period of time after receipt of that request.

(2) SECRETARIAL INITIATION.—If the Secretary determines that additional information is necessary for developing, implementing, revising, or monitoring a fishery management plan, or for determining whether a fishery is in need of management, the Secretary may, by regulation, implement an information collection or observer program requiring submission of such additional information for the fishery.

109-479

(b) CONFIDENTIALITY OF INFORMATION.—

(1) Any information submitted to the Secretary, a State fishery management agency, or a marine fisheries commission by any person in compliance with the requirements of this Act shall be confidential and shall not be disclosed except—

(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;

(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of the identity of business of any person;

(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;

(D) when required by court order;

(E) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);

(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;

(G) when such information is required to be submitted to the Secretary for any determination under a limited access program; or

(H) in support of homeland and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)).

(2) Any observer information shall be confidential and shall not be disclosed, except in accordance with the requirements of subparagraphs (A) through (H) of paragraph (1), or—

(A) as authorized by a fishery management plan or regulations under the authority of the North Pacific Council to allow disclosure to the public of weekly summary bycatch information identified by vessel or for haul-specific bycatch information without vessel identification;

(B) when such information is necessary in proceedings to adjudicate observer certifications; or

(C) as authorized by any regulations issued under paragraph (3) allowing the collection of observer information, pursuant to a confidentiality agreement between the observers, observer employers, and the Secretary prohibiting disclosure of the information by the observers or observer employers, in order—

(i) to allow the sharing of observer information among observers and between observers and observer employers as necessary to train and prepare observers for deployments on specific vessels; or

(ii) to validate the accuracy of the observer information collected.

(3) The Secretary shall, by regulation, prescribe such procedures as may be necessary to preserve the confidentiality of information submitted in compliance with any requirement or regulation under this Act, except that the Secretary may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information. Nothing in this subsection shall be interpreted or construed to prevent the use for conservation and management purposes by the Secretary, or with the approval of the Secretary, the Council, of any information submitted in compliance with any requirement or regulation under this Act or the use, release, or publication of bycatch information pursuant to paragraph (2)(A).

(c) RESTRICTION ON USE OF CERTAIN INFORMATION.—

(1) The Secretary shall promulgate regulations to restrict the use, in civil enforcement or criminal proceedings under this Act, the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et seq.), of information collected by voluntary fishery data collectors, including sea samplers, while aboard any vessel for conservation and management purposes if the presence of such a fishery data collector aboard is not required by any of such Acts or regulations thereunder.

(2) The Secretary may not require the submission of a Federal or State income tax return or statement as a prerequisite for issuance of a permit until such time as the Secretary has promulgated regulations to ensure the confidentiality of information contained in such return or statement, to limit the information submitted to that necessary to achieve a demonstrated conservation and management purpose, and to provide appropriate penalties for violation of such regulations.

16 U.S.C. 1881a-1881b
MSA §§ 402-403

(d) **CONTRACTING AUTHORITY.**—Notwithstanding any other provision of law, the Secretary may provide a grant, contract, or other financial assistance on a sole-source basis to a State, Council, or Marine Fisheries Commission for the purpose of carrying out information collection or other programs if—

(1) the recipient of such a grant, contract, or other financial assistance is specified by statute to be, or has customarily been, such State, Council, or Marine Fisheries Commission; or

(2) the Secretary has entered into a cooperative agreement with such State, Council, or Marine Fisheries Commission.

(e) **RESOURCE ASSESSMENTS.**—

(1) The Secretary may use the private sector to provide vessels, equipment, and services necessary to survey the fishery resources of the United States when the arrangement will yield statistically reliable results.

(2) The Secretary, in consultation with the appropriate Council and the fishing industry--

(A) may structure competitive solicitations under paragraph (1) so as to compensate a contractor for a fishery resources survey by allowing the contractor to retain for sale fish harvested during the survey voyage;

(B) in the case of a survey during which the quantity or quality of fish harvested is not expected to be adequately compensatory, may structure those solicitations so as to provide that compensation by permitting the contractor to harvest on a subsequent voyage and retain for sale a portion of the allowable catch of the surveyed fishery; and

(C) may permit fish harvested during such survey to count toward a vessel's catch history under a fishery management plan if such survey was conducted in a manner that precluded a vessel's participation in a fishery that counted under the plan for purposes of determining catch history.

(3) The Secretary shall undertake efforts to expand annual fishery resource assessments in all regions of the Nation.

