

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 12/13/2010

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 08/25/2010

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 201007-0648-010
AGENCY ICR TRACKING NUMBER:
TITLE: Alaska Region Amendment 80 Permits and Reports
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0565

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: 12/31/2013

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	1,062	891	2,732
New	65	155	176
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	-880	-440	-2,265
Change due to Agency Adjustment	-117	-296	-291
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 cooperative and cooperative quota permit	NA	Amendment 80 cooperative permit and cooperative quota application	
Application for limited access fishery	NA	Application for Amendment 80 Limited Access Fishery Permit	
Application to transfer quota share	NA	Application to transfer Amendment 80 Quota Share	
Application for transfer of cooperative quota	NA	Application for Amendment 80 Intercooperative Transfer of Cooperative Quota Share	
Annual Cooperative Report			50 CFR 679.93
Appeals			50 CFR 679.90
Application for Quota Share	NA	Amendment 80 Application for Quota Share	

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: _____ / _____</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 REGION AMENDMENT 80 PERMITS AND REPORTS
OMB CONTROL NO. 0648-0565**

INTRODUCTION

This action is a renewal of an existing collection of information.

The Secretary of Commerce is responsible for the conservation and management of marine fishery resources within the Exclusive Economic Zone (EEZ) of the United States through National Oceanic and Atmospheric Administration/National Marine Fisheries Service (NOAA/NMFS). NMFS Alaska Region manages the groundfish fisheries in the EEZ under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP). The North Pacific Fishery Management Council (Council) prepared the FMP under the authority of the [Magnuson-Stevens Fishery Conservation and Management Act](#), 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act). Regulations implementing the FMP appear at [50 CFR part 679](#).

Amendment 80 to the FMP permits the formation of harvesting cooperatives in the non-American Fisheries Act (non-AFA) trawl catcher/processor sector. Non-AFA trawl catcher/processors are vessels that have harvested the required amount of Bering Sea and Aleutian Islands Management Area (BSAI) groundfish during the qualifying period and are not listed by name in the AFA as being eligible to participate in the directed pollock target fisheries. The BSAI groundfish species directly affected by Amendment 80 are Atka mackerel, Aleutian Islands Pacific ocean perch, flathead sole, Pacific cod, rock sole, and yellowfin sole. In addition, Amendment 80 modifies the management of Pacific halibut, king crab, and Tanner crab prohibited species catch (PSC) limits.

The objectives of the Amendment 80 Program are as follows:

- ◆ To improve retention and utilization of fishery resources by the non-AFA trawl catcher/processor fleet, by extending the groundfish retention standard to non-AFA trawl catcher/processor vessels of all lengths;
- ◆ Allocate fishery resources among BSAI trawl harvesters in consideration of historic and present harvest patterns, and future harvest needs;
- ◆ Authorize the allocation of groundfish species to harvesting cooperatives and establishing a limited access privilege program for the non-AFA trawl catcher/processors to reduce potential groundfish retention standard compliance costs, encourage fishing practices with lower discard rates, and improve the opportunity for increasing the value of harvested species; and
- ◆ Limit the ability of non-AFA trawl catcher/processors to expand their harvesting capacity into other fisheries, not managed under a limited access privilege program.

Participants in the non-AFA trawl catcher/processor sector have traditionally harvested over 90 percent of each of the allocated BSAI species. One of the primary reasons for the relatively high discard rates of groundfish by non-AFA trawl catcher/processors is the nature of the fisheries in which those vessels participate. The non-AFA trawl catcher/processor sector primarily participates in non-pollock groundfish fisheries. The non-pollock groundfish fisheries are primarily comprised of groups of species that share similar habitat (e.g., flatfish fisheries such as rock sole, flathead sole, and yellowfin sole). Because these species occur together, they are typically harvested together. When a non-AFA trawl catcher/processor retrieves its net, very often multiple species of fish are present. Additionally, non-pollock groundfish fisheries are constrained by catch limits for non-target species, such as halibut, red king crab, Tanner crab (*Chionoecetes bairdi*), and snow crab (*C. opilio*).

Sector allocations and the formation of cooperatives are intended to assist compliance with the groundfish retention standards by allowing participants to focus less on harvest rate maximization and more on optimizing their harvest. This type of management applies retention standards on an aggregate basis to all activities of a cooperative, allowing participants within the cooperative to coordinate fishing and retention practices across the cooperative to meet the retention requirements. This, in turn, could allow a reduction in unwanted incidental catch, improved retention, improved utilization, and improved economic health of the non-AFA trawl catcher/processor sector.

NMFS Alaska Region created a set of permits to manage the Amendment 80 Program; these permits are described in this document. Section 303(b)(1) of the Magnuson-Stevens Act specifically recognizes the need for permit issuance. The requirement of a permit for marine resource users is one of the regulatory steps taken to carry out conservation and management objectives. The issuance of a permit is an essential ingredient in the management of fishery resources needed for identification of the participants and expected activity levels and for regulatory compliance (e.g., withholding of permit issuance pending collection of unpaid penalties).

A. JUSTIFICATION

Several pieces of legislation affect various aspects of the Program.

◆ Section 219 of the [Consolidated Appropriations Act of 2005](#) (Public Law No. 108-447; December 8, 2004) referred to as the Capacity Reduction Program (CRP). The elements of the CRP relevant to the Program: legislates who may participate in the non-AFA trawl catcher/processor sector in the BSAI for “non-pollock groundfish fisheries;” and defines the non-pollock groundfish fisheries in the BSAI as “target species of Atka mackerel, flathead sole, Pacific cod, Pacific ocean perch, rock sole, turbot, or yellowfin sole harvested in the BSAI.” Because all of the Amendment 80 species are included in the CRP’s definition of non-pollock groundfish fishery, the CRP’s eligibility requirements for the non-AFA trawl catcher/processor sector apply to the Program’s eligibility criteria for the Amendment 80 sector. Therefore, the Program would incorporate the CRP’s definition of a non-AFA trawl catcher/processor.

◆ Section 416 of the [Coast Guard and Maritime Transportation Act of 2006](#) (Public Law No. 109-241; July 11, 2006) referred to as the Coast Guard Act. The elements of the Coast Guard Act relevant to the Program are the species or species groups allocated to the Western Alaska Community Development Quota (CDQ) Program, the regulation of harvest of these allocations, and the percentage allocations of all of the groundfish species allocated to the CDQ Program, except pollock and sablefish.

◆ The Magnuson-Stevens Act includes amendments relating to Limited Access Privilege Programs (LAPPs), the CDQ Program, and cost recovery and fee collection provisions and other measures applicable to LAPPs. A LAPP involves a federal permit specifying the amount of catch a privilege holder may harvest. Privileges and shares may be revoked, limited, or modified at any time, with no right to compensation. The LAPP must contribute to rebuilding overfished stocks and reducing excess harvest capacity; promote fishing safety, conservation and management, and social and economic benefits.

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

The Capacity Reduction Program (CRP) provided the eligibility criteria for the non-AFA trawl catcher/processor sector. In order to qualify for the non-AFA trawl catcher/processor sector; a person must have a License Limitation Program (LLP) license with trawl and catcher/processor endorsements and must own a non-AFA vessel that caught and processed 150 mt of groundfish with trawl gear between 1997 and 2002. Under the provisions of the Program, non-AFA trawl catcher/processor vessel operators could choose to either:

- ◆ Form a harvesting cooperative that could receive an exclusive annual harvest privilege of specific groundfish species; or
- ◆ Fish in a limited access fishery comprised of fishery participants that choose not to join a cooperative.

Most eligible participants in the non-AFA trawl catcher/processor sector are likely to join a cooperative, since operations in the limited access fishery are likely to be less efficient (and less profitable). Fishery participants that join a cooperative receive an exclusive harvest privilege not subject to harvest by other vessel operators; could consolidate fishing operations on a specific vessel or subset of vessels, thereby reducing monitoring and enforcement and other operational costs; and harvest fish in a more economically efficient and less wasteful manner. To operate as a cooperative, membership must include at least three separate entities and be composed of at least 30 percent of the qualified vessels, including LLP licenses with associated catch history.

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.

a. Application for Amendment 80 Quota Share (QS)

Quota share (QS) is the basis for the annual calculation of the amount of fish that may be harvested or used if that QS is assigned to an Amendment 80 cooperative. Once an Amendment 80 QS permit is assigned to a person, it authorizes that QS holder to fish in the Amendment 80 sector. A person who wishes to receive an Amendment 80 QS permit must submit a timely and complete application for Amendment 80 QS. Once a person receives NMFS approval, an application for Amendment 80 QS is not required to be resubmitted.

An Application for Amendment 80 QS may be submitted to NMFS using any one of the following methods:

By mail: NMFS Alaska Region, Administrator
c/o Restricted Access Management Program
P.O. Box 21668
Juneau, AK 99802-1668

By fax: 907-586-7354

By hand delivery or carrier:
NMFS, Room 713
709 West 9th Street
Juneau, AK 99801

Application forms are available through the Internet on the NMFS Alaska Region Web site at <http://www.fakr.noaa.gov/sustainablefisheries/amds/80/default.htm#apps> or by contacting NMFS at 800-304-4846, Option 2.

A completed application for Amendment 80 QS must be received by NMFS no later than 1700 hours A.I.t. on October 15 of the year prior to the fishing year for which the applicant is applying, or if sent by U.S. mail, postmarked by that time. Applications received or postmarked after the deadline are not eligible to receive an Amendment 80 QS permit for the upcoming fishing year.

Application for A80 Quota Share

Indicate the type of application

Applicant identification

Applicant name and NMFS person ID

Permanent business mailing address

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

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

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

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

Agreement with A80 Official Record

Indicate whether you agree with the A80 Official Record Summary, do not agree with the A80 Official Record Summary, or did not receive an A80 Official Record Summary from NMFS

Owner of A80 Vessel

List each Amendment 80 LLP license for which applying for A80 QS A80 vessel originally assigned to each license
 Vessel name
 LLP No., ADF&G No., and USCG No.

Attachment: documentation that the A80 vessel has suffered an actual total loss, total constructive loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108.

Attachment: if the holder of the LLP license is not the same person(s) who owns the A80 vessel, a copy of a written contract held by the applicant that clearly and unambiguously indicates that the owner of the A80 vessel that has suffered an actual total loss, total constructive loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108 has transferred all rights and privileges to use A80 legal landings and any resulting A80 QS or exclusive harvest privilege from that A80 vessel to the person holding the A80 LLP license originally assigned to that A80 vessel.

Applicant certification

Printed name and signature and date signed
 If representative, attach authorization of the cooperative membership agreement or contract

Application for A80 QS, Respondent	
Number of respondents	28
Total annual responses	
Responses per respondent = 1	
Total burden hours	56
Time per response = 2 hr (including recordkeeping burden)	
Total personnel cost (\$25/hr)	\$1,400
Total miscellaneous costs (113.96)	\$114
Postage (0.44 x 14 = 6.16)	
Fax (\$5 x 14 = 70)	
Photocopy cost (0.05 x 27 (7 pp form + 20pp contract)] x 28 = 37.80	

Application for A80 QS, Federal Government	
Total annual responses	28
Total burden hours	14
Time per response = 0.50	
Total personnel cost (\$25/hr)	\$350
Total miscellaneous cost	0

b. Application for Amendment 80 Cooperative and CQ Permit

An Amendment 80 cooperative quota (CQ) permit authorizes a cooperative to participate in the Amendment 80 Program.

NMFS uses the CQ application information

- ◆ to assign CQ quantities to each cooperative prior to the fishing year
- ◆ to determine the Amendment 80 species interim total allowable catch assignments to the Amendment 80 limited access fishery
- ◆ to determine which vessels must be tracked for catch accounting
- ◆ to review ownership and control information for various QS holders to ensure that QS and CQ use caps are not exceeded.

NMFS issues a CQ permit annually to an Amendment 80 cooperative which has submitted a complete and timely CQ application. The cooperative must designate an authorized representative to be responsible for submitting the CQ application on behalf of all the members.

To be considered timely, the application must be received by NMFS no later than 5:00 p.m., Alaska local time, on November 1 of the year prior to fishing under the CQ permit. The application may be submitted to NMFS by mail, fax, or in person.

By mail to: Regional Administrator, NMFS
Restricted Access Management Program (RAM)
P.O. Box 21668,
Juneau, AK 99802-1668

By hand delivery or carrier to:
Federal Building, Room 713
709 West 9th Street
Juneau, AK 99801.

By fax to: 907-586-7354.

Forms are available through the Internet on the NMFS Alaska Region website at http://www.fakr.noaa.gov/ram/amd80/coop_cq_permitapp.pdf or by contacting NMFS at 800-304-4846, Option 2.

Every member of the Amendment 80 cooperative must submit a timely and complete EDR for each Amendment 80 QS permit held by that person during the previous calendar year. The annual EDR submission deadline is June 1.

Application for A80 cooperative and CQ Permit

Cooperative identification.

- Cooperative's legal name
- Type of business entity under which the A80 Cooperative is organized
- State in which the A80 Cooperative is legally registered as a business entity
- Permanent business address
- Business telephone number, business fax number, and e-mail address (if available)
- Printed name of A80 designated representative

Members of the A80 Cooperative (A80 QS Permit Holder and Ownership Documentation)

- Full name and NMFS Person ID of all members
- A80 QS Permit Number(s)
- Names of all persons, to the individual level, holding an ownership interest in the QS Permit
- Percentage ownership each person holds in the A80 QS Permit(s)

Identification of A80 cooperative member vessels and A80 LLP licenses

- Vessel name
- ADF&G vessel registration No. and USCG documentation number
- A80 LLP number

Identification of vessels on which the CQ issued to the A80 Cooperative will be used

- Vessel name
- ADF&G vessel registration No. and USCG documentation number

EDR submittal

Indicate whether the each member submitted a timely and complete EDR for each A80 QS permit

Certification of cooperative authorized representative

- Printed name and signature of Cooperative authorized representative and date signed
- Attach explicit authorization

Attachment

Copy of the cooperative membership agreement or contract

Application for A80 cooperative and CQ permit, Respondent	
Number of respondents	1
Total annual responses	1
Responses per respondent = 1	
Total burden hours	2 hr
Time per response = 2 hr (including 5 minutes for recordkeeping)	\$50
Total personnel cost (\$25/hr)	\$2
Total miscellaneous costs (1.84)	
Postage (0.44 x 1 = 0.44)	
Photocopy cost (0.05 x 8pp (form) + 20pp contract = 1.40)	

Application for A80 cooperative and CQ permit, Federal Government	
Total annual responses	1
Total burden hours	1
Time per response = 0.50	
Total personnel cost (\$25/hr)	\$25
Total miscellaneous cost	0

c. Application for an Amendment 80 Limited Access Fishery Permit

An Amendment 80 limited access fishery permit is required for an Amendment 80 QS holder to catch, process, and receive Amendment 80 species assigned to the Amendment 80 limited access fishery, or use halibut and crab PSC assigned to the Amendment 80 limited access fishery. An Amendment 80 limited access fishery permit is issued annually to an Amendment 80 QS holder who has submitted a timely and complete:

- ◆ Application for the Amendment 80 limited access fishery (see § 679.91(b)(4)) that is approved by NMFS; and
- ◆ Amendment 80 EDR for all Amendment 80 QS permits held by that person (see § 679.94).

An Amendment 80 EDR is required from any person who held an Amendment 80 QS permit during the previous calendar year. An EDR must be submitted for each Amendment 80 QS permit held by a person. The annual EDR submission deadline is June 1.

An Application for an A80 Limited Access Fishery may be submitted to NMFS by mail, fax, or in person.

By mail to: Regional Administrator, NMFS
 Restricted Access Management Program (RAM)
 P.O. Box 21668,
 Juneau, AK 99802-1668

By hand delivery or carrier to:
 Federal Building, Room 713
 709 West 9th Street
 Juneau, AK 99801.

By fax to: 907-586-7354.

This application must be submitted annually and received by NMFS no later than 1700 hours Alaska local time on November 1 of the year prior to the year for which the applicant wishes to participate in an Amendment 80 fishery; or if sent by U.S. mail, the application must be postmarked by that time.

Forms are available through the Internet on the NMFS Alaska Region website at <http://www.fakr.noaa.gov/ram/amd80/fisheryapp.pdf> or by contacting NMFS at 800-304-4846, Option 2.

Application for an A80 limited access fishery

Applicant identification.

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

A80 Vessel identification.

Name, ADF&G vessel registration number, and USCG documentation number of applicant’s vessel

A80 LLP identification

A80 LLP license number(s) held by the applicant

A80 QS permit information

A80 QS permit number(s) held by the applicant

A80 QS ownership documentation.

Names of all persons, to individual level, holding an ownership interest in the A80 QS permit

Percentage ownership each person holds in the A80 QS permit

EDR Submission

Indicate whether the applicant has submitted a timely and complete EDR for each A80 QS permit

Applicant certification.

Applicant printed name, signature, and date signed.

