

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 01/31/2012

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

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 11/29/2011

ACTION REQUESTED: Revision of a currently approved collection  
TYPE OF REVIEW REQUESTED: Regular  
ICR REFERENCE NUMBER: 201111-0648-009  
AGENCY ICR TRACKING NUMBER:  
TITLE: Pacific Halibut Fisheries: Charter Permits  
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change  
OMB CONTROL NUMBER: 0648-0592  
The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 01/31/2015 DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	433	826	3,337
New	1,376	2,256	5,138
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	943	1,430	1,801
Change due to Agency Adjustment	0	0	0
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 charter halibut permit	NA	Application for charter halibut permit	
Application for transfer of charter halibut permit	NA	Application to transfer charter halibut permit	
Application for community or military recreational permit	NA	Application for community and military permit	
Appeals			50 CFR 679.43
Application for Transfer Between IFQ and GAF	NA	Application for Transfer (Lease) between IFQ and Guided Angler Fish	
Application for Transfer Between IFQ and GAF by a Community Quota Entity (CQE)	NA	Application for Transfer (Lease) between IFQ and GAF - Community Quota Entity	

# 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 <span style="float: right;">b. <input type="checkbox"/> None</span>                  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&amp;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 PACIFIC HALIBUT FISHERIES: CHARTER PERMITS

OMB CONTROL NO. 0648-0592

#### INTRODUCTION

*This is a resubmission with Final Rule 0648-BA37, with no changes due to public comment on Proposed Rule 0648-BA37.* NMFS is modifying the Charter Halibut Program and this information collection by implementing a catch sharing plan for the Pacific halibut guided sport charter and IFQ commercial fisheries in waters of IPHC Regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska). In addition, this action changes the name for this collection from “Alaska Region Pacific Halibut Guided Sport Charter Permits” to read “Alaska Pacific Halibut Fisheries: Charter Permits.”

Management of and regulations for Pacific halibut (*Hippoglossus stenolepis*) in Alaska are developed on the international, Federal, and state levels by the International Pacific Halibut Commission (IPHC), the North Pacific Fishery Management Council (Council), NOAA National Marine Fisheries Service (NMFS), and the State of Alaska's Department of Fish and Game (ADF&G). The IPHC and NMFS manage fishing for Pacific halibut through regulations established under authority of the [Northern Pacific Halibut Act of 1982](#) (Halibut Act, 16 U.S.C. 773c). Regulations that implement this collection-of-information are found at [50 CFR 300.60-66](#) and at [50 CFR 679.5](#).

The North Pacific Fisheries Management Council (Council) adopted management measures for a guided sport charter fishery in June 2007 under the authority of the Halibut Act in IPHC Regulatory Area 2A and Area 2C (Southeast Alaska) to a specified guideline harvest level (GHL). ADF&G adopted some regulations that affect sport fishing for halibut; although ADF&G does not have authority to manage halibut.

The harvest of Pacific halibut occurs in three fisheries – commercial, subsistence, and recreational or charter. The collection for the commercial fishery, named the Alaska Pacific Fisheries: Individual Fishing Quota (IFQ) Program, is described in OMB Control No. 0648-0272. The subsistence fishery is described in two collections, named the Alaska Pacific Halibut Fisheries: Subsistence Program Registration and Marking of Gear (OMB Control No. 0648-0460) and Alaska Pacific Halibut Fisheries: Subsistence Permits and Harvest Logs (OMB Control No. 0648-0512). The charter fishery is described in two collections, named the Alaska Pacific Halibut Fisheries: Charter Recordkeeping and Reporting (OMB Control No. 0648-0575) and Alaska Pacific Halibut Fisheries: Charter Permits (OMB Control No. 0648-0592). The limited access program for vessels in the guided sport charter fishery is codified at [50 CFR 300.67](#).

Additional Pacific halibut fishing mortality occurs in other fisheries as bycatch or incidental catch while targeting other species. Halibut bycatch is caught but cannot be used for human food, except under the Halibut Donation Program (OMB Control No. 0648-0316).