104-297

SEC. 403. OBSERVERS

16 U.S.C. 1881b

(a) **GUIDELINES FOR CARRYING OBSERVERS.**—Within one year after the date of enactment of the Sustainable Fisheries Act, the Secretary shall promulgate regulations, after notice and opportunity for public comment, for fishing vessels that carry observers. The regulations shall include guidelines for determining—

(1) when a vessel is not required to carry an observer on board because the facilities of such 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; and

(2) actions which vessel owners or operators may reasonably be required to take to render such facilities adequate and safe.

holding individual processing quota, and the provisions of subparagraphs (D), (E), and (L) of section 307(l) shall apply to any facility owned or controlled by a person holding individual processing quota.”

Establishment.
16 USC 1851
note.

SEC. 802. GULF OF ALASKA ROCKFISH DEMONSTRATION PROGRAM. The Secretary of Commerce, in consultation with the North Pacific Fishery Management Council, shall establish a pilot program that recognizes the historic participation of fishing vessels (1996 to 2002, best 5 of 7 years) and historic participation of fish processors (1996 to 2000, best 4 of 5 years) for pacific ocean perch, northern rockfish, and pelagic shelf rockfish harvested in Central Gulf of Alaska. Such a pilot program shall: (1) provide for a set-aside of up to 5 percent for the total allowable catch of such fisheries for catcher vessels not eligible to participate in the pilot program, which shall be delivered to shore-based fish processors not eligible to participate in the pilot program; and (2) establish catch limits for non-rockfish species and non-target rockfish species currently harvested with pacific ocean perch, northern rockfish, and pelagic shelf rockfish, which shall be based on historical harvesting of such bycatch species. The pilot program will sunset when a Gulf of Alaska Groundfish comprehensive rationalization plan is authorized by the Council and implemented by the Secretary, or 2 years from date of implementation, whichever is earlier.

16 USC 1851
note.
Effective date.

SEC. 803. ALEUTIAN ISLANDS FISHERIES DEVELOPMENT. (a) ALEUTIAN ISLANDS POLLOCK ALLOCATION.—Effective January 1, 2004 and thereafter, the directed pollock fishery in the Aleutian Islands Subarea [AI] of the BSAI (as defined in 50 CFR 679.2) shall be allocated to the Aleut Corporation (incorporated pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)). Except with the permission of the Aleut Corporation or its authorized agent, the fishing or processing of any part of such allocation shall be prohibited by section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857), subject to the penalties and sanctions under section 308 of such Act (16 U.S.C. 1858), and subject to the forfeiture of any fish harvested or processed.

(b) ELIGIBLE VESSELS.—Only vessels that are 60 feet or less in length overall and have a valid fishery endorsement, or vessels that are eligible to harvest pollock under section 208 of title II of division C of Public Law 105-277, shall be eligible to form partnerships with the Aleut Corporation (or its authorized agents) to harvest the allocation under subsection (a). During the years 2004 through 2008, up to 25 percent of such allocation may be harvested by vessels 60 feet or less in length overall. During the years 2009 through 2013, up to 50 percent of such allocation may be harvested by vessels 60 feet or less in length overall. After the year 2012, 50 percent of such allocation shall be harvested by vessels 60 feet or less in length overall, and 50 percent shall be harvested by vessels eligible under such section of Public Law 105-277.

(c) GROUND FISH OPTIMUM YIELD LIMITATION.—The optimum yield for groundfish in the Bering Sea and Aleutian Islands Management Area shall not exceed 2 million metric tons. For the purposes of implementing subsections (a) and (b) without adversely affecting current fishery participants, the allocation under subsection (a) may be in addition to such optimum yield during the years 2004 through 2008 upon recommendation by the North Pacific Council

and approval by the Secretary of Commerce (if consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)).

(d) MANAGEMENT AND ALLOCATION.—For the purposes of this section, the North Pacific Fishery Management Council shall recommend and the Secretary shall approve an allocation under subsection (a) to the Aleut Corporation for the purposes of economic development in Adak, Alaska pursuant to the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

SEC. 804. A Council or the Secretary may not consider or establish any program to allocate or issue an individual processing quota or processor share in any fishery of the United States other than the crab fisheries of the Bering Sea and Aleutian Islands.

This division may be cited as the “Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004”.

DIVISION C—DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

District of
Columbia
Appropriations
Act, 2004.

An Act

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$17,000,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident’s academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of