If completed by authorized representative, attach authorization

Application for an A80 limited access fishery permit, Respondent	
Number of respondents	8
Total annual responses	8
Number responses per respondent = 1/yr	
Total burden hours	16
Time per response = 2 hr (including recordkeeping time)	
Total personnel cost (\$25/hr)	\$400
Total miscellaneous costs (22.96)	\$23
Postage (0.44 x 4 = 1.76)	
Photocopy cost (0.05 x 3 x 8 = 1.20)	
FAX cost (\$5 x 4 = 20)	

Application for an A80 limited access fishery permit, Federal Government	
Total annual responses	8
Total burden hours	4
Time per response = 0.50	
Total personnel cost (\$25/hr)	\$100
Total miscellaneous cost	0

d. Application to Transfer Amendment 80 QS

On an annual basis a QS holder may choose either to assign his/her QS to a cooperative with other eligible QS holders, or assign that QS to the Amendment 80 limited access fishery. NMFS approves QS transfers to track ownership and use cap accounting.

Once issued, an Amendment 80 vessel owner assigned QS could transfer (or sell) that QS in one of three ways:

- ◆ Transfer the Amendment 80 vessel and the QS permit assigned to that Amendment 80 vessel to another person eligible to own a U.S. fishing vessel (i.e., document that Amendment 80 vessel under U.S. Department of Transportation, Maritime Administration (MARAD) regulations);

- ◆ Transfer the Amendment 80 QS permit to the LLP license originally issued for that Amendment 80 vessel upon the actual loss, total constructive loss, or permanent ineligibility of an Amendment 80 vessel assigned QS. Clear and unambiguous written documentation must be attached from which NMFS can verify that the Amendment 80 vessel for which that Amendment 80 LLP license was originally assigned is no longer able to be used in the Program due to the actual total loss, constructive total loss, or permanent ineligibility of that vessel.
- ◆ Transfer an Amendment 80 LLP license with QS assigned to it to another person through the existing LLP transfer provisions (see 50 CFR 679.4(k)(7)). All Amendment 80 QS units for all Amendment 80 species on that Amendment 80 QS permit must be transferred in their entirety. An Amendment 80 QS permit assigned to an Amendment 80 LLP license as an endorsement on that LLP license may not be transferred separately from that Amendment 80 LLP license.

An Application to Transfer an Amendment 80 QS permit may be submitted to NMFS by mail, fax, or in person.

By mail to: Regional Administrator, NMFS
 Restricted Access Management Program (RAM)
 P.O. Box 21668,
 Juneau, AK 99802-1668

By hand delivery or carrier to:
 Federal Building, Room 713
 709 West 9th Street
 Juneau, AK 99801.

By fax to: 907-586-7354.

Forms are available through the Internet on the NMFS Alaska Region website at <http://www.fakr.noaa.gov/ram/amd80/transferappqs.pdf> or by contacting NMFS at 800-304-4846, Option 2.

Application to Transfer A80 QS

Indicate the type of transfer being requested
 Indicate the A80 QS permit number to be transferred.

Identification of transferor

Name and NMFS person ID
 Date of incorporation or date of birth
 Permanent business mailing address
 Business telephone number, business fax number, and e-mail address (if available)

Identification of transferee

Name and NMFS person ID
 Date of incorporation or date of birth
 Permanent business mailing address
 Business telephone number, fax number, and e-mail (if available)

Transfers of A80 QS permits to another person

Attachment: If transferring an A80 QS permit to another person, attach abstract of title or USCG documentation which clearly and unambiguously indicates that the A80 QS transferee is named on the abstract of title or USCG documentation as the owner of the A80 vessel to which that A80 QS permit would be assigned

Attachment: original QS Permit(s) being transferred

Identify A80 QS Permit(s) being transferred

Transfers of A80 QS to an A80 LLP license

Attachment: If transferring A80 QS from an A80 QS permit to the A80 LLP license originally assigned to that A80 vessel, provide clear and unambiguous written documentation that can be verified by NMFS that the A80 vessel for which that A80 LLP license was originally issued is no longer able to be used in the A80 Program due to the actual loss, constructive total loss, or permanent ineligibility of that vessel of that vessel to receive a fishery endorsement

Identify A80 LLP license to which the A80 QS Permit is transferring

Identify A80 QS Permit(s) being transferred

Attachment: original QS Permit(s) being transferred

Certification of transferor.

Transferor signature, printed name, and date signed

If representative, attach authorization

Certification of transferee

Transferee signature, printed name, and date signed

If representative, attach authorization

Application to Transfer A80 QS, Respondent	
Number of respondents	25
Total annual responses	25
Number responses per respondent = 1	
Total burden hours	50
Time per response = 2 hr (including recordkeeping)	
Total personnel cost (\$25/hr)	\$1,250
Total miscellaneous costs (35.05)	\$35
Postage (0.44 x 20 = 8.80)	
Photocopy cost (0.05 x 25 = 1.25)	
FAX cost (\$5 x 5 = 25)	

Application to Transfer A80 QS, Federal Government	
Total annual responses	25
Total burden hours (12.5)	13
Time per response = 0.50	
Total personnel cost (\$25/hr)	\$325
Total miscellaneous cost	0

e. Application for Inter-Cooperative Transfer of Amendment 80 CQ

NMFS will process an application for inter-cooperative transfer of Amendment 80 cooperative quota (CQ) provided that a paper or electronic application is completed by the transferor and transferee, with all applicable fields accurately filled in, and all required additional documentation is attached. In order for an inter-cooperative CQ transfer to be approved, 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 transfer of CQ is not effective until approved by NMFS.

Amendment 80 cooperatives may transfer CQ during a calendar year with the following restrictions.

- ◆ May only transfer CQ to another Amendment 80 cooperative;
- ◆ May only receive CQ from another Amendment 80 cooperative; and
- ◆ When receiving Amendment 80 species CQ by transfer, must assign that Amendment 80 species CQ to a member(s) of the Amendment 80 cooperative for the purposes of use caps calculation as established under § 679.92(a).

This application cannot be processed or approved unless all parties to the proposed transfer (including the proposed transferor, the proposed transferee, and the receiving Qualifying Member) have met all the requirements and conditions of the Amendment 80 Program. Any person who held an Amendment 80 CQ permit during a calendar year must submit to NMFS an EDR for that calendar year for each Amendment 80 CQ permit held by that person (see § 679.94). The annual EDR submission deadline is June 1.

Application for Inter-Cooperative Transfer of Amendment 80 Cooperative Quota may be submitted to NMFS electronically or non-electronically.

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

By fax to: 907-586-7354

Applications may be faxed to RAM at 907-586-7354; however, permits will not be returned by fax. The original, signed permit must be on board the vessel.

Hand deliver to:
NMFS Alaska Region (RAM)
Federal Building
709 W. 9th Street, Suite 713
Juneau, Alaska 99801

Attachment to an e-mail: RAM.Alaska@noaa.gov

Online to: <http://www.alaskafisheries.noaa.gov>

When using the online submittal method, the respondent must provide a NMFS Person ID and transfer key. These two pieces of information are provided by NMFS after an applicant is approved for participation in the Amendment 80 Program.

Application for Inter-Cooperative Transfer of Amendment 80 CQ

Identification of transferor cooperative

- Name and NMFS Person ID of transferor
- Name of transferor's designated representative
- Permanent business mailing address (and temporary mailing address if appropriate)
- Business telephone number, business fax number, and business e-mail address (if available)
- Indicate whether transferor submitted an EDR, if required to do so under § 679.94

Identification of transferee cooperative

- Name and NMFS Person ID of transferee
- Name of transferee's designated representative
- Permanent business mailing address (and temporary mailing address if appropriate)
- Business telephone number, business fax number, and business e-mail address (if available)
- Indicate whether transferee submitted an EDR, if required to do so under § 679.94

Identification of Amendment 80 CQ to be transferred (leased) to transferor cooperative member(s)

- Amendment 80 Species CQ
 - Type of CQ (Area/Species)
 - Amount (metric tons (mt))
- Amendment 80 PSC CQ
 - Type of PSC (Area/Species)
 - Amount (mt)

Number of QS units

Identification of Amendment 80 transferee cooperative member(s)

- Name and NMFS Person ID of the qualifying member(s) of the receiving Amendment 80 cooperative to whom the CQ pounds being transferred will be attributed
- Species
- Amount of CQ

Certification of transferor

- Transferor's designated representative signature, printed name, and date signed
- Attach representative's authorization

Certification of transferee

- Transferee's designated representative signature, printed name, and date signed
- Attach representative's authorization

Only one cooperative exists in the Amendment 80 Program, and this form has not been used. However, one potential cooperative is added to retain approval of this form if needed.

Application for Inter-coop CQ Transfer, Respondent	
Number of respondents	1
Total annual responses	1
Number responses per respondent = 1	
Total burden hours	2
Time per response = 2 hr (including recordkeeping burden)	
Total personnel cost (\$25/hr)	\$50
Total miscellaneous costs (0.10)	\$1 (rounded down to 0 in ROCIS)
Attachment to email (0.05 x 1 = 0.05)	
Photocopy cost .05 x 1 = .05	
Application for Inter-coop CQ Transfer, Federal Government	
Total annual responses	1
Total burden hours	1
Time per response = 0.50	
Total personnel cost (\$25/hr)	25
Total miscellaneous cost	0

f. Amendment 80 Cooperative Report

An Amendment 80 cooperative issued a CQ permit must submit annually to the Regional Administrator an Amendment 80 cooperative report detailing the use of the cooperative’s CQ.

The annual Amendment 80 cooperative report for fishing activities under a CQ permit issued for the prior calendar year must be received by the Regional Administrator not later than 1700 hours, A.l.t. on March 1 of each year.

The cooperative report must be submitted to the Regional Administrator

By an electronic data file in a NMFS-approved format

By fax: 907-586-7557

or by mail: Regional Administrator
 NMFS Alaska Region
 P.O. Box 21668
 Juneau, AK 99802-1668

Amendment 80 cooperative report

The cooperative's actual retained and discarded catch of CQ and GOA sideboard limited fisheries (if applicable) by statistical area and on a vessel-by-vessel basis;

A description of the method used by the cooperative to monitor fisheries in which cooperative vessels participated; and

A description of any actions taken by the cooperative against specific members in response to a member that exceeded the amount of CQ that the member was assigned to catch for the Amendment 80 cooperative.

Based on a comment received from the Amendment 80 cooperative, the time to complete the Amendment 80 cooperative report is changed from 4 hr to 25 hr. This involves 15 hours to draft the report and summarize the data, 7 hours for cooperative member review and comment (7 cooperative members @ 1 hour each), and 3 hours to respond to comments from NMFS on the cooperative report.

In addition, the description of the cooperative report is revised to remove errors. Previously an additional cooperative catch report was described in connection with the cooperative report. This catch report was mistakenly described as combined and integrated into the cooperative report.

Amendment 80 cooperative report, Respondent	
Number of respondents	1
Total annual responses	1
Number responses per respondent = 1	
Total burden hours	25
Time per response = 25 hr (including recordkeeping burden)	
Total personnel cost (\$25/hr)	\$625
Total miscellaneous costs (1.05)	\$1
Photocopy cost (0.05 x 20 = 1)	
Attachment to email (0.05 x 1 = 0.05)	

Amendment 80 cooperative report, Federal Government	
Total annual responses	1
Total burden hours	2 hr
Time per response = 2 hr	
Total personnel cost (\$25/hr)	\$50
Total miscellaneous cost	0

g. Annual Amendment 80 Cooperative Catch Report [REMOVED]

This report is removed. It was incorrectly included in this collection; however, it is not and never has been a requirement.

h. Appeals

An Amendment 80 qualified vessel owner or Amendment 80 LLP license holder who believes that NMFS has incorrectly identified his or her vessel or LLP license as meeting the criteria for a sideboard limitation may make a contrary claim and provide evidence to NMFS.

All claims must be submitted in writing to the RAM Program, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, together with any documentation or evidence supporting the request within 30 days of receiving a denial. If an applicant is notified by an Initial Administrative Determination (IAD) that inconsistent claims made by the applicant on a permit application have been denied, that applicant may appeal that IAD under the provisions described at § 679.43.

Appeals, Respondent	
Number of respondents	1
Total annual responses	1
Number responses per respondent = 1	
Total burden hours	4
Time per response = 4 hr (including recordkeeping burden)	
Total personnel cost (\$25/hr)	\$100
Total miscellaneous costs (0.64)	\$1
Postage (0.44 x 1 = 0.44)	
Photocopy cost (0.05 x 4 pg x 1 = 0.20)	

Appeals, Federal Government	
Total annual responses	1
Total burden hours	4
Time per response = 4 hr	
Total personnel cost (\$50)	\$200
Total miscellaneous cost	0

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.

The application for inter-cooperative transfer of Amendment 80 cooperative quota may be submitted online at <http://www.alaskafisheries.noaa.gov>. The cooperative report may be submitted as an attachment to email to RAM.Alaska@noaa.gov. Applications are “fillable” on the computer screen by participant at the NMFS Alaska Region Home Page at www.alaskafisheries.noaa.gov, then downloaded, printed, and faxed or mailed to NMFS. Future plans include interactive permit applications completed through the Internet.

4. Describe efforts to identify duplication.

No duplication exists with other information collections.

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

There is currently only one Amendment 80 cooperative. Most firms operating vessels in this cooperative are large entities, with annual gross revenues in excess of \$4.0 million. Thus, the cooperative composed of these firms is, itself, a large entity, by definition. The collection of information does not impose a significant impact on small entities.

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

This collection describes a structure to allow the non-AFA trawl catcher/processors to form cooperatives, thus facilitating bycatch reduction and improved utilization. Without the specified permitting scheme described in this Supporting Statement, the program would be jeopardized. The consequences of not collecting this information would be that NMFS could not fulfill the intent of the laws mentioned earlier.

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

Not Applicable.

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.

A Federal Register Notice published on March 9, 2010 (75 FR 10757) solicited public comments on the information collection. One comment was received from the one Amendment 80 cooperative. The commenter said that the estimated time needed to complete the annual Amendment 80 cooperative report is inaccurate and provided new estimates as follows:

Task	NMFS Estimated Time (hr)	Coop Recommended Time (hr)
Drafting report and summarizing data	-	15
Cooperative member review and comment	-	7 (7 cooperative members @ 1 hr each)
Response to comments	-	3
Total	4	25

NMFS' estimate for completion of the cooperative report was originally 4 hr. The cooperative has submitted two coop reports, one for 2009 and one for 2010, and timed the creation of the report. With this experience, NMFS has confidently changed the estimate for this report to match the cooperative's estimate.

The cooperative's comment goes on to state that, in their opinion, most of the information in the annual Amendment 80 cooperative report submitted to NMFS is available to NMFS staff. In fact, the information that Best Use Cooperative staff uses to complete the report is collected from a NMFS website. Therefore, reporting this information back to NMFS is unnecessary.

NMFS believes that construction of the Amendment 80 cooperative report by persons that are most closely tied to that information provides the most efficient and accurate summary of events and information and thus will maintain this requirement.

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 303(d) 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 in a system of records: NOAA #19, notice published April 17, 2008.

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.

Not Applicable.

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

Estimated total unique respondents, 38, reduced from 44. Estimated total annual responses, 65, reduced from 1,062. Estimated total annual burden, 155 hr, reduced from 891 hr. Estimated total annual personnel cost, \$3,875, reduced from \$22,175.

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 annual total miscellaneous costs, \$176, reduced from \$2,732.

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

Estimated total annual burden, 39 hr, reduced from 605 hr. Estimated total annual personnel cost, \$1,075, reduced from \$15,325.

15. Explain the reasons for any program changes or adjustments.

NMFS makes adjustments in this collection to number of participants and therefore to burden hours and personnel costs. The burden time per response for the Amendment 80 cooperative report is increased, based on a comment by the current cooperative. In addition, a correction is made by removing a catch report which was incorrectly included in this collection.

Application for Amendment 80 Quota Share

A decrease of \$20 miscellaneous cost, \$114 instead of \$134.

Application for Amend 80 Cooperative Quota Permit

a decrease of 43, respondents and responses, 1 instead of 44
a decrease of 86 burden hours, 2 hr instead of 88 hr

a decrease of \$2,150 personnel cost, \$50 instead of \$2,200
a decrease of \$121 miscellaneous cost, \$2 instead of \$123.

Application for an Amendment 80 Limited Access Fishery

a decrease of 36 respondents and responses, 8 instead of 44
a decrease of 72 burden hours, 16 instead of 88
a decrease of 1,800 personnel cost, 400 instead of 220
a decrease of \$100 miscellaneous cost, \$23 instead of \$123.

Application to transfer Amendment 80 QS

an increase of 10 respondents and responses, 25 instead of 15
an increase of 20 hours, 30 instead of 50
an increase of \$500 personnel cost, \$1,250 instead of \$750
a decrease of \$8 miscellaneous cost, \$35 instead of \$43.

Application for inter-cooperative CQ transfer – burden and cost currently for only one cooperative; one potential cooperative is added.

a decrease of 4 respondents and responses, 1 instead of 5
a decrease of 3 burden hours, 2 instead of 5
a decrease of 75 personnel cost, \$50 instead of \$125
a decrease of \$2 miscellaneous cost, \$0 instead of \$2.