## **A. JUSTIFICATION**

NMFS would implement new Federal regulations to replace the Guideline Harvest Level Program for Pacific halibut with a catch sharing plan for the commercial Individual Fishing Quota (IFQ) and charter sectors.

The halibut catch sharing plan (CSP) would change the annual process of allocating halibut between the guided sport and commercial fisheries in IPHC Area 2C and Area 3A, establish allocations for each sector, and specify harvest restrictions for guided sport anglers that are intended to limit harvest to the annual guided sport fishery catch limit. To provide flexibility for individual commercial and guided sport fishery participants, the proposed catch sharing plan also would authorize annual transfers of commercial halibut quota to qualified guided sport halibut business owners for harvest in the guided sport fishery.

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

This action would replace the current Guideline Harvest Level Program with a catch sharing plan to establish a clear allocation between guided sport charter and commercial longline sectors in Area 2C and Area 3A. Under the halibut CSP, the IPHC will annually set a combined catch limit for charter and commercial fisheries. The allocation percentage for each area will be applied to establish the domestic harvest targets for each sector. The plan would require pre-season notice of upcoming management measures to allow an uninterrupted charter season. The allocations to both sectors will vary with halibut abundance and include a fixed percentage allocation.

The catch sharing plan would allow charter halibut permit holders to lease halibut IFQ from commercial quota share holders in order to increase their seasonal allocations for use by their clients. In addition, charter operators landing guided angler fish (GAF) on private property (e.g., lodges) and motherships would be required to allow ADF&G samplers/enforcement personnel access to the point of landing for monitoring purposes.

This plan would allow holders of charter halibut permits, community charter halibut permits, and military charter halibut permits to lease commercial halibut IFQ, for use by clients on the permit holder's charter vessels, so that the operator's clients may fish under the same halibut size and bag limits as do unguided anglers. Once GAF is transferred to a charter halibut permit holder, it may not be transferred to another charter halibut permit, community charter halibut permit, or military charter halibut permit holder.

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

The halibut CSP allows allocation of the halibut resource between the commercial halibut setline and guided sport sectors in IPHC Regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska). The guided angler fish (GAF) regulations enable CHP holders to receive by transfer commercial IFQ as GAF in order to provide charter vessel anglers with an opportunity to harvest a number or size of halibut over and above the CSP restriction in place for an area.

The halibut CSP establishes limitations on using a vessel on which charter vessel anglers catch and retain Pacific halibut in IPHC areas 2C and 3A. Any charter vessel operator with one or more charter vessel anglers catching and retaining Pacific halibut on board a vessel must have on board the vessel:

- ◆ A valid charter halibut permit (CHP):
- ◆ endorsed for the IPHC regulatory area in which the vessel is operating.
- ◆ endorsed for the number of charter vessel anglers who are catching and retaining Pacific halibut.

Operators of vessels with charter anglers onboard would be required to have onboard the vessel a valid charter halibut permit (CHP) issued by NMFS. The halibut CSP would:

- ◆ Change the annual process of allocating halibut between the charter and IFQ Program commercial fisheries in Area 2C and Area 3A.
- ◆ Establish allocations for each sector.
- ◆ Specify harvest restrictions for charter anglers that would limit harvest of the annual charter fishery allocation.
- ◆ Authorize annual transfers of commercial halibut IFQ to qualified charter halibut business owners as GAF for harvest in the charter fishery.

Two types of entity are directly regulated by this action:

- ◆ Charter businesses active in IPHC Areas 2C and 3A, and
- ◆ Community Quota Entity (CQE)-qualified communities and CQE groups formed by those communities in Areas 2C and 3A.

The CQE entities were previously approved as eligible under the IFQ Program. This action would help 32 small, remote communities in Areas 2C and 3A develop charter businesses by

mitigating the economic barrier associated with purchasing a charter halibut permit and creating a number of non-transferable permits that can be held only by the non-profit entity representing the eligible community.