Amend 80 Cooperative Catch Report [REMOVED]

a decrease of 44 respondents, 0 instead of 44
a decrease of 880 responses, 0 instead of 880
a decrease of 440 burden hours, 0 hr instead of 440 hr
a decrease of \$11,000 personnel cost, \$0 instead of \$11,000
a decrease of \$2,266 miscellaneous cost, \$0 instead of \$2,266.

Amend 80 Cooperative Report

a decrease of 43, respondents and responses, 1 instead of 44
a decrease of 151 burden hours, 25 hr instead of 176 hr
a decrease of \$3,775 personnel cost, \$625 instead of \$4,400
a decrease of \$38 miscellaneous cost, \$1 instead of \$39.

Appeals

a decrease of 1 respondent and response, 1 instead of 2
a decrease of 4 hours, 4 instead of 8.

Total net adjustments:

A decrease of 6 respondents.

A decrease of 997 responses.

A decrease of 736 hours

A decrease of 18,300 personnel costs

A decrease of \$2,556 miscellaneous costs.

(The decreases due to removal of the cooperative catch report are adjustments, but appear in ROCIS as due to agency discretion, as there is no “adjustment” option to check when removing an information collection).

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

The information collected will not be published.

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
INTER-COOPERATIVE
TRANSFER OF AMENDMENT 80
COOPERATIVE QUOTA (CQ)**

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



BLOCK A – TRANSFEROR COOPERATIVE INFORMATION

1. Name of Transferor:		2. NMFS Person ID:
3. Name of Designated Representative:		
4. Permanent Business Mailing Address:		5. Temporary Business Mailing Address:
6. Business Telephone Number:	7. Business Fax Number:	8. e-Mail Address (<i>if available</i>):
9. Has transferor submitted an EDR, if required to do so under § 679.94? YES [] NO [] NOT APPLICABLE []		

BLOCK B – TRANSFEREE COOPERATIVE INFORMATION

1. Name of Transferee:		2. NMFS Person ID:
3. Name of Designated Representative:		
4. Permanent Business Mailing Address:		5. Temporary Business Mailing Address:
6. Business Telephone Number:	7. Business Fax Number:	8. e-Mail Address (<i>if available</i>):
9. Has transferee submitted an EDR, if required to do so under § 679.94? YES [] NO [] NOT APPLICABLE []		

**BLOCK C¹ – IDENTIFICATION OF AMENDMENT 80 COOPERATIVE QUOTA (CQ)
TO BE TRANSFERRED (LEASE) TO COOPERATIVE MEMBER(S)
(To Be Completed By Transferor)**

If Transfer Application is for more CQ than the space provided on this form allows, **duplicate this page** as necessary to include all intended transfers with one application. Distribute the CQ identified in Block C¹ to cooperative members in Block C².

Amendment 80 Species CQ		Amendment 80 PSC CQ		Number of QS units
Type of CQ (Area/Species)	Amount (mt)	Type of PSC (Area/Species)	Amount (mt)	

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

The Transferee's Qualifying Member(s) is the member(s) of the receiving Cooperative to whom the CQ pounds being transferred will be attributed. If attributing the CQ amount to the Qualifying Member(s) would cause the member to exceed a CQ cap, a different Qualifying Member must be identified. **Duplicate this page** as necessary.

1. Name of Qualifying Member (<i>Print</i>):	NMFS Person ID:	Species:	Amount of CQ:
2. Name of Qualifying Member (<i>Print</i>):	NMFS Person ID:	Species:	Amount of CQ:
3. Name of Qualifying Member (<i>Print</i>):	NMFS Person ID:	Species:	Amount of CQ:
4. Name of Qualifying Member (<i>Print</i>):	NMFS Person ID:	Species:	Amount of CQ:
5. Name of Qualifying Member (<i>Print</i>):	NMFS Person ID:	Species:	Amount of CQ:
6. Name of Qualifying Member (<i>Print</i>):	NMFS Person ID:	Species:	Amount of CQ:
7. Name of Qualifying Member (<i>Print</i>):	NMFS Person ID:	Species:	Amount of CQ:
8. Name of Qualifying Member (<i>Print</i>):	NMFS Person ID:	Species:	Amount of CQ:

**BLOCK C¹ – IDENTIFICATION OF AMENDMENT 80 COOPERATIVE QUOTA (CQ)
TO BE TRANSFERRED (LEASE) TO COOPERATIVE MEMBER(S)
(To Be Completed By Transferor)**

If Transfer Application is for more CQ than the space provided on this form allows, **duplicate this page** as necessary to include all intended transfers with one application. Distribute the CQ identified in Block C¹ to cooperative members in Block C².

Amendment 80 Species CQ		Amendment 80 PSC CQ		Number of CQ units
Type of CQ (Area/Species)	Amount (mt)	Type of PSC (Area/Species)	Amount (mt)	

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

The Transferee's Qualifying Member(s) is the member(s) of the receiving Cooperative to whom the CQ pounds being transferred will be attributed. If attributing the CQ amount to the Qualifying Member(s) would cause the member to exceed a CQ cap, a different Qualifying Member must be identified. **Duplicate this page** as necessary.

1. Name of Qualifying Member (<i>Print</i>):	NMFS Person ID:	Species:	Amount of CQ:
2. Name of Qualifying Member (<i>Print</i>):	NMFS Person ID:	Species:	Amount of CQ:
3. Name of Qualifying Member (<i>Print</i>):	NMFS Person ID:	Species:	Amount of CQ:
4. Name of Qualifying Member (<i>Print</i>):	NMFS Person ID:	Species:	Amount of CQ:
5. Name of Qualifying Member (<i>Print</i>):	NMFS Person ID:	Species:	Amount of CQ:
6. Name of Qualifying Member (<i>Print</i>):	NMFS Person ID:	Species:	Amount of CQ:

BLOCK D – CERTIFICATION OF TRANSFEROR (SELLER)

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

1. Signature of Transferor Designated Representative:	2. Date:
-------------------------------------------------------	----------

3. Printed Name of Transferor Designated Representative; attach authorization:

BLOCK E – CERTIFICATION OF TRANSFEEE (BUYER)

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

1. Signature of Transferee Designated Representative:	2. Date:
-------------------------------------------------------	----------

3. Printed Name of Transferee Designated Representative; attach authorization:

**Instructions for
APPLICATION FOR TRANSFER
OF AMENDMENT 80 COOPERATIVE QUOTA**

GENERAL INFORMATION

In order for an inter-cooperative transfer to be approved, 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 transfer of CQ is not effective until approved by NMFS.

An Amendment 80 cooperative may transfer all or part of its CQ to another Amendment 80 cooperative. Amendment 80 cooperatives may transfer CQ during a calendar year with the following restrictions:

- ◆ An Amendment 80 cooperative may only **transfer** CQ to another Amendment 80 cooperative.
- ◆ An Amendment 80 cooperative may only **receive** CQ from another Amendment 80 cooperative.
- ◆ An Amendment 80 cooperative receiving Amendment 80 species CQ by transfer must assign that Amendment 80 species CQ to a member(s) of the Amendment 80 cooperative for the purposes of use caps calculation as established under § 679.92(a).

This application cannot be processed or approved unless all parties to the proposed transfer (*including the proposed transferor, the proposed transferee, and the receiving Qualifying Member*) have met all the requirements and conditions of the Amendment 80 Program. Any person who held an Amendment 80 CQ permit during a calendar year must submit to NMFS an EDR for that calendar year for each Amendment 80 CQ permit held by that person (*see § 679.94*).

To request that a printed Amendment 80 EDR be mailed to you (at no cost), contact

NMFS, Alaska Fisheries Science Center
Amendment 80 Economic Data Reports
7600 Sand Point Way NE, F/AKC2
Seattle, WA 98115.

Fax: 206-526-6723
Telephone: 206-526-6414

EDR forms are available through the Internet on the NMFS Alaska Region Web site at <http://www.alaskafisheries.noaa.gov>. A completed EDR must be received by NMFS no later than 1700 hours A.L.T. on June 1 of the year following the calendar year during which the Amendment 80 CQ permit was held, or if sent by U.S. mail, postmarked by that date.

ADDITIONALLY

- ◆ Print information in the application legibly in ink or type 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.
- ◆ Submit the completed application:

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

By fax to: **907-586-7354**
Applications may be faxed to RAM at 907-586-7354; however, permits will not be returned by fax. The original, signed permit must be on board the vessel.

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

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**

COMPLETING THE FORM

An application for CQ transfer requires that the following information be provided:

BLOCK A – TRANSFEROR COOPERATIVE INFORMATION

- 1-2. Name and NMFS Person ID of Transferor
3. Name of Transferor's designated representative
- 4-5. Permanent business mailing address and temporary business mailing address (if appropriate)
- 6-8. Business telephone number, business fax number, and e-mail address (if available)
9. Indicate whether transferor submitted an EDR, as required under § 679.94.

BLOCK B – TRANSFEREE COOPERATIVE INFORMATION

- 1-2. Name and NMFS Person ID of Transferee
3. Name of Transferee's designated representative
- 4-5. Permanent business mailing address and temporary business mailing address (if appropriate)
- 6-8. Business telephone number, business fax number, and e-mail address (if available)
9. Indicate whether transferee submitted an EDR, as required under § 679.94.

BLOCK C¹ – IDENTIFICATION OF AMENDMENT 80 COOPERATIVE QUOTA TO BE TRANSFERRED (LEASE) TO COOPERATIVE MEMBER(S) (To Be Completed By Transferor)

If Transfer Application is for more CQ than the space provided on this form allows, duplicate this page as necessary to include all intended transfers with one application. Distribute the CQ identified in Block C¹ to cooperative members in Block C².

1. For each Amendment 80 species, enter:
Type (area/species) of CQ
Amount (mt) of CQ
Number of CQ units

2. For each Amendment 80 PSC species, enter:
Type (area/species) of CQ
Amount (mt) of CQ
Number of CQ units

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

The Transferee's Qualifying Member(s) is the member(s) of the receiving Cooperative to whom the CQ pounds being transferred will be attributed. If attributing the CQ amount to the Qualifying Member(s) would cause the member to exceed a CQ cap, a different Qualifying Member must be identified. Duplicate this page as necessary.

For each qualifying member, enter name (print), NMFS Person ID, Species, and Amount of CQ.

BLOCK D – CERTIFICATION OF TRANSFEROR

Printed name and signature of Transferor Designated Representative and date signed.

BLOCK E – CERTIFICATION OF TRANSFEREE

Printed name and signature of Transferee Designated Representative and date signed.

PUBLIC REPORTING BURDEN STATEMENT

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

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.) as amended in 2006; 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.

<p>Application for Amendment 80 Cooperative and CQ Permit Issuance</p>	<p>U.S. Dept. of Commerce/NOAA National Marine Fisheries Service (NMFS) Restricted Access Management (RAM) P.O. Box 21668 Juneau, AK 99802-1668</p>	
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A CQ permit is issued annually to an Amendment 80 cooperative that submits a complete and timely application for CQ and each member of the Amendment 80 cooperative holding Amendment 80 QS has submitted an Economic Data Report as described under § 679.94 that is subsequently approved by the Regional Administrator.

This application must be submitted annually and received by NMFS no later than 1700 hours Alaska local time (A.l.t.) on **November 1** of the year prior to the year for which the applicant wishes to participate in an Amendment 80 fishery, or if sent by U.S. mail, the application must be postmarked by that time.

A copy of the cooperative membership agreement or contract must be provided with this application.

<i>BLOCK A – AMENDMENT 80 COOPERATIVE IDENTIFICATION</i>		
1. Cooperative's legal name	2. Type of business entity under which the Amendment 80 Cooperative is organized	
	3. State in which the Amendment 80 Cooperative is legally registered as a business entity	
4. Permanent business address		
5. Business telephone number	6. Business fax number	7. E-mail address (if available)
8. Printed name of Amendment 80 Cooperative's designated representative		

BLOCK B – MEMBERS OF THE AMENDMENT 80 COOPERATIVE

Amendment 80 QS Permit Holder and Ownership Documentation

1. Full name	2. NMFS Person ID
	3. Amendment 80 QS Permit Number(s)

Enter the names of all persons, to the individual level, holding an ownership interest in the Amendment 80 QS permit(s) assigned to the Amendment 80 cooperative and the percentage ownership each person and individual holds in the Amendment 80 QS permit(s).

Name	% Ownership in Amendment 80 QS Permit(s)

Amendment 80 QS Permit Holder and Ownership Documentation

1. Full name	2. NMFS Person ID
	3. Amendment 80 QS Permit Number(s)

Enter the names of all persons, to the individual level, holding an ownership interest in the Amendment 80 QS permit(s) assigned to the Amendment 80 cooperative and the percentage ownership each person and individual holds in the Amendment 80 QS permit(s).

Name	% Ownership in Amendment 80 QS Permit(s)

Amendment 80 QS Permit Holder and Ownership Documentation

1. Full name	2. NMFS Person ID
	3. Amendment 80 QS Permit Number(s)

Enter the names of all persons, to the individual level, holding an ownership interest in the Amendment 80 QS permit(s) assigned to the Amendment 80 cooperative and the percentage ownership each person and individual holds in the Amendment 80 QS permit(s).

Name	% Ownership in Amendment 80 QS Permit(s)

<i>Amendment 80 QS Permit Holder and Ownership Documentation</i>	
1. Full name	2. NMFS Person ID
	3. Amendment 80 QS Permit Number(s)
Enter the names of all persons, to the individual level, holding an ownership interest in the Amendment 80 QS permit(s) assigned to the Amendment 80 cooperative and the percentage ownership each person and individual holds in the Amendment 80 QS permit(s).	
Name	% Ownership in Amendment 80 QS Permit(s)
<i>Amendment 80 QS Permit Holder and Ownership Documentation</i>	
1. Full name	2. NMFS Person ID
	3. Amendment 80 QS Permit Number(s)
Enter the names of all persons, to the individual level, holding an ownership interest in the Amendment 80 QS permit(s) assigned to the Amendment 80 cooperative and the percentage ownership each person and individual holds in the Amendment 80 QS permit(s).	
Name	% Ownership in Amendment 80 QS Permit(s)
<i>Amendment 80 QS Permit Holder and Ownership Documentation</i>	
1. Full name	2. NMFS Person ID
	3. Amendment 80 QS Permit Number(s)
Enter the names of all persons, to the individual level, holding an ownership interest in the Amendment 80 QS permit(s) assigned to the Amendment 80 cooperative and the percentage ownership each person and individual holds in the Amendment 80 QS permit(s).	
Name	% Ownership in Amendment 80 QS Permit(s)

BLOCK D -- IDENTIFICATION OF VESSELS ON WHICH THE CQ ISSUED TO THE AMENDMENT 80 COOPERATIVE WILL BE USED	
Vessel name	ADF&G No./USCG documentation number

BLOCK E -- EDR SUBMISSION	
Has each member of the Amendment 80 cooperative submitted a timely and complete EDR for each Amendment 80 QS permit held by that person as required under § 679.94?	
<input type="checkbox"/> YES	<input type="checkbox"/> NO

BLOCK F – CERTIFICATION OF COOPERATIVE AUTHORIZED REPRESENTATIVE	
The Cooperative Authorized Representative must sign and date the application certifying that all information is true, correct, and complete to the best of his/her knowledge and belief. Attach explicit authorization to complete the application on behalf of the members of the cooperative.	
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 Cooperative Authorized Representative	2. Date Signed
3. Printed Name of Cooperative Authorized Representative	

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, 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.*) as amended by Public Law 109-479; 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 for Amendment 80 Cooperative and CQ Permit Issuance

This completed application must be received by NMFS no later than 1700 hours A.l.t. on **November 1** of the year prior to the year for which the applicant wishes to participate in a Amendment 80 fishery, or if sent by U.S. mail, the application must be postmarked by that time.

A CQ permit authorizes an Amendment 80 cooperative to participate in the Amendment 80 Program. A CQ permit is issued annually to an Amendment 80 cooperative if that Amendment 80 cooperative has:

- submitted a complete and timely application for CQ;
- each member of the Amendment 80 cooperative holding Amendment 80 QS has submitted an Economic Data Report as described under § 679.94 that is subsequently approved by the Regional Administrator.
- An Amendment 80 CQ Permit is valid under the following circumstances:
Until the end of the year for which the Amendment 80 limited access fishery permit is issued;
Until the Amendment 80 limited access fishery is closed by the Regional Administrator; or
Until the permit is revoked, suspended, or modified pursuant to § 679.43 or under 15 CFR part 904.
- A legible copy of the Amendment 80 CQ Permit must be carried on board the Amendment 80 vessels assigned to the Amendment 80 Cooperative.

Type or print legibly in ink; retain a copy of completed application for your records.

Completed forms should be mailed or faxed to:

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

FAX: (907) 586-7354

If you need additional information, contact Restricted Access Management at **(800) 304-4846 (#2)** or **(907) 586-7202 (#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.

BLOCK A -- AMENDMENT 80 COOPERATIVE IDENTIFICATION

In addition to the information required above, an Amendment 80 harvester who wishes to participate in an Amendment 80 cooperative for a calendar year must provide the following information:

- Cooperative's legal name
- Type of business entity under which the Amendment 80 Cooperative is organized
- State in which the Amendment 80 Cooperative is legally registered as a business entity
- Permanent business address
- Business telephone number, business fax number, and e-mail address (if available)
- Printed name and signature of Amendment 80 designated representative and date signed
- A copy of the cooperative membership agreement or contract must be provided with this application.

BLOCK B – MEMBERS OF THE AMENDMENT 80 COOPERATIVE

Amendment 80 QS Permit Holder and Ownership Documentation

Full name and NMFS Person ID of all members of the Amendment 80 cooperative
Amendment 80 QS Permit Number(s)

Enter the names of all persons, to the individual level, holding an ownership interest in the Amendment 80 QS Permit Number(s) assigned to the Amendment 80 cooperative and the percentage ownership each person and individual holds in the Amendment 80 QS Permit(s).

If the Amendment 80 QS Permit Holder is a non-individual (i.e., a corporation, partnership or other entity), provide the names of, and the percentage of ownership held by, all of its owners. Information should be provided to the individual level. See example below:

Name of Owner	% Interest
Joe Potpuller	25%
Alice Potpuller	25%
LLP Family Holdings, Inc.	50%
C. A80QSholder	25% (of 50%)
R. A80QSholder	25% (of 50%)
A. A80QSholder	25% (of 50%)
B. A80QSholder	25% (of 50%)

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

BLOCK C – IDENTIFICATION OF AMENDMENT 80 COOPERATIVE MEMBER VESSELS AND AMENDMENT 80 LLP LICENSES

Identify the Amendment 80 vessels by name, ADF&G vessel registration No., USCG documentation number, and the Amendment 80 LLP licenses held by all members of the Amendment 80 Cooperative.

BLOCK D -- IDENTIFICATION OF VESSELS ON WHICH THE CQ ISSUED TO THE AMENDMENT 80 COOPERATIVE WILL BE USED

Identify the Amendment 80 vessels by name, ADF&G vessel registration No., and USCG documentation number on which the CQ issued to the Amendment 80 Cooperative will be used.

BLOCK E – EDR SUBMITTAL

Indicate (YES or NO) whether the each member of the Amendment 80 cooperative has submitted a timely and complete EDR for each Amendment 80 QS permit held by that person as required under § 679.94.

BLOCK F – CERTIFICATION OF COOPERATIVE AUTHORIZED REPRESENTATIVE

The Cooperative Authorized Representative must sign and date the application certifying that all information is true, correct, and complete to the best of his/her knowledge and belief. Attach explicit authorization to complete the application on behalf of the members of the cooperative..

**Application to Transfer
Amendment 80 Quota Share (QS)**

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



Applicant must be a U.S. corporation, partnership, association, or other business entity.

Indicate the type of transfer being requested:

- Transfer of Amendment 80 QS to another person**
Complete Blocks A, B, and C. Both Transferor and Transferee must sign in Blocks E and F
- Transfer of Amendment 80 QS to the Amendment 80 LLP license originally assigned to that Amendment 80 vessel**
Complete Blocks A, B, and D. Both Transferor and Transferee must sign in Blocks E and F

BLOCK A -- IDENTIFICATION OF TRANSFEROR

1. Name of Transferor		
2. NMFS person ID	3. Date of incorporation or date of birth	
4. Permanent business mailing address		
5. Business telephone number	6. Business fax number	7. E-mail address (if available)

BLOCK B -- IDENTIFICATION OF TRANSFEE

Applicant must be a U.S. corporation, partnership, association, or other business entity.

1. Name of Transferee		
2. NMFS person ID	3. Date of incorporation or date of birth	
4. Permanent business mailing address		
5. Business telephone number	6. Business fax number	7. E-mail address (if available)

BLOCK C -- TRANSFERS OF AMENDMENT 80 QS PERMITS TO ANOTHER PERSON

If transferring an Amendment 80 QS permit assigned to an Amendment 80 vessel owner to another person, attach abstract of title or USCG documentation that clearly and unambiguously indicates that the Amendment 80 QS permit transferee is named on the abstract of title or USCG documentation as the owner of the Amendment 80 vessel to which that Amendment 80 QS permit would be assigned.

Identify Amendment 80 QS Permit(s) being transferred below (include each original QS Permit with this application):

BLOCK D -- TRANSFERS OF AMENDMENT 80 QS TO AN AMENDMENT 80 LLP LICENSE

If transferring Amendment 80 QS assigned to an Amendment 80 vessel owner to the Amendment 80 LLP license originally assigned to that Amendment 80 vessel, provide clear and unambiguous written documentation that can be verified by NMFS that the Amendment 80 vessel for which that Amendment 80 LLP license was originally assigned is no longer able to be used in the Amendment 80 Program due to the actual total loss, constructive total loss, or permanent ineligibility of that vessel to receive a fishery endorsement under 46 U.S.C. 12108.

Identify Amendment 80 QS Permit(s) being transferred (include each original QS Permit with this application):

Identify Amendment 80 LLP license to which the Amendment 80 QS Permit is transferring

BLOCK E -- CERTIFICATION OF TRANSFEROR

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

1. Signature of transferor (or authorized representative)

2. Date

3. Printed Name of transferor (or authorized representative); if representative, attach authorization

BLOCK F -- CERTIFICATION OF TRANSFEREE

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

1. Signature of transferee (or authorized representative)

2. Date

3. Printed Name transferee (or authorized representative); if representative, attach authorization

Instructions
Application to Transfer
Amendment 80 QS

An Amendment 80 harvester who wishes to transfer Amendment 80 QS must submit a complete application that is approved by NMFS.

Non-severability of Amendment 80 QS.

An Amendment 80 QS holder may not transfer an Amendment 80 QS permit to another person unless all Amendment 80 QS units for all Amendment 80 species on that Amendment 80 QS permit are transferred in their entirety;

An Amendment 80 QS permit assigned to an Amendment 80 LLP license as an endorsement on that Amendment 80 LLP license may not be transferred separate from that Amendment 80 LLP license.

Transfers of an Amendment 80 QS permit.

A person holding an Amendment 80 QS permit assigned to an Amendment 80 vessel may transfer that Amendment 80 QS permit to another person only by submitting an application to transfer Amendment 80 QS permit that is approved by NMFS under the provisions of § 679.79(f).

Assigning an Amendment 80 QS permit to an Amendment 80 LLP license.

An Amendment 80 vessel owner holding an Amendment 80 QS permit assigned to an Amendment 80 vessel may transfer that Amendment 80 QS permit to the **Amendment 80 LLP license originally assigned to that Amendment 80 vessel** only by submitting an application to transfer an Amendment 80 QS permit that is approved by NMFS under the provisions of § 679.90(e).

Forms are available through the internet on the NMFS Alaska Region website at <http://www.fakr.noaa.gov>.

Type or print legibly in ink; retain a copy of completed application for your records.

Completed forms should be mailed or faxed to:

NMFS Alaska Region
Restricted Access Management
P.O. Box 21668
Juneau, AK 99802-1668

FAX: (907) 586-7354

If you need additional information, contact Restricted Access Management at **(800) 304-4846 (#2)** or **(907) 586-7202 (#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.

TYPE OF TRANSFER

Indicate the type of transfer for which transferor is applying:

Transfer an Amendment 80 QS permit to another person

An Amendment 80 QS holder may not transfer an Amendment 80 QS permit to another person unless all Amendment 80 QS units for all Amendment 80 species on that Amendment 80 QS permit are transferred in their entirety to the same person at the same time.

Transfer an Amendment 80 QS permit to the Amendment 80 LLP license originally assigned to that Amendment 80 vessel

Once an Amendment 80 QS permit is assigned to an Amendment 80 LLP license, that Amendment 80 LLP license is designated as an Amendment 80 LLP/QS license and a person may not separate the Amendment 80 QS permit from that Amendment 80 LLP/QS license.

BLOCK A -- IDENTIFICATION OF TRANSFEROR.

Name and NMFS Person ID of transferor
Date of incorporation or date of birth
Permanent business mailing address
Business telephone number, business fax number, and e-mail address (if available)

BLOCK B -- IDENTIFICATION OF TRANSFEREE

Name and NMFS Person ID of transferee
Date of incorporation or date of birth
Permanent business mailing address
Business telephone number, business fax number, and e-mail address (if available)

BLOCK C -- TRANSFERS OF AMENDMENT 80 QS PERMITS TO ANOTHER PERSON

If transferring an Amendment 80 QS permit assigned to an Amendment 80 vessel owner to another person, attach abstract of title or USCG documentation that clearly and unambiguously indicates that the Amendment 80 QS permit transferee is named on the abstract of title or USCG documentation as the owner of the Amendment 80 vessel to which that Amendment 80 QS permit would be assigned.

List the Amendment 80 QS permits to be transferred

BLOCK D -- TRANSFERS OF AMENDMENT 80 QS PERMITS TO AN AMENDMENT 80 LLP LICENSE

If transferring Amendment 80 QS assigned to an Amendment 80 vessel owner to the Amendment 80 LLP license originally assigned to that Amendment 80 vessel, provide clear and unambiguous written documentation that can be verified by NMFS that the Amendment 80 vessel for which that Amendment 80 LLP license was originally assigned is no longer able to be used in the Amendment 80 Program due to the actual total loss, constructive total loss, or permanent ineligibility of that vessel to receive a fishery endorsement under 46 U.S.C. 12108.

List the Amendment 80 QS permits to be transferred and the Amendment 80 LLP licenses to which the Amendment 80 QS will be transferred.

BLOCK E -- CERTIFICATION OF TRANSFEROR

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

BLOCK F -- CERTIFICATION OF TRANSFEREE

Signature of transferee (or authorized representative) and date signed
Printed Name of transferee (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, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

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<h2 style="margin: 0;">Application for the Amendment 80 Limited Access Fishery</h2>	<p>U.S. Dept. of Commerce/NOAA National Marine Fisheries Service Restricted Access Management P.O. Box 21668 Juneau, AK 99802-1668 Fax: 907-586-7354 Telephone: 800-304-4846 toll free / 586-7202 in Juneau</p>	
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An Amendment 80 limited access fishery permit is required for an Amendment 80 QS holder to catch, process, and receive Amendment 80 species assigned to the Amendment 80 limited access fishery, or use halibut and crab PSC assigned to the Amendment 80 limited access fishery.

An Amendment 80 limited access fishery permit is issued annually to an Amendment 80 QS holder who has submitted:

- A timely and complete application for the Amendment 80 limited access fishery as described at § 679.91(b)(4) that is approved by NMFS; and
- A timely and complete EDR for all Amendment 80 QS permits held by that person as required under § 679.94 that is subsequently approved by NMFS.

This application must be submitted annually and received by NMFS no later than 1700 hours Alaska local time (A.l.t.) on **November 1** of the year prior to the year for which the applicant wishes to participate in an Amendment 80 fishery; or if sent by U.S. mail, the application must be postmarked by that time.

BLOCK A -- APPLICANT IDENTIFICATION		
1. Applicant name	2. NMFS person ID	
3. Permanent business mailing address		
4. Business telephone number	5. Business fax number	6. E-mail address (if available)
BLOCK B -- AMENDMENT 80 VESSEL IDENTIFICATION		
Name of the Amendment 80 vessel owned by applicant	ADF&G number	
	USCG number	
Name of the Amendment 80 vessel owned by applicant	ADF&G number	
	USCG number	

BLOCK C – AMENDMENT 80 LLP IDENTIFICATION

List the Amendment 80 LLP license number(s) held by the applicant that will be used in Limited Access Fishery.

BLOCK D – AMEDNMENT 80 QS PERMIT INFORMATION

List the Amendment 80 QS permit number(s) held by the applicant that will be used in Limited Access Fishery.

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BLOCK E -- AMENDMENT 80 QS OWNERSHIP DOCUMENTATION

Provide the names of all persons, to the individual level, holding an ownership interest in the Amendment 80 QS Permit(s) held by the applicant and the percentage ownership each person and individual holds in the Amendment 80 QS Permit.

Name(s)	Percentage Ownership

BLOCK F -- EDR SUBMISSION

Indicate whether the applicant has submitted a timely and complete EDR for each Amendment 80 QS permit held by that person as required under § 679.94.

YES []

NO []

BLOCK G -- 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 a designated representative, then explicit authorization signed by the applicant must accompany the 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)

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, 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.*) as amended by Public Law 109-479; 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

**Instructions for Completion of the
Amendment 80 Limited Access Fishery Application**

This completed application must be received by NMFS no later than 1700 hours A.l.t. on **November 1** of the year prior to the year for which the applicant wishes to participate in an Amendment 80 fishery, or if sent by U.S. mail, the application must be postmarked by that time.

An Amendment 80 limited access fishery permit is required for an Amendment 80 QS holder to catch, process, and receive Amendment 80 species assigned to the Amendment 80 limited access fishery, or use halibut and crab PSC assigned to the Amendment 80 limited access fishery.

An Amendment 80 limited access fishery permit is issued annually to an Amendment 80 QS holder who has submitted:

- A timely and complete application for the Amendment 80 limited access fishery as described at § 679.91(b)(4) that is approved by NMFS; and
- A timely and complete EDR for all Amendment 80 QS permits held by that person as described under § 679.94 that is subsequently approved by NMFS.

An Amendment 80 limited access fishery permit is valid until whichever of the following occurs first:

- Until the end of the year for which the Amendment 80 limited access fishery permit is issued; or
- Until the permit is revoked, suspended, or modified pursuant to § 679.43 or under 15 CFR part 904.

A legible copy of the Amendment 80 limited access fishery permit must be carried onboard an Amendment 80 vessel assigned to the Amendment 80 limited access fishery when fishing in the BSAI or adjacent waters open by the State of Alaska for which it adopts a Federal fishing season.

Type or print legibly in ink; retain a copy of completed application for your records.

When completed, mail application to:

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

or fax to:

Fax Number: (907) 586-7354

or deliver to:

**709 West 9th Street, Room 713
Juneau, AK 99801**

If you need additional information, contact Restricted Access Management at **(800) 304-4846 (#2)** or **(907) 586-7202 (#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.

BLOCK A -- APPLICANT IDENTIFICATION

Applicant name and NMFS person ID
 Permanent business mailing address
 Business telephone number, business fax number, and e-mail address (if available)

BLOCK B -- AMENDMENT 80 VESSEL IDENTIFICATION

Name, ADF&G vessel registration number, and USCG number of the Amendment 80 vessel(s) owned by applicant that will be used in the limited access fishery.

BLOCK C – AMENDMENT 80 LLP IDENTIFICATION

List the Amendment 80 LLP license number(s) held by the applicant that will be used in the limited access fishery.

BLOCK D – AMENDMENT 80 QS PERMIT INFORMATION

List the Amendment 80 QS permit number(s) held by the applicant that will be used in the limited access fishery.

BLOCK E – AMENDMENT 80 OWNERSHIP DOCUMENTATION

- **Amendment 80 QS Permit Holder and Ownership Documentation**
- Full name and NMFS Person ID of all members of the Amendment 80 cooperative
- Amendment 80 QS Permit Number(s)
- Enter the names of all persons, to the individual level, holding an ownership interest in the Amendment 80 QS Permit Number(s) assigned to the Amendment 80 cooperative and the percentage ownership each person and individual holds in the Amendment 80 QS Permit(s).

If the Amendment 80 QS Permit Holder is a non-individual (i.e., a corporation, partnership or other entity), provide the names of, and the percentage of ownership held by, all of its owners. Information should be provided to the individual level. See example below:

Name of Owner	% Interest
Joe Potpuller	25%
Alice Potpuller	25%
LLP Family Holdings, Inc.	50%
C. A80QSholder	25% (of 50%)
R. A80QSholder	25% (of 50%)
A. A80QSholder	25% (of 50%)
B. A80QSholder	25% (of 50%)

BLOCK F – EDR SUBMISSION

Indicate (YES or NO) whether the applicant has submitted a timely and complete EDR for each Amendment 80 QS permit held by that person as required under § 679.94.

BLOCK G -- 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 a designated representative, then explicit authorization signed by the applicant must accompany the application.

Application for Amendment 80 Quota Share (QS)

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



This application must be completed and received by NMFS no later than 1700 hours Alaska local time Alaska local time (A.l.t.) on **October 15th**, or if sent by U.S. mail, postmarked by that time, for the applicant to be considered for initial issuance of Amendment 80 QS to participate in the program next calendar year. Only applicants that are determined to be eligible under 50 CFR 679.90(a)(2) will receive an initial allocation of Amendment 80 QS.

Indicate (Y) whether you are applying as (select only one):

The owner of an Amendment 80 vessel as defined in 50 CFR 679.2 and listed in Table 31 to 50 CFR Part 679. Review and Complete Blocks A, B, and C. Sign and date Block E.