Halibut IFQ permit holders in Areas 2C and 3A are expected to benefit from this program, because they will have the opportunity to lease halibut IFQ to the charter sector. While NMFS cannot project how much IFQ will be leased by the charter sector, the ability to lease IFQ is expected to benefit an IFQ holder in those areas. Potential benefits are increased revenue through leases or perhaps higher ex-vessel prices, if fewer fish enter the commercial market.

#### **a. Application for Transfer Between IFQ and GAF**

The halibut CSP would authorize a supplemental, individual use of commercial IFQ by qualified charter halibut permit (CHP) holders and charter vessel anglers in Area 2C and Area 3A. CHP holders in these areas could receive commercial halibut IFQ by transfer as GAF. The transfer is effective for the current fishing season only, so transfers of IFQ to GAF would not be a permanent transfer of commercial halibut IFQ to the charter sector.

Upon receipt of an application for transfer between IFQ and GAF, NMFS will use a conversion factor to debit converted IFQ pounds from an IFQ account and transfer the corresponding number of GAF to a GAF account. The Regional Administrator will not approve an application before annual IFQ is issued for each year or after October 31 of each year.

Disapproval of an application may be appealed pursuant to 50 CFR part 679.43.

An Application for Transfer Between IFQ and GAF may be used to return unharvested GAF to the IFQ permit account from which it was derived. However, any unused GAF automatically would revert back to the IFQ account after November 1. The automatic return of GAF by NMFS on or around the automatic GAF return date each year would not require both parties to complete a transfer application, and NMFS would not approve an application for transfer between IFQ and GAF after the automatic GAF return date.

The person applying to transfer or receive IFQ must possess

- ◆ Halibut quota share (QS) in Area 2C or Area 3A.
- ◆ An annual IFQ permit resulting from that halibut QS for Area 2C or Area 3A with at least the amount of IFQ to be transferred.
- ◆ A valid CHP, community CHP, or military CHP in Area 2C or 3A that corresponds to the IFQ permit area to or from which the IFQ will be transferred.

The IFQ permit holder is responsible for all IFQ cost recovery fees (OMB Control No. 0648-0398) resulting from the transferred GAF. NMFS will return unused GAF to the IFQ permit holder from which they were obtained. No fees will be assessed for any unused GAF unless it is later harvested by the IFQ permit holder.

An application for transfer between IFQ and GAF is available on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov/ram/default.htm>. The application may be submitted by mail, fax, or by hand delivery. Printed signatures are required.

Applications may be submitted to NMFS as follows:

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

By fax: 907-586-7354

By delivery: 709 West 9th Street, Suite 713  
Juneau, Alaska 99801

### **Application for Transfer between IFQ and GAF**

#### Attachments

Check each applicable box below to ensure that application is complete

- Completed Application
- Copy of IFQ permit (s) enclosed
- Copy of Charter Halibut Permit (Transferee receiving GAF must have a valid Charter Halibut Permit)
- Power of Attorney (if applicable)

#### Identification of transferor (lessor)

- Name and NMFS Person ID of Transferor
- Permanent Business Mailing Address and temporary Business Mailing Address
- Business Telephone Number and Business Fax Number
- Business E-mail Address
- Indicate whether transferor paid all fees, as required by § 679.45

#### Identification of transferee (lessee)

- Name and NMFS Person ID of Transferee
- Permanent Business Mailing Address and Temporary Business Mailing Address
- Business Telephone Number and Business Fax Number
- Business E-mail Address
- Indicate whether transferee paid all fees, as required by § 679.45

#### Identification of IFQ and/or GAF to be transferred

- IFQ Permit Number
- IPHC Area
- Charter Halibut Permit Number
- GAF Permit Number (only when GAF is returning to the IFQ permit holder)
- Number of GAF

#### Certification of transferor

- Signature and printed name of Transferor and date signed
- If authorized representative, attach authorization

#### Certification of transferee

- Signature and printed name of Transferee and date signed
- If authorized representative, attach authorization

Based on studies<sup>123</sup> NMFS estimates 501 charter halibut permits will be issued in Area 2C, and 410 charter halibut permits will be issued in Area 3A.