The holder of an Amendment 80 LLP license originally assigned to an Amendment 80 vessel that is no longer able to be used in the Amendment 80 Program due to the actual total loss, constructive loss, or permanent ineligibility of that vessel. Review and Complete Blocks A, B, and D. Sign and date Block E.

Refer to application instructions for a list of Amendment 80 vessels and Amendment 80 LLP licenses.

BLOCK A -- APPLICANT IDENTIFICATION

1. Applicant name	2. NMFS person ID	
3. Permanent business mailing address		
4. Business telephone number	5. Business FAX number	6. e-mail address (if available)
7. Is applicant an individual U.S. citizen? <input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, enter date of birth:	
8. Is applicant a U.S. corporation, partnership, association, or other business entity? <input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, enter the date of incorporation;	
9. Is applicant a successor-in-interest to a deceased individual or to a non-individual no longer in existence? <input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, attach evidence of death or dissolution;	

BLOCK B -- AGREEMENT WITH AMENDMENT 80 OFFICIAL RECORD

- I AGREE with the Amendment 80 Official Record Summary** sent to me by NMFS. If you check this box, you are accepting the Amendment 80 Official Record. Proceed to Block E, sign the application, and return the application to NMFS.
- I DO NOT AGREE with the Amendment 80 Official Record Summary** sent to me by NMFS. Sign Block E and attach additional pages outlining the nature of your disagreement and provide documentation supporting your claims.
- I DID NOT RECEIVE an Amendment 80 Official Record Summary** from NMFS. I believe that I am eligible to receive an initial allocation of Amendment 80 QS. Complete Blocks C and/or D as applicable, signed Block E and provide documentation supporting your claims.

Regardless of your agreement or non-agreement with the Official Record, If you are applying for QS as the holder of an Amendment 80 LLP license originally assigned to an Amendment 80 vessel that cannot participate in the program due to the actual total loss, constructive loss, or permanent ineligibility of that vessel you must complete Block D and provide the required documentation described in that block.

BLOCK C – OWNER OF AMENDMENT 80 VESSEL

For an applicant claiming Amendment 80 legal landings associated with an Amendment 80 vessel, enter the following information for each Amendment 80 vessel. You may be required to provide documentation, such as an abstract of title or U.S. Coast Guard Certificate of Documentation, establishing your ownership of each Amendment 80 vessel for which you are applying for Amendment 80 QS.

Vessel Name	LLP No.	ADF&G No.	USCG No.
Vessel Name	LLP No.	ADF&G No.	USCG No.
Vessel Name	LLP No.	ADF&G No.	USCG No.

BLOCK D – HOLDER OF AMENDMENT 80 LLP LICENSE

The holder of an Amendment 80 LLP license may only receive an initial allocation of Amendment 80 QS if an Amendment 80 vessel(s) originally assigned to the Amendment 80 LLP license(s) listed below is no longer able to participate in the Amendment 80 Program due to actual total loss, total constructive loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108. If the Amendment 80 vessel does not fit these requirements, the Amendment 80 QS derived from that vessel’s catch must be applied for by the owner of the vessel.

List each Amendment 80 LLP license for which you are applying for Amendment 80 QS, the Amendment 80 vessel originally assigned to each license, and

attach clear and unambiguous documentation in written form that the Amendment 80 vessel has suffered an actual total loss, total constructive loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108.

if the holder of the LLP license is not the same person(s) who owns the Amendment 80 vessel, attach a copy of the express terms of a written contract held by the applicant that clearly and unambiguously indicates that the owner of the Amendment 80 vessel that has suffered an actual total loss, total constructive loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108 has transferred all rights and privileges to use Amendment 80 legal landings and any resulting Amendment 80 QS or exclusive harvest privilege from that Amendment 80 vessel to the person holding the Amendment 80 LLP license originally assigned to that Amendment 80 vessel.

Amendment 80 LLP No.	Amendment 80 Vessel Originally Assigned		
	Name	ADF&G No.	USCG No.

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

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, 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.*) as amended by Public Law 109-479; 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act. They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

**Instructions for Completion of
Application For Amendment 80 Quota Share**

A person who wishes to receive an Amendment 80 QS permit must submit a timely and complete application for Amendment 80 QS. Once a person submits a timely and complete application for Amendment 80 QS that is approved by NMFS, an application for Amendment 80 QS is not required to be resubmitted.

A completed application to receive an Amendment 80 QS permit must be received by NMFS no later than 1700 hours A.I.t. on **October 15th** or if sent by U.S. mail, postmarked by that time. Applications received after October 15th will be processed, however, those applicants will not be eligible to participate in the Amendment 80 Program during the upcoming calendar year. For example, an applicant who submits an Application For Amendment 80 Quota Share after October 15, 2007 and is found eligible to receive an Amendment 80 QS permit would not be eligible to participate in the Amendment 80 Program until 2009.

Forms are available through the internet on the NMFS Alaska Region website at <http://www.fakr.noaa.gov>.

This application may be submitted to NMFS using the following methods:

By mail: **NMFS Regional Administrator**
 c/o Restricted Access Management Program
 P.O. Box 21668
 Juneau, AK 99802-1668;

By fax: **(907) 586-7354; or**

Hand Delivery or Carrier:
 Room 713
 709 West 9th Street
 Juneau, AK 99801.

Type or print legibly in ink; retain a copy of completed application for your records.

If you need additional information, contact Restricted Access Management at **(800) 304-4846 (#2)** or **(907) 586-7202 (#2)**.

A completed application must contain the following information:

First, indicate whether the applicant is applying

- (1) As the owner of an Amendment 80 vessel (Complete Blocks A, B, C and E)
- (2) As the holder of an Amendment 80 LLP license originally assigned to an Amendment 80 vessel that is no longer able to be used in the Amendment 80 Program due to the actual total loss, constructive loss, or permanent ineligibility of that vessel (Complete Blocks A, B, D and E).

The following table, from Table 31 to 50 CFR Part 679, lists each Amendment 80 vessel and the Amendment 80 LLP license originally assigned to that vessel.

<u>Column A:</u> Name of Amendment 80 vessel	<u>Column B:</u> USCG Documentation No.	<u>Column C:</u> LLP license number originally assigned to the Amendment 80 vessel
ALASKA JURIS	569276	LLG 2082
ALASKA RANGER	550138	LLG 2118
ALASKA SPIRIT	554913	LLG 3043
ALASKA VOYAGER	536484	LLG 2084
ALASKA VICTORY	569752	LLG 2080
ALASKA WARRIOR	590350	LLG 2083
ALLIANCE	622750	LLG 2905
AMERICAN NO. 1	610654	LLG 2028
ARCTIC ROSE	931446	LLG 3895
ARICA	550139	LLG 2429
BERING ENTERPRISE	610869	LLG 3744
CAPE HORN	653806	LLG 2432
CONSTELLATION	640364	LLG 1147
DEFENDER	665983	LLG 3217
ENTERPRISE	657383	LLG 4831 ¹
GOLDEN FLEECE	609951	LLG 2524
HARVESTER ENTERPRISE	584902	LLG 3741
LEGACY	664882	LLG 3714
OCEAN ALASKA	623210	LLG 4360
OCEAN PEACE	677399	LLG 2138
PROSPERITY	615485	LLG 1802
REBECCA IRENE	697637	LLG 3958
SEAFISHER	575587	LLG 2014
SEAFREEZE ALASKA	517242	LLG 4692
TREMONT	529154	LLG 2785
U.S. INTREPID	604439	LLG 3662
UNIMAK	637693	LLG 3957
VAERDAL	611225	LLG 1402

¹ LLG 4831 is the LLP license originally assigned to the F/V ENTERPRISE, USCG Documentation Number 657383 for all relevant purposes of this part.

BLOCK A. APPLICANT IDENTIFICATION

Applicant's name and NMFS person ID (if applicable); all owners of the vessel or the LLP license must be listed. Permanent business mailing address.

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

Indicate (YES or NO) if the applicant is a U.S. citizen; if YES, enter his or her date of birth.

Indicate (YES or NO) if the applicant is a U.S. corporation, partnership, association, or other business entity if YES, enter the date of incorporation.

Indicate (YES or NO) if the applicant is a successor-in-interest to a deceased individual or to a non-individual no longer in existence; if YES attach evidence of death or dissolution.

BLOCK B. AGREEMENT WITH AMENDMENT 80 OFFICIAL RECORD

Select the statement in Block B that best represents your application:

- **I AGREE with the Amendment 80 Official Record Summary** sent to me by NMFS. If you check this box, you are accepting the Amendment 80 Official Record. Proceed to Block E, sign the application, and return the application to NMFS.
- **I DO NOT AGREE with the Amendment 80 Official Record Summary** sent to me by NMFS. Sign Block E, attach additional pages outlining the nature of your disagreement and provide documentation supporting your claims.
- **I DID NOT RECEIVE an Amendment 80 Official Record Summary** from NMFS. I believe that I am eligible to receive an initial allocation of Amendment 80 QS. Complete Blocks C and/or D as applicable, sign Block E and provide documentation supporting your claims

If you received more than one Amendment 80 Official Record Summary, and you do not agree with all Amendment 80 Official Record Summaries sent to you, mark the box that you Do Not Agree, and identify in your attached documentation which Amendment 80 Official Record Summaries with which you disagree.

If you did not receive an Amendment 80 Official Record Summary you must complete all block on the application that pertain to your situation.

BLOCK C. OWNER OF AMENDMENT 80 VESSEL

For an applicant claiming Amendment QS as the owner of an Amendment 80 vessel enter the following information for **each** Amendment 80 vessel. You may be required to provide documentation, such as an abstract of title or U.S. Coast Guard Certificate of Documentation, establishing your ownership of each Amendment 80 vessel for which you are applying for Amendment 80 QS.

USCG documentation numbers of vessel.

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

LLP licenses held by that person at the time of application.

BLOCK D. HOLDER OF AMENDMENT 80 LLP

The holder of an Amendment 80 LLP license may only receive an initial allocation of Amendment 80 QS if the Amendment 80 vessel(s) originally assigned to the Amendment 80 LLP license(s) listed below is no longer able to participate in the Amendment 80 Program due to the actual total loss, constructive loss, or permanent

ineligibility of the vessel. If the Amendment 80 vessel does not fit these requirements, the Amendment 80 QS derived from that vessel's catch must be applied for by the owner of the vessel.

List each Amendment 80 LLP license for which you are applying for Amendment 80 QS, the Amendment 80 vessel originally assigned to each license, and

- attach documentation that was submitted by the Amendment 80 vessel owner of an Amendment 80 vessel that has suffered an actual total loss, total constructive loss, or is permanently ineligible to participate in the Amendment 80 Program.
- If the holder of the LLP license is not the same person(s) who own the Amendment 80 vessel, attach a copy of the express terms of a written contract held by the applicant that clearly and unambiguously provides that the owner of the Amendment 80 vessel has transferred all eligibility to participate in the Amendment 80 Program based on the legal Amendment 80 landings from that Amendment 80 vessel to the person holding the Amendment 80 LLP license originally assigned to that Amendment 80 vessel.

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 a designated representative, then explicit authorization for the designated representative signed by the applicant must accompany the application.

e-CFR Data is current as of May 28, 2010

Title 50: Wildlife and Fisheries

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

Subpart A—General

[Browse Previous](#) | [Browse Next](#)

§ 679.5 Recordkeeping and reporting (R&R).

* * * * *

(s) Amendment 80 Program —

(1) General. The owners and operators of Amendment 80 vessels must comply with the applicable recordkeeping and reporting requirements of this section. All owners of Amendment 80 vessels must ensure that their designated representatives or employees comply with all applicable recordkeeping and reporting requirements.

(2) Logbook-DCPL. Operators of Amendment 80 vessels must use a daily cumulative production logbook for trawl gear as described in paragraph (a) of this section to record Amendment 80 Program landings and production.

(3) Check-in/check-out report, processors. Operators or managers of an Amendment 80 vessel must submit check-in/check-out reports as described in paragraph (h) of this section.

(4) Production report. Operators of Amendment 80 vessels that use a DCPL must submit a production report as described in paragraph (e)(10) of this section.

(5) Product transfer report (PTR), processors. Operators of Amendment 80 vessels must submit a PTR as described in paragraph (g) of this section.

(6) Annual Amendment 80 cooperative report —

(i) Applicability. An Amendment 80 cooperative issued a CQ permit must submit annually to the Regional Administrator an Amendment 80 cooperative report detailing the use of the cooperative's CQ.

(ii) Time limits and submittal.

(A) The annual Amendment 80 cooperative report must be submitted to the Regional Administrator by an electronic data file in a NMFS-approved format; by fax: 907-586-7557; or by mail sent to the Regional Administrator, NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668; and

(B) The annual Amendment 80 cooperative report for fishing activities under a CQ permit issued for the prior calendar year must be received by the Regional Administrator not later than 1700 hours A.l.t. on March 1 of each year.

(iii) Information required. The annual Amendment 80 cooperative report must include at a minimum:

(A) The cooperative's actual retained and discarded catch of CQ and GOA sideboard limited fisheries (if applicable) by statistical area and on a vessel-by-vessel basis;

(B) A description of the method used by the cooperative to monitor fisheries in which cooperative vessels participated; and

(C) A description of any actions taken by the cooperative against specific members in response to a member that exceeded the amount of CQ that the member was assigned to catch for the Amendment 80 cooperative.

(7) Vessel monitoring system (VMS) requirements (see §679.28(f)).

e-CFR Data is current as of May 28, 2010

Title 50: Wildlife and Fisheries

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

Subpart H—Amendment 80 Program

[Browse Next](#)

§ 679.90 Allocation, use, and transfer of Amendment 80 QS permits.

Regulations under this subpart were developed by NMFS to implement the Amendment 80 Program. Additional regulations that implement specific portions of the Amendment 80 Program are set out at §679.2 Definitions, §679.4 Permits, §679.5 Recordkeeping and reporting (R&R), §679.7 Prohibitions, §679.20 General limitations, §679.21 Prohibited species bycatch management, §679.27 Improved Retention/Improved Utilization Program, §679.28 Equipment and operational requirements, §679.31 CDQ and PSQ reserves, §679.50 Groundfish Observer Program applicable through December 31, 2007, and §679.64 Harvesting sideboard limits in other fisheries.

(a) *Issuance of Amendment 80 QS permits* —

(1) *General.* NMFS will issue an Amendment 80 QS permit to a person who is eligible to receive Amendment 80 QS units as described in paragraph (a)(2) of this section and based on:

- (i) The information contained in an approved application for Amendment 80 QS as described in paragraph (b) of this section;
- (ii) The information contained in the Amendment 80 official record as described in paragraph (c) of this section;
- (iii) The Amendment 80 QS permit allocation procedures as described in paragraph (d) of this section; and

(iv) In consideration of any use caps as described in §679.92(a).

(2) *Eligibility to receive an Amendment 80 QS permit*

(i) *Owner of an Amendment 80 vessel.* A person may receive an Amendment 80 QS permit based on the legal landings of an Amendment 80 vessel if:

(A) That person owns that Amendment 80 vessel at the time of application for Amendment 80 QS as demonstrated on an abstract of title or USCG documentation;

(B) That person holds an Amendment 80 LLP license at the time of application for Amendment 80 QS;

(C) That person is a U.S. citizen;

(D) That person submits a timely application for Amendment 80 QS that is approved by NMFS as described in paragraph (b) of this section; and

(E) A person is not eligible to receive an Amendment 80 QS permit based on the legal landings of that Amendment 80 vessel under the provisions of paragraph (a)(2)(ii) of this section.

(ii) *Holder of an Amendment 80 LLP license.* A person may receive an Amendment 80 QS permit based on the legal landings of an Amendment 80 vessel if:

(A) At the time of application for Amendment 80 QS that person holds the LLP license originally assigned to that Amendment 80 vessel and that Amendment 80 vessel has suffered an actual total loss, constructive

total loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108;

(B) The actual total loss, constructive total loss, or permanent ineligibility of that Amendment 80 vessel to receive a fishery endorsement under 46 U.S.C. 12108 has been clearly and unambiguously established and documented in written form in the application for Amendment 80 QS and that documentation is accepted by NMFS;

(C) The express terms of a written contract clearly and unambiguously provide that the owner(s) of that Amendment 80 vessel transferred all rights and privileges to use the Amendment 80 legal landings from that Amendment 80 vessel to the person holding the LLP license originally assigned to that Amendment 80 vessel;

(D) That person is a U.S. citizen; and

(E) That person has submitted a timely application for Amendment 80 QS that is approved by NMFS as described in paragraph (b) of this section.

(b) *Application for Amendment 80 QS* —

(1) *Submission.* A person who wishes to receive an Amendment 80 QS permit must submit a timely and complete application for Amendment 80 QS. Once a person submits a timely and complete application for Amendment 80 QS that is approved by NMFS, an application for Amendment 80 QS is not required to be resubmitted. An application for Amendment 80 QS may only be submitted to NMFS using any one of the following methods:

(i) *Mail:* Regional Administrator, c/o Restricted Access Management Program, NMFS, P.O. Box 21668, Juneau, AK 99802–1668;

(ii) *Fax:* 907–586–7354; or

(iii) *Hand delivery or carrier:* NMFS, Room 713, 709 West 9th Street, Juneau, AK 99801.

(2) *Application forms.* Application forms are available through the internet on the NMFS Alaska Region Web site at <http://www.fakr.noaa.gov>, or by contacting NMFS at 800–304–4846, Option 2.

(3) *Deadline.* A completed application for Amendment 80 QS must be received by NMFS no later than 1700

hours A.l.t. on October 15 of the year prior to the fishing year for which the applicant is applying, or if sent by U.S. mail, postmarked by that time.

Applications received or postmarked after the deadline will not be eligible to receive an Amendment 80 QS permit for the upcoming fishing year.

(4) *Contents of application.* A completed application must contain the following information:

(i) *Applicant identification.*

(A) The applicant's name, NMFS person ID (if applicable), tax ID number, permanent business mailing address, business telephone number, business fax number, and e-mail (if available);

(B) Indicate (YES or NO) if the applicant is a U.S. citizen; if YES, enter his or her date of birth;

(C) Indicate (YES or NO) if the applicant is a U.S. corporation, partnership, association, or other business entity; if YES, enter the date of incorporation;

(D) Indicate (YES or NO) if the applicant is a successor-in-interest to a deceased individual or to a non-individual no longer in existence, if YES attach evidence of death or dissolution;

(E) Indicate whether the applicant is applying as the owner of an Amendment 80 vessel or the holder of an LLP license originally assigned to an Amendment 80 vessel;

(F) For an applicant claiming Amendment 80 legal landings associated with an Amendment 80 vessel, enter the following information for each Amendment 80 vessel: USCG documentation number of vessel on which Amendment 80 legal landings were caught and processed, vessel name, ADF&G vessel registration number, and LLP license held by that person at the time of application;

(G) If an Amendment 80 vessel has suffered an actual total loss, constructive total loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108, provide clear and unambiguous documentation in written form that the Amendment 80 vessel has suffered an actual total loss, constructive total loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108; and

(H) If applicable, a copy of the express terms of a written contract held by the applicant that clearly and

unambiguously indicates that the owner of the Amendment 80 vessel that has suffered has an actual total loss, constructive total loss, or is permanently ineligible to receive a fishery endorsement under 46 U.S.C. 12108 has transferred all rights and privileges to use Amendment 80 legal landings and any resulting Amendment 80 QS or exclusive harvest privilege from that Amendment 80 vessel to the person holding the LLP license originally assigned to that Amendment 80 vessel.

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

(5) *Application evaluation.* The Regional Administrator will evaluate applications received as specified in this paragraph (b)(5) of this section and compare all claims in an application with the information in the Amendment 80 official record. Application claims that are consistent with information in the Amendment 80 official record will be approved by the Regional Administrator. Application claims that are inconsistent with the Amendment 80 official record, unless verified by documentation, will not be approved. An applicant who submits inconsistent claims, or an applicant who fails to submit the information specified in paragraph (b)(4) of this section, will be provided a single 30-day evidentiary period in which to submit the specified information, submit evidence to verify his or her inconsistent claims, or submit a revised application with claims consistent with information in the Amendment 80 official record. An applicant who submits claims that are inconsistent with information in the Amendment 80 official record has the burden of proving that the submitted claims are correct. Any claims that remain inconsistent or that are not accepted after the 30-day evidentiary period will be denied, and the applicant will be notified by an IAD of his or her appeal rights under §679.43.

(6) *Appeals.* If an applicant is notified by an IAD that inconsistent claims made by the applicant have been denied, that applicant may appeal that IAD under the provisions described at §679.43.

(c) *Amendment 80 official record* —

(1) *Use of the Amendment 80 official record.* The Amendment 80 official record will contain all

information used by the Regional Administrator to determine eligibility to participate in the Amendment 80 Program, assign QS, and any other privileges or limits for the Amendment 80 Program.

(2) *Amendment 80 official record presumed to be correct.* The Amendment 80 official record is presumed to be correct. An applicant to participate in the Amendment 80 Program has the burden to prove otherwise.

(3) *Documentation is used to establish the amount of Amendment 80 legal landings.* Only Amendment 80 legal landings as defined in §679.2 will be used to assign Amendment 80 QS units to an Amendment 80 QS permit unless an Amendment 80 vessel has no Amendment 80 legal landings, in which case Amendment 80 QS units will be allocated to the Amendment 80 QS permit derived from that Amendment 80 vessel according to the procedures established under paragraphs (d)(1)(iii) and (iv) of this section.

(4) *Assignment of Amendment 80 legal landings.* An Amendment 80 legal landing is assigned only to the Amendment 80 vessel that was used to make that Amendment 80 legal landing.

(d) *Assigning an Amendment 80 QS permit to an Amendment 80 QS holder* —

(1) Amendment 80 QS units derived from an Amendment 80 vessel and issued to an Amendment 80 QS holder. NMFS will assign a specific amount of Amendment 80 QS units to each Amendment 80 QS permit based on the Amendment 80 legal landings of each Amendment 80 vessel for each Amendment 80 species in each management area for that Amendment 80 species as listed in Table 32 to this part, using information from the Amendment 80 official record according to the following procedures:

(i) *All Amendment 80 species.*

(A) For each Amendment 80 species, sum the Amendment 80 legal landings for each Amendment 80 vessel in all management areas for that Amendment 80 species listed in Table 32 to this part for each calendar year from 1998 through 2004.

(B) Select the five calendar years that yield the highest amount of Amendment 80 legal landings of that Amendment 80 species in all management areas for

that Amendment 80 species listed in Table 32 to this part, including zero metric tons if necessary.

(C) Sum the Amendment 80 legal landings of the highest five years for an Amendment 80 species. This yields the Highest Five Years for that Amendment 80 species.

(D) Divide the Highest Five Years for an Amendment 80 species in paragraph (d)(1)(i)(C) of this section for an Amendment 80 vessel by the sum of all Highest Five Years for all Amendment 80 vessels for that Amendment 80 species based on the Amendment 80 official record for that Amendment 80 species as presented in the following equation:

$$\text{Highest Five Years} / \Sigma \text{ All Highest Five Years} \times 100 = \text{Percentage of the Total.}$$

The result (quotient) of this equation is the Percentage of the Total for that Amendment 80 vessel for that Amendment 80 species.

(ii) *Aleutian Islands Pacific ocean perch and BSAI Pacific cod.* Multiply the Percentage of the Total for that Amendment 80 vessel for Aleutian Islands Pacific ocean perch and BSAI Pacific cod as calculated in paragraph (d)(1)(i)(D) of this section by the Amendment 80 initial QS pool for Aleutian Islands Pacific ocean perch and BSAI Pacific cod as set forth in Table 32 to this part. This yields the number of Amendment 80 QS units for that Amendment 80 vessel for Aleutian Islands Pacific ocean perch and BSAI Pacific cod Pacific cod.

(iii) *BSAI rock sole and BSAI yellowfin sole.*

(A) If an Amendment 80 vessel did not have any Amendment 80 legal landings during 1998 through 2004, that Amendment 80 vessel will receive 0.5 percent of the Percentage of the Total for BSAI rock sole and BSAI yellowfin sole as calculated in paragraph (d)(1)(i)(D) of this section.

(B) All Amendment 80 vessels that did have Amendment 80 legal landings will have the Percentage of the Total assigned to that Amendment 80 vessel as calculated in paragraph (d)(1)(i)(D) of this section adjusted to account for the assignment of the Percentage of the Total to Amendment 80 vessels under paragraph (d)(1)(iii)(A) of this section for BSAI rock sole and BSAI yellowfin sole as presented in the following equation:

$$\text{Percentage of the Total for that Amendment 80 vessel} \times (100 - \Sigma \text{ Percentage of the Total assigned to all Amendment 80 vessels under paragraph (d)(1)(iii)(A) of this section}) = \text{Adjusted Percentage of the Total for that Amendment 80 vessel.}$$

(C) Multiply the Adjusted Percentage of the Total for that Amendment 80 vessel by the Amendment 80 initial QS pool for BSAI rock sole and BSAI yellowfin sole as set forth in Table 32 to this part. This yields the number of Amendment 80 QS units for that Amendment 80 vessel for BSAI rock sole or BSAI yellowfin sole.

(iv) *BSAI flathead sole.*

(A) If an Amendment 80 vessel did not have any Amendment 80 legal landings during 1998 through 2004, that Amendment 80 vessel will receive 0.1 percent of the Percentage of the Total for BSAI flathead sole as calculated in paragraph (d)(1)(i)(D) of this section.

(B) All Amendment 80 vessels that did have Amendment 80 legal landings during 1998 through 2004 will have the Percentage of the Total assigned to that Amendment 80 vessel as calculated in paragraph (d)(1)(i)(D) of this section adjusted to account for the assignment of the Percentage of the Total to Amendment 80 vessels under paragraph (d)(1)(iv)(A) of this section for BSAI flathead sole as presented in the following equation:

$$\text{Percentage of the Total for that Amendment 80 vessel} \times (100 - \Sigma \text{ Percentage of the Total assigned to all Amendment 80 vessels under paragraph (d)(1)(iv)(A) of this section}) = \text{Adjusted Percentage of the Total for that Amendment 80 vessel.}$$

(C) Multiply the Adjusted Percentage of the Total for that Amendment 80 vessel by the Amendment 80 initial QS pool for BSAI flathead sole as set forth in Table 32 to this part. This yields the number of Amendment 80 QS units for that Amendment 80 vessel for BSAI flathead sole.

(v) *BSAI Atka mackerel.*

(A) Multiply the Percentage of the Total for that Amendment 80 vessel as calculated in paragraph (d)(1)(i)(D) of this section by the Amendment 80 initial QS pool for BSAI Atka mackerel as set forth in Table 32 to this part. This yields the number of Amendment

80 QS units for that Amendment 80 vessel for BSAI Atka mackerel.

(B) If an Amendment 80 vessel is an Amendment 80 non-mackerel vessel, determine the percentage of the Amendment 80 QS pool that is assigned to each Atka mackerel management area listed in Table 32 to this part in each year from 1998 through 2004 for that Amendment 80 non-mackerel vessel based on the percentage of Amendment 80 legal landings in that Atka mackerel management area from 1998 through 2004 for that Amendment 80 non-mackerel vessel.

(C) The sum of the Amendment 80 QS units allocated to all Amendment 80 non-mackerel vessels is the Total Amendment 80 non-mackerel QS pool.

(D) The sum of the Amendment 80 QS units allocated to all Amendment 80 mackerel vessels is the Total Amendment 80 mackerel QS pool.

(2) *Assigning Amendment 80 QS units to an Amendment 80 permit.* Once the Regional Administrator determines the amount of Amendment 80 QS units to be issued for an Amendment 80 species derived from an Amendment 80 vessel based on the criteria described in paragraphs (b) through (d) of this section, NMFS will assign that amount of Amendment 80 QS units for each Amendment 80 species as an Amendment 80 QS permit to the Amendment 80 QS holder as follows:

(i) *Amendment 80 vessel owner.* NMFS will issue an Amendment 80 QS permit for each Amendment 80 vessel to the owner of that Amendment 80 vessel if that person submitted a timely and complete Application for Amendment 80 QS that was approved by NMFS under paragraph (a)(2)(i) of this section; or

(ii) *Amendment 80 LLP/QS license.* NMFS will issue an Amendment 80 QS permit as an endorsement on an Amendment 80 LLP license to the holder of an LLP license originally assigned to an Amendment 80 vessel if that person submitted a timely and complete Application for Amendment 80 QS that was approved by NMFS under paragraph (a)(2)(ii) of this section.

(e) *Transfers of Amendment 80 QS permits* —

(1) *Non-severability of Amendment 80 QS permits.*

(i) An Amendment 80 QS holder may not transfer an Amendment 80 QS permit to another person unless all Amendment 80 QS units for all Amendment 80 species

on that Amendment 80 QS permit are transferred in their entirety to the same person at the same time; and

(ii) Once an Amendment 80 QS permit is assigned to an Amendment 80 LLP license, that Amendment 80 LLP license is designated as an Amendment 80 LLP/QS license and a person may not separate the Amendment 80 QS permit from that Amendment 80 LLP/QS license.

(2) *Transfer of an Amendment 80 LLP/QS license.* A person holding an Amendment 80 LLP/QS license may transfer that Amendment 80 LLP/QS license to another person only under the provisions of §679.4(k)(7).

(3) *Transfers of Amendment 80 QS permits.* A person holding an Amendment 80 QS permit assigned to an Amendment 80 vessel may transfer that Amendment 80 QS permit to another person only by submitting an application to transfer Amendment 80 QS permit that is approved by NMFS under the provisions of paragraph (f) of this section.

(4) *Assigning an Amendment 80 QS permit to an Amendment 80 LLP license.* An Amendment 80 vessel owner holding an Amendment 80 QS permit assigned to an Amendment 80 vessel may transfer that Amendment 80 QS permit to the LLP license originally assigned to that Amendment 80 vessel only by submitting an application to transfer an Amendment 80 QS permit that is approved by NMFS under the provisions of paragraph (f) of this section.

(f) *Application to transfer an Amendment 80 QS permit* —

(1) *General.* An Amendment 80 QS holder who wishes to transfer an Amendment 80 QS permit must submit a complete application that is approved by NMFS. This application may only be submitted to NMFS using any one of the following methods:

(i) *Mail:* Regional Administrator, c/o Restricted Access Management Program, NMFS, P.O. Box 21668, Juneau, AK 99802-1668;

(ii) *Fax:* 907-586-7354; or

(iii) *Hand delivery or carrier:* NMFS, Room 713, 709 West 9th Street, Juneau, AK 99801.

(2) *Application forms.* Application forms are available through the internet on the NMFS Alaska Region Web

site at <http://www.fakr.noaa.gov>, or by contacting NMFS at 800-304-4846, Option 2.

(3) *Application* —

(i) *Transferor information* —

(A) *Transferor identification.* The transferor's name, NMFS person ID (if applicable), tax ID number, date of incorporation or date of birth, permanent business mailing address, business telephone number, fax number, and e-mail (if available).

(B) *Type of transfer.*

(1) Indicate whether the transferor is applying to transfer an Amendment 80 QS permit to another person; or

(2) Indicate whether the transferor is applying to transfer an Amendment 80 QS permit to the LLP license originally assigned to that Amendment 80 vessel as listed in Table 31 to this part.

(C) *Amendment 80 QS permit.* Indicate the Amendment 80 QS permit to be transferred.

(D) *Information for transfers of Amendment 80 QS permit to another person.* If transferring an Amendment 80 QS permit assigned to an Amendment 80 vessel owner to another person, attach abstract of title or USCG documentation that clearly and unambiguously indicates that the Amendment 80 QS permit transferee is named on the abstract of title or USCG documentation as the owner of the Amendment 80 vessel to which that Amendment 80 QS permit would be assigned.

(E) *Information for transfers of Amendment 80 QS permits to an Amendment 80 LLP license.* If transferring Amendment 80 QS assigned to an Amendment 80 vessel owner to the LLP license originally assigned to that Amendment 80 vessel, provide clear and unambiguous written documentation that can be verified by NMFS that the Amendment 80 vessel for which that Amendment 80 LLP license was originally assigned is no longer able to be used in the Amendment 80 Program due to the actual total loss, constructive total loss, or permanent ineligibility of that vessel to receive a fishery endorsement under 46 U.S.C. 12108.

(F) *Certification of transferor.* The transferor 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.

(ii) *Transferee information* —

(A) *Transferee identification.* The transferee's name, NMFS person ID (if applicable), tax ID number, date of incorporation or date of birth, permanent business mailing address, business telephone number, fax number, and e-mail (if available).

(B) *Certification of transferee.* The transferee 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.

e-CFR Data is current as of May 28, 2010

Title 50: Wildlife and Fisheries

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

Subpart H—Amendment 80 Program

[Browse Previous](#) | [Browse Next](#)

§ 679.91 Amendment 80 Program annual harvester privileges.

(a) *Assigning an Amendment 80 QS permit to an Amendment 80 cooperative or Amendment 80 limited access fishery —*

(1) *General.*

(i) Each calendar year, each Amendment 80 QS permit, associated Amendment 80 vessel, and Amendment 80 LLP license must be assigned to an Amendment 80 cooperative or the Amendment 80 limited access fishery in order to use that Amendment 80 QS permit, associated Amendment 80 vessel, and Amendment 80 LLP license to catch, process, or receive Amendment 80 species, crab PSC, or halibut PSC assigned to the Amendment 80 sector.

(ii) NMFS will assign an Amendment 80 QS permit(s), associated Amendment 80 vessel(s), and Amendment 80 LLP license(s) held by an Amendment 80 QS holder to an Amendment 80 cooperative if that Amendment 80 QS permit(s), associated Amendment 80 vessel(s), and Amendment 80 LLP license(s) is designated on an application for CQ that is approved by the Regional Administrator as described under paragraph (b) of this section.

(iii) NMFS will assign an Amendment 80 QS permit(s), associated Amendment 80 vessel(s), and Amendment 80 LLP license(s) held by an Amendment 80 QS holder to the Amendment 80 limited access fishery if that Amendment 80 QS permit(s), associated Amendment 80 vessel(s), and Amendment 80 LLP license(s) is assigned to the Amendment 80 limited access fishery.

(2) *Amendment 80 QS permits issued after issuance of CQ or ITAC.* Any Amendment 80 QS permits, or Amendment 80 QS units on an Amendment 80 QS permit, assigned to an Amendment 80 QS holder after NMFS has issued CQ or ITAC to the Amendment 80 sector for a calendar year will not result in any additional:

(i) CQ being issued to an Amendment 80 cooperative if that Amendment 80 QS holder has assigned his Amendment 80 QS permit(s) to an Amendment 80 cooperative for that calendar year; or

(ii) ITAC being issued to the Amendment 80 limited access fishery if that Amendment 80 QS holder has assigned his Amendment 80 QS permit(s) to the Amendment 80 limited access fishery for that calendar year.

(3) *Failure to submit an application for an Amendment 80 fishery.*

(i) If an Amendment 80 QS permit is not designated on a timely and complete application for CQ that is approved by the Regional Administrator as described under paragraph (b) of this section, the Regional Administrator will not assign that Amendment 80 QS permit, associated Amendment 80 vessel, or Amendment 80 LLP license to an Amendment 80 cooperative for the applicable calendar year.

(ii) The Regional Administrator will assign an Amendment 80 QS permit, associated Amendment 80 vessel, or Amendment 80 LLP license to the Amendment 80 limited access fishery for the

applicable calendar year if that Amendment 80 QS permit, associated Amendment 80 vessel, or Amendment 80 LLP license is designated on a timely and complete application for an Amendment 80 limited access fishery, or if that Amendment 80 QS permit, associated Amendment 80 vessel, or Amendment 80 LLP license is not designated on a timely and complete application for CQ that is approved by the Regional Administrator as described under paragraph (b) of this section.

(b) Application for CQ and Application for the Amendment 80 limited access fishery —

(1) *General.* An application for CQ or an application for the Amendment 80 limited access fishery may only be submitted to NMFS using any one of the following methods:

(i) *Mail:* Regional Administrator, c/o Restricted Access Management Program, NMFS, P.O. Box 21668, Juneau, AK 99802–1668;

(ii) *Fax:* 907–586–7354; or

(iii) *Hand delivery or carrier:* NMFS, Room 713, 709 West 9th Street, Juneau, AK 99801.

(iv) *Electronic:* <http://alaskafisheries.noaa.gov> .

(2) *Application forms .* 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.

(3) *Deadline.* A completed application must be received by NMFS no later than 1700 hours A.l.t. on November 1 of the year prior to the calendar year for which the applicant is applying, or if sent by U.S. mail, the application must be postmarked by that time.

(4) Application for CQ —

(i) *Amendment 80 cooperative identification.* The Amendment 80 cooperative's legal name; tax ID number, the type of business entity under which the Amendment 80 cooperative is organized; the state in which the Amendment 80 cooperative is legally registered as a business entity; permanent business address; business telephone number; business fax number; e-mail address (if available); and printed name of the Amendment 80 cooperative's designated representative.

(ii) *Identification of Amendment 80 QS permit holders and ownership documentation.* Full name of each Amendment 80 cooperative member; NMFS person ID of each member; Amendment 80 QS permit number(s), the names of all persons, to the individual level, holding an ownership interest in the Amendment 80 QS permit(s) assigned to the Amendment 80 cooperative and the percentage ownership each person and individual holds in the Amendment 80 QS permit(s).

(iii) *Identification of Amendment 80 cooperative member vessels and Amendment 80 LLP licenses.* Vessel name; ADF&G vessel registration number; USCG documentation number; and Amendment 80 LLP license number.

(iv) *Identification of vessels on which the CQ issued to the Amendment 80 cooperative will be used.* Vessel name, ADF&G vessel registration number, and USCG documentation number.

(v) *EDR submission.* For 2009 and thereafter, indicate (YES or NO) whether each member of the Amendment 80 cooperative has submitted a timely and complete EDR for each Amendment 80 QS permit held by that person as required under §679.94.

(vi) *Certification of cooperative authorized representative.* The cooperative's authorized representative must sign and date the application certifying that all information is true, correct, and complete to the best of his or her knowledge and belief. Explicit authorization to complete the application on behalf of the members of the cooperative must accompany the application.

(vii) *Copy of membership agreement or contract.* Attach a copy of the membership agreement or contract that specifies how the Amendment 80 cooperative intends to catch its CQ.

(5) Application for the Amendment 80 limited access fishery —

(i) *Applicant identification.* The applicant's name, NMFS Person ID (if applicable), tax ID number (required), permanent business mailing address, business telephone number, fax number, and e-mail (if available).

(ii) *Amendment 80 vessel identification.* The name, ADF&G vessel registration number(s), and USCG

documentation number(s) of the Amendment 80 vessel(s) owned by the applicant.

(iii) *Amendment 80 LLP identification.* The Amendment 80 LLP license number(s) held by the applicant.

(iv) *Amendment 80 QS permit information.* The Amendment 80 QS permit number(s) held by the applicant.

(v) *Amendment 80 QS ownership documentation.* The names of all persons, to the individual person level, holding an ownership interest in the Amendment 80 QS permit(s) held by the applicant and the percentage ownership each person and individual holds in the Amendment 80 QS permit(s).

(vi) *EDR submission.* For 2009 and thereafter, indicate (YES or NO) whether the applicant has submitted a timely and complete EDR for each Amendment 80 QS permit held by that person as required under §679.94.

(vii) *Applicant signature and certification.* The applicant must sign and date the application certifying that all information is true, correct, and complete to the best of his 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.

(c) *Allocations of Amendment 80 species —*

(1) *General.* Each calendar year, the Regional Administrator will determine the tonnage of Amendment 80 species that will be assigned to the BSAI trawl limited access sector and the Amendment 80 sector. For participants in the Amendment 80 sector, the tonnage of fish will be further assigned between Amendment 80 cooperatives and the Amendment 80 limited access fishery.

(2) *Calculation —*

(i) *Determination of TAC and ITAC.* NMFS will determine the TAC and ITAC for each Amendment 80 species in a calendar year in the annual harvest specification process in §679.20.

(ii) *Annual apportionment of ITAC.* The annual apportionment of ITAC for each Amendment 80 species between the Amendment 80 sector and the BSAI trawl limited access sector in a given calendar year is established in Tables 33 and 34 to this part.

(3) *Allocation of CQ to Amendment 80 cooperatives —*

(i) *General.* The amount of ITAC for each Amendment 80 species assigned to an Amendment 80 cooperative is equal to the amount of Amendment 80 QS units assigned to that Amendment 80 cooperative by Amendment 80 QS holders divided by the total Amendment 80 QS pool multiplied by the Amendment 80 sector ITAC for that Amendment 80 species in that management area. Once ITAC for an Amendment 80 species in a management area is assigned to an Amendment 80 cooperative, it is issued as CQ specific to that Amendment 80 cooperative.

(ii) *CQ allocation for Amendment 80 species except BSAI Atka mackerel.* The amount of CQ for each Amendment 80 species except BSAI Atka mackerel that is assigned to a Amendment 80 cooperative is expressed algebraically as follows:

$$\text{CQ in a management area} = [(\text{Amendment 80 sector ITAC in a management area}) \times (\text{Amendment 80 QS units assigned to that Amendment 80 cooperative/Amendment 80 QS pool})].$$

(iii) *CQ allocation for BSAI Atka mackerel.* The amount of CQ for BSAI Atka mackerel that is assigned to each Amendment 80 cooperative in each management area is determined by the following procedure:

(A) Determine the amount of non-mackerel ITAC in each management area using the following equation:

$$\text{Non-mackerel ITAC in a management area} = (\text{Amendment 80 non-mackerel QS units designated for that management area/Total Atka mackerel QS pool}) \times \text{Amendment 80 sector ITAC in all management areas.}$$

(B) Determine the amount of mackerel ITAC in each management area using the following equation:

$$\text{Mackerel ITAC in a management area} = \text{Amendment 80 sector ITAC in that management area} - \text{Non-mackerel ITAC in that management area.}$$

(C) Determine the amount of non-mackerel CQ assigned to the Amendment 80 cooperative using the following equation:

$$\text{Non-mackerel CQ assigned to that Amendment 80 cooperative} = (\text{Amendment 80 non-mackerel QS units designated for that management area assigned to that Amendment 80 cooperative/Amendment 80 non-}$$

mackerel QS pool in that management area) × Non-mackerel ITAC for that management area.

(D) Determine the amount of mackerel CQ assigned to the Amendment 80 cooperative using the following equation:

Mackerel CQ in a management area = (Mackerel QS units assigned to that Amendment 80 cooperative/Mackerel QS pool) × Mackerel ITAC in that management area.

(E) The total amount of Atka mackerel CQ assigned to an Amendment 80 cooperative for a management area is equal to the sum of paragraphs (c)(3)(iii)(C) and (D) of this section.

(4) *Amendment 80 limited access fishery.* The amount of ITAC in a management area for each Amendment 80 species assigned to the Amendment 80 limited access fishery is equal to the Amendment 80 sector ITAC remaining after subtracting all CQ issued to all Amendment 80 cooperatives for that Amendment 80 species in that management area.

(d) *Allocations of halibut PSC —*

(1) *Amount of Amendment 80 halibut PSC assigned to the Amendment 80 sector.* The amount of halibut PSC assigned to the Amendment 80 sector for each calendar year is specified in Table 35 to this part. That amount of halibut PSC is then assigned to Amendment 80 cooperatives and the Amendment 80 limited access fishery.

(2) *Amount of Amendment 80 halibut PSC assigned to an Amendment 80 cooperative.* For each calendar year, the amount of Amendment 80 halibut PSC assigned as CQ to an Amendment 80 cooperative is determined by the following procedure:

(i) Multiply the amount of halibut PSC established in Table 35 to this part by the percentage of the Amendment 80 halibut PSC apportioned to each Amendment 80 species as established in Table 36 to this part. This yields the halibut PSC apportionment for that Amendment 80 species.

(ii) For each Amendment 80 species, divide the amount of Amendment 80 QS units assigned to an Amendment 80 cooperative by the Amendment 80 QS pool. This yields the percentage of Amendment 80 QS units held by that Amendment 80 cooperative.

(iii) For each Amendment 80 species, multiply the halibut PSC apportionment for that Amendment 80 species established in paragraph (d)(2)(i) of this section by the percentage of the Amendment 80 QS pool assigned to an Amendment 80 cooperative for that Amendment 80 species established in paragraph (d)(2)(ii) of this section. This yields the amount of halibut PSC apportioned to that cooperative for that Amendment 80 species.

(iv) For each Amendment 80 cooperative, sum the results of paragraph (d)(2)(iii) of this section for all Amendment 80 species. This yields the amount of Amendment 80 halibut PSC assigned to that Amendment 80 cooperative as CQ.

(3) *Amount of Amendment 80 halibut PSC assigned to the Amendment 80 limited access fishery.* The amount of Amendment 80 halibut PSC assigned to the Amendment 80 limited access fishery is equal to the amount of halibut PSC assigned to the Amendment 80 sector specified in Table 35 to this part subtracting the amount of Amendment 80 halibut PSC assigned as CQ to all Amendment 80 cooperatives as determined in paragraph (d)(2)(iv) of this section.

(4) *Use of Amendment 80 halibut PSC in the Amendment 80 sector —*

(i) *Amendment 80 halibut PSC assigned to a Amendment 80 cooperative.* An amount of Amendment 80 halibut PSC is assigned to the CQ permit issued to an Amendment 80 cooperative for use while fishing for all groundfish species in the BSAI or adjacent waters open by the State of Alaska for which it adopts a Federal fishing season. Any halibut PSC used by an Amendment 80 cooperative must be deducted from the amount of halibut PSC CQ on its CQ permit. Amendment 80 halibut PSC on a CQ permit may only be used by the members of the Amendment 80 cooperative to which it is assigned. Halibut PSC assigned as CQ is not subject to seasonal apportionment under §679.21.

(ii) *Amendment 80 halibut PSC assigned to the Amendment 80 limited access fishery.* An amount of Amendment 80 halibut PSC is assigned to the Amendment 80 limited access fishery for use by all Amendment 80 vessels in the Amendment 80 limited access fishery while fishing for all groundfish species in the BSAI or adjacent waters open by the State of Alaska for which it adopts a Federal fishing season. Any halibut PSC used by Amendment 80 vessels assigned to the Amendment 80 limited access fishery must be deducted from the amount of halibut PSC

assigned to the Amendment 80 limited access fishery. Amendment 80 halibut PSC assigned to the Amendment 80 limited access fishery is subject to seasonal apportionment under §679.21.

(5) *Halibut PSC assigned to the BSAI trawl limited access sector.* Halibut PSC assigned to the BSAI trawl limited access sector for groundfish fishing in the BSAI may only be used by the members of the BSAI trawl limited access sector unless modified by reallocation to Amendment 80 cooperatives according to the procedures in paragraph (f) of this section. Halibut PSC assigned to the BSAI trawl limited access sector is subject to seasonal apportionment under §679.21.

(e) *Allocations of crab PSC —*

(1) *Amount of Amendment 80 crab PSC assigned to the Amendment 80 sector.* The amount of Amendment 80 crab PSC assigned to the Amendment 80 sector for each Amendment 80 crab PSC in a calendar year is specified in Table 35 to this part. That amount of Amendment 80 crab PSC is then assigned to Amendment 80 cooperatives and the Amendment 80 limited access fishery.

(2) *Amount of Amendment 80 crab PSC assigned to an Amendment 80 cooperative.* For each calendar year, for each Amendment 80 crab PSC, the amount assigned as CQ to an Amendment 80 cooperative is determined by the following procedure:

(i) Multiply the amount of an Amendment 80 crab PSC established in Table 35 to this part by the percentage of the Amendment 80 crab PSC apportioned to each Amendment 80 species as established in Table 36 to this part. This yields the Amendment 80 crab PSC apportionment for that Amendment 80 species.

(ii) For each Amendment 80 species, divide the amount of Amendment 80 QS units assigned to an Amendment 80 cooperative by the Amendment 80 QS pool. This yields the percentage of Amendment 80 QS units held by that Amendment 80 cooperative.

(iii) For each Amendment 80 species, multiply the Amendment 80 crab PSC apportionment to that Amendment 80 species established in paragraph (e)(2)(i) of this section by the percentage of the Amendment 80 QS pool held by an Amendment 80 cooperative as established in paragraph (e)(2)(ii) of this section. This yields the amount of Amendment 80 crab

PSC apportioned to that Amendment 80 cooperative for that Amendment 80 species.

(iv) For each Amendment 80 crab PSC, sum the results of paragraph (e)(2)(iii) for all Amendment 80 species. This yields the amount of that Amendment 80 crab PSC assigned to that Amendment 80 cooperative.

(3) *Amount of Amendment 80 crab PSC assigned to the Amendment 80 limited access fishery.* The amount of each Amendment 80 crab PSC assigned to the Amendment 80 limited access fishery is equal to the amount of that Amendment 80 crab PSC assigned to the Amendment 80 sector specified in Table 35 to this part subtracting the amount of that crab PSC that has been assigned as CQ to all Amendment 80 cooperatives as determined in paragraph (e)(2)(iv) of this section.

(4) *Use of Amendment 80 crab PSC in the Amendment 80 sector—*

(i) *Amendment 80 crab PSC assigned to an Amendment 80 cooperative.* An amount of Amendment 80 crab PSC is assigned to the CQ permit issued to an Amendment 80 cooperative for use while fishing for all groundfish species in the BSAI or adjacent waters open by the State of Alaska for which it adopts a Federal fishing season. Any Amendment 80 crab PSC used by an Amendment 80 cooperative must be deducted from the amount of Amendment 80 crab PSC CQ on its CQ permit. Amendment 80 crab PSC on a CQ permit may only be used by the members of the Amendment 80 cooperative to which it is assigned. Amendment 80 crab PSC assigned as CQ is not subject to seasonal apportionment under §679.21.

(ii) *Amendment 80 halibut PSC assigned to the Amendment 80 limited access fishery.* An amount of Amendment 80 crab PSC is assigned to the Amendment 80 limited access fishery for use by all Amendment 80 vessels in the Amendment 80 limited access fishery while fishing for all groundfish species in the BSAI or adjacent waters open by the State of Alaska for which it adopts a Federal fishing season. Any Amendment 80 crab PSC used by Amendment 80 vessels assigned to the Amendment 80 limited access fishery must be deducted from the amount of Amendment 80 crab PSC assigned to the Amendment 80 limited access fishery. Amendment 80 crab PSC assigned to the Amendment 80 limited access fishery is subject to seasonal apportionment under §679.21.

(5) *Amendment 80 crab PSC assigned to the BSAI trawl limited access sector.* Amendment 80 crab PSC

assigned to the BSAI trawl limited access sector for groundfish fishing in the BSAI may only be used by the members of the BSAI trawl limited access sector unless modified by reallocation to Amendment 80 cooperatives according to the procedures in paragraph (f) of this section. Amendment 80 crab PSC assigned to the BSAI trawl limited access sector is subject to seasonal apportionment under §679.21.

(f) *Rollover—Annual reallocation of an Amendment 80 species ICA or ITAC, crab PSC, and halibut PSC from the BSAI trawl limited access sector to Amendment 80 cooperatives —*

(1) *General.* The Regional Administrator may reallocate a portion of an ICA or ITAC of an Amendment 80 species, crab PSC, or halibut PSC amount assigned to the BSAI trawl limited access sector to Amendment 80 cooperatives if the amount assigned to the BSAI trawl limited access sector is projected not to be harvested or used. Any reallocation will result in an amended CQ permit for each Amendment 80 cooperative. The timing of a reallocation will be at the discretion of the Regional Administrator.

(2) *Factors considered.* The Regional Administrator may consider the following factors when reallocating an ICA, a directed fishing allowance of an Amendment 80 species, or crab PSC, or halibut PSC amounts from the BSAI trawl limited access sector to Amendment 80 cooperatives:

(i) The risk of biological harm to a groundfish species or species group;

(ii) The risk of socioeconomic harm to other domestic fishery participants;

(iii) The impact that the allocation might have on the socioeconomic well-being of Amendment 80 cooperatives;

(iv) Current catch and PSC use in the BSAI trawl limited access sector;

(v) Historic catch and PSC use in the BSAI trawl limited access sector;

(vi) Harvest capacity and any stated intent on the future harvesting patterns of vessels in the BSAI trawl limited access sector;

(vii) Administrative requirements to reissue CQ permits; and

(viii) Any other relevant biological, socioeconomic, or administrative factors.

(3) *Rollover of Amendment 80 species.* If, during a fishing year, the Regional Administrator determines that a reallocation of a portion of the ITAC or ICA of an Amendment 80 species assigned to the BSAI trawl limited access sector to Amendment 80 cooperatives is appropriate, the Regional Administrator will issue a revised CQ permit to reallocate that amount of Amendment 80 species to each Amendment 80 cooperative according to the following formula:

Amount of additional CQ issued to an Amendment 80 cooperative = Amount of Amendment 80 species available for reallocation to Amendment 80 cooperatives × (Amount of CQ for that Amendment 80 species initially assigned to that Amendment 80 cooperative / Σ CQ for that Amendment 80 species initially assigned to all Amendment 80 cooperatives).

(4) *Rollover of halibut PSC.* If, during a fishing year, the Regional Administrator determines that a reallocation of a portion of the halibut PSC assigned to the BSAI trawl limited access sector to Amendment 80 cooperatives is appropriate, the Regional Administrator will issue a revised CQ permit to reallocate that amount of halibut PSC to each Amendment 80 cooperative according to the following procedure:

(i) Multiply the amount of the halibut PSC limit to be reallocated by 95 percent (0.95). This yields the maximum amount of halibut PSC available for allocation to Amendment 80 cooperatives; and

(ii) Determine the halibut PSC CQ issued to each Amendment 80 cooperative according to the following formula:

Amount of additional CQ issued to an Amendment 80 cooperative = Maximum amount of halibut PSC available for reallocation to Amendment 80 cooperatives × (Amount of halibut PSC CQ initially assigned to that Amendment 80 cooperative / Σ halibut PSC CQ initially assigned to all Amendment 80 cooperatives).

(5) *Rollover of crab PSC.* If, during a fishing year, the Regional Administrator determines that a reallocation of a portion of a crab PSC assigned to the BSAI trawl limited access sector to Amendment 80 cooperatives is

appropriate, the Regional Administrator will issue a revised CQ permit to reallocate that amount of crab PSC to each Amendment 80 cooperative according to the following formula:

Amount of CQ issued to an Amendment 80 cooperative = Amount of that crab PSC available for allocation to Amendment 80 cooperatives \times (Amount of that crab PSC CQ initially assigned to that Amendment 80 cooperative / Σ that crab PSC CQ initially assigned to all Amendment 80 cooperatives).

(g) Application for inter-cooperative transfer of Amendment 80 CQ —

(1) *Completed application* . NMFS will process an application for inter-cooperative transfer of Amendment 80 cooperative quota (CQ) provided that a paper or electronic application is completed by the transferor and transferee, with all applicable fields accurately filled in, and all required additional documentation is attached.

(2) *Amendment 80 species CQ assignment* . Amendment 80 species CQ must be assigned to a member of the Amendment 80 cooperative receiving the CQ for purposes of use cap calculations. No member of an Amendment 80 cooperative may exceed the CQ use cap applicable to that member.

(3) *Total amount of Amendment 80 species CQ* . For purposes of Amendment 80 species CQ use cap calculations, the total amount of Amendment 80 species CQ held or used by a person is equal to all metric tons of Amendment 80 species CQ derived from all Amendment 80 QS units on all Amendment 80 QS permits held by that person and assigned to the Amendment 80 cooperative and all metric tons of Amendment 80 species CQ assigned to that person by the Amendment 80 cooperative from approved transfers.

(4) *Amendment 80 QS units* . The amount of Amendment 80 QS units held by a person, and CQ derived from those Amendment 80 QS units, is calculated using the individual and collective use cap rule established in §679.92(a).

(5) Certification of transferor —

(i) *Non-electronic submittal* . The transferor's designated representative must sign and date the application certifying that all information is true, correct, and complete. The transferor's designated

representative must submit the paper application as indicated on the application.

(ii) *Electronic submittal* . The transferor's designated representative must log into the 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 designated representative certifies that all information is true, correct, and complete.

(6) Certification of transferee —

(i) *Non-electronic submittal* . The transferee's designated representative must sign and date the application certifying that all information is true, correct, and complete.

(ii) *Electronic submittal* . The transferee's designated representative must log into the system and accept the transfer request as indicated on the computer screen. By using the transferee's NMFS ID, password and Transfer Key, the designated representative certifies that all information is true, correct, and complete.

(h) Amendment 80 cooperative —

(1) *General*. This section governs the formation and operation of Amendment 80 cooperatives. The regulations in this section apply only to Amendment 80 cooperatives that have formed for the purpose of applying for and fishing with CQ issued annually by NMFS. Members of Amendment 80 cooperatives should consult legal counsel before commencing any activity if the members are uncertain about the legality under the antitrust laws of the Amendment 80 cooperative's proposed conduct. Membership in an Amendment 80 cooperative is voluntary. No person may be required to join an Amendment 80 cooperative. If a person becomes the owner of an Amendment 80 vessel or a holder of an Amendment 80 LLP/QS license that has been assigned to an Amendment 80 cooperative, then that person may join that Amendment 80 cooperative as a member upon receipt of that Amendment 80 vessel or Amendment 80 LLP/QS license. Members may leave an Amendment 80 cooperative, but any CQ contributed by the Amendment 80 QS permit(s) held by that member will remain with that Amendment 80 cooperative for the duration of the calendar year.

(2) *Legal and organizational requirements*. An Amendment 80 cooperative must meet the following

legal and organizational requirements before it is eligible to receive CQ:

(i) Each Amendment 80 cooperative must be formed as a partnership, corporation, or other legal business entity that is registered under the laws of one of the 50 states or the District of Columbia;

(ii) Each Amendment 80 cooperative must appoint an individual as the designated representative to act on the Amendment 80 cooperative's behalf and to serve as a contact point for NMFS for questions regarding the operation of the Amendment 80 cooperative. The designated representative may be a member of the Amendment 80 cooperative, or some other individual

designated by the Amendment 80 cooperative to act on its behalf;

(iii) Each Amendment 80 cooperative must submit a timely and complete application for CQ; and

(iv) Each Amendment 80 cooperative must meet the mandatory requirements established in paragraphs (h)(3) and (4) of this section applicable to that Amendment 80 cooperative.

(3) *Mandatory requirements.* The following table describes the requirements to form an Amendment 80 cooperative:

(i) Who may join an Amendment 80 cooperative?	Any Amendment 80 QS holder named on a timely and complete application for CQ for that calendar year that is approved by NMFS. Individuals who are not Amendment 80 QS holders may be employed by, or serve as the designated representative of an Amendment 80 cooperative, but are not members of the Amendment 80 cooperative.
(ii) What is the minimum number of Amendment 80 QS permits that must be assigned to an Amendment 80 cooperative to allow it to form?	Any combination of at least nine Amendment 80 QS permits which would include Amendment 80 LLP/QS licenses.
(iii) How many Amendment 80 QS holders are required to form an Amendment 80 cooperative?	At least three Amendment 80 QS holders each of whom may not have a ten percent or greater direct or indirect ownership interest in any of the other Amendment 80 QS holders.
(iv) Is there a minimum amount of Amendment 80 QS units that must be assigned to an Amendment 80 cooperative for it to be allowed to form?	No.
(v) What is allocated to the Amendment 80 cooperative?	CQ for each Amendment 80 species, crab PSC, and halibut PSC, based on the amount of Amendment 80 QS units assigned to the cooperative.
(vi) Is this CQ an exclusive catch and use privilege?	Yes, the members of the Amendment 80 cooperative have an exclusive privilege to collectively catch and use this CQ, or an Amendment 80 cooperative can transfer all or a portion of this CQ to another Amendment 80 cooperative.
(vii) Is there a period in a calendar year during which designated vessels must catch CQ?	Yes, any Amendment 80 vessel designated to catch CQ for an Amendment 80 cooperative is prohibited from catching CQ during the season closure for trawl gear in the BSAI specified at §679.23(c) unless regulations at §679.23 applicable to an Amendment 80 species in the BSAI are more restrictive than those established in §679.23(c), in which case the more restrictive regulations will apply.
(viii) Can any vessel catch an Amendment 80 cooperative's CQ?	No, only Amendment 80 vessels that are assigned to that Amendment 80 cooperative for that calendar year in the application for CQ may catch and process the CQ assigned to that Amendment 80 cooperative.

(ix) Can a member of an Amendment 80 cooperative transfer CQ individually without the approval of the other members of the Amendment 80 cooperative?	No, only the designated representative of the Amendment 80 cooperative, and not individual members, may transfer its CQ to another Amendment 80 cooperative; and only if that transfer is approved by NMFS as established under paragraph (g) of this section.
(x) Are GOA sideboard limits assigned to specific persons or Amendment 80 cooperatives?	No, GOA sideboard limits are not assigned to specific persons or Amendment 80 cooperatives. GOA sideboard limits are assigned to the Amendment 80 sector.
(xi) Can an Amendment 80 QS permit, Amendment 80 LLP license, or Amendment 80 vessel be assigned to more than one Amendment 80 cooperative in a calendar year?	No, an Amendment 80 QS permit, Amendment 80 LLP license, or Amendment 80 vessel may be assigned to only one Amendment 80 cooperative in a calendar year. A person holding multiple Amendment 80 QS permits, Amendment 80 LLP licenses, or owning multiple Amendment 80 vessels is not required to assign all Amendment 80 QS permits, Amendment 80 LLP licenses, or Amendment 80 vessels to the same Amendment 80 cooperative or the Amendment 80 limited access fishery.
(xii) Can an Amendment 80 QS permit, Amendment 80 LLP license, or Amendment 80 vessel be assigned to an Amendment 80 cooperative and the Amendment 80 limited access fishery?	No, an Amendment 80 QS permit, Amendment 80 LLP license, or Amendment 80 vessel assigned to an Amendment 80 cooperative may not be assigned to the Amendment 80 limited access fishery for that calendar year. A person holding multiple Amendment 80 QS permits, Amendment 80 LLP licenses, or owning multiple Amendment 80 vessels is not required to assign all Amendment 80 QS permits, Amendment 80 LLP licenses, or Amendment 80 vessels to the same Amendment 80 cooperative or the Amendment 80 limited access fishery.
(xiii) Which members may catch the Amendment 80 cooperative's CQ?	Use of a cooperative's CQ permit is determined by the Amendment 80 cooperative contract signed by its members. Any violations of this contract by a cooperative member may be subject to civil claims by other members of the Amendment 80 cooperative.
(xiv) Does an Amendment 80 cooperative need a membership agreement or contract?	Yes, an Amendment 80 cooperative must have a membership agreement or contract that specifies how the Amendment 80 cooperative intends to catch its CQ. A copy of this agreement or contract must be submitted to NMFS with the application for CQ.
(xv) What happens if the Amendment 80 cooperative membership agreement or contract is modified during the fishing year?	A copy of the amended Amendment 80 membership agreement or contract must be sent to NMFS in accordance with §679.4(a)(4).
(xvi) What happens if the Amendment 80 cooperative exceeds its CQ amount?	An Amendment 80 cooperative is not authorized to catch Amendment 80 species or use crab PSC or halibut PSC in excess of the amount on its CQ permit. Exceeding a CQ permit is a violation of the regulations. Each member of the Amendment 80 cooperative is jointly and severally liable for any violations of the Amendment 80 Program regulations while fishing under the authority of a CQ permit. This liability extends to any persons who are hired to catch or receive CQ assigned to an Amendment 80 cooperative. Each member of an Amendment 80 cooperative is responsible for ensuring that all members of the cooperative comply with all regulations applicable to fishing under the Amendment 80 Program.
(xvii) Is there a limit on how much CQ an Amendment 80 cooperative may hold or use?	No, but each Amendment 80 QS holder is subject to use caps, and an Amendment 80 vessel may be subject to vessel use caps. See §679.92(a).

(xviii) Is there a limit on how much CQ a vessel may catch?	Yes, an Amendment 80 vessel may not catch more than 20 percent of the aggregate Amendment 80 species ITAC assigned to the Amendment 80 sector for that calendar year. See §679.92(a) for use cap provisions.
(xix) Are there any special reporting requirements?	Yes, the designated representative of the Amendment 80 cooperative must submit an annual Amendment 80 cooperative report as described under §679.5(s). In addition, each member of an Amendment 80 cooperative must submit a timely and complete EDR as described under §679.94.

(4) *Successors-in-interest.* If a member of an Amendment 80 cooperative dies (in the case of an individual) or dissolves (in the case of a business entity), the CQ derived from the Amendment 80 QS permits assigned to the Amendment 80 cooperative for that year from that person remains under the control of the Amendment 80 cooperative for the duration of that calendar year as specified in the Amendment 80 cooperative contract. Each Amendment 80 cooperative is free to establish its own internal procedures for admitting a successor-in-interest during the fishing season due to the death or dissolution of an Amendment 80 cooperative member.

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.

Estimated Number of Respondents: 28.

Estimated Time Per Response: Amendment 80 EDR, 40 hours; Verification of Data, 3 hours.

Estimated Total Annual Burden Hours: 1,204.

Estimated Total Annual Cost to Public: \$42 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;

(c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 4, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2010-4947 Filed 3-8-10; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Alaska Region Amendment 80 Permits and Reports

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 10, 2010.

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

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, at (907) 586-7008 or patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI FMP), primarily allocates BSAI non-pollock trawl groundfish fisheries among fishing sectors and facilitates the formation of harvesting cooperatives in the head-and-gut trawl catcher/processor sector. Sector allocations and associated cooperatives allow participants to focus less on harvest rate maximization and more on optimizing their harvest. This, in turn, allows a reduction in unwanted incidental catch, improved retention, improved utilization, and improved economic health of the head-and-gut trawl catcher/processor sector. Amendment 80 established a limited access privilege program for the non-American Fisheries Act (non-AFA) trawl catcher/processor sector.

The Amendment 80 permits and reports collection provides participants with a management system that allows for improved efficiency by providing an environment in which, revenues can be increased and operating costs can be reduced. Depending on the magnitude of these potential efficiency gains and the costs of bycatch reduction, increases in efficiency could be used to cover the costs of bycatch reduction measures or provide additional benefits to participants.

Licenses and vessels used to qualify for the Amendment 80 Program (either to be included in the non-AFA trawl catcher/processor sector or to be used in Amendment 80 cooperative formation) are restricted from being used outside of the Amendment 80 sector, except that any eligible vessel authorized to fish pollock under the AFA would still be authorized to fish under this statute.

The fishery participants that join a cooperative receive an exclusive harvest privilege not subject to harvest by other vessel operators; may consolidate fishing operations on a specific vessel or subset of vessels, thereby reducing monitoring and enforcement and other

operational costs; and harvest fish in a more economically efficient and less wasteful manner.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include e-mail of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648-0565.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations; Individuals or households.

Estimated Number of Respondents: 44.

Estimated Time per Response: Application for Amendment 80 cooperative and cooperative quota permit, application for Amendment 80 quota share, application for Amendment 80 limited access fishery, application to transfer Amendment 80 quota share and application to transfer Amendment 80 cooperative quota, 2 hours; Amendment 80 cooperative catch report, 30 minutes; annual Amendment 80 cooperative report and appeals, 4 hours.

Estimated Total Annual Burden Hours: 896.

Estimated Total Annual Cost to Public: \$2,732 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 4, 2010.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

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