<b>Application for Transfer Between IFQ and GAF, Respondent</b>	
<b>Number of respondents</b> 501 in Area 2C 410 in Area 3A	<b>911</b>
<b>Total annualized responses</b> Frequency of response = 1 per permit	<b>911</b>
<b>Total burden hours</b> (1366.50) Time per response = 90 min.	<b>1,366 hr</b>
<b>Total personnel costs</b> (\$25 x 1367)	<b>\$34,175</b>
<b>Total miscellaneous costs</b> (1709.50) Mail (1.32 x 900 = 1188) Fax (\$6 x 11 = 66) Photocopy (.05 x 10pp x 911 = 455.50)	<b>\$1,710</b>

The one-time implementation cost for the Federal Government for the halibut charter program may be as much as \$400,000, and annual equipment costs and updates could be as much as \$100,000.

<b>Application for Transfer Between IFQ and GAF, Federal Government</b>	
<b>Number of responses</b>	<b>911</b>
<b>Total burden hours</b> (455.50) Time per response = 30 min	<b>456 hr</b>
<b>Total personnel costs</b> (\$25 x 456)	<b>\$11,400</b>
<b>Total miscellaneous costs</b>	<b>\$100,000</b>
<b>Annual equipment costs and updates</b>	
<b>1-time implementation = \$400,000</b>	<b>\$400,000</b>

## GAF Permit

On approval of an application for transfer between IFQ and GAF, NMFS would issue a GAF permit to the charter halibut permit holder receiving GAF. A GAF permit would authorize the GAF permit holder to allow charter vessel anglers to retain halibut in excess of the effective CSP restriction, up to limits on GAF use in regulations at §300.65(c).

<sup>1</sup> Regulatory Amendment for a Catch Sharing Plan For the Pacific Halibut Charter and Commercial Longline Sectors in International Pacific Halibut Commission Regulatory Areas 2C and 3A Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis, August 9, 2010.

<sup>2</sup> Analysis of the ADF&G Saltwater Logbook data, 2004, 2005, and 2008.

<sup>3</sup> Regulatory Amendment to Revise Permit Endorsements for Charter Halibut Businesses that Are Qualified to Receive Multiple Permits. Juneau, Alaska. March 2010

NMFS would issue GAF in numbers of fish, basing the conversion between annual IFQ and GAF on average weight of halibut landed in each region's charter halibut fishery (Area 2C or 3A) during the previous year, as determined by State of Alaska Department of Fish and Game (ADF&G). The number of GAF requested will be deducted from or added to the annual IFQ permit in round weight equivalent pounds.

GAF could be retained under a GAF permit only if the GAF permit holder's account contains at least the number of GAF retained at the time of retention. All GAF permits would expire at 11:59 pm on the day prior to the automatic GAF return date. GAF could not be retained by charter vessel anglers after the expiration date of GAF permits.

NMFS would issue a revised GAF permit to the GAF permit holder each time during the year that it approved a transfer between IFQ and GAF for that GAF permit. Each GAF permit would be linked to only one charter halibut permit, community charter halibut permit, or military charter halibut permit in Area 2C or Area 3A.

Charter halibut permit holders requesting GAF would be required to specify the charter halibut permit to which the GAF permit would be linked on the application for transfer between IFQ and GAF. The link between a GAF permit and a charter halibut permit, community charter halibut permit, or military charter halibut permit could not be changed during that year. If charter vessel anglers retain GAF, the GAF permit and the linked charter halibut permit, community charter halibut permit, or military charter halibut permit must be onboard the vessel on which the GAF halibut are retained, and available for inspection by an authorized enforcement officer.

#### **b. Application for Transfer Between IFQ and GAF by a Community Quota Entity (CQE)**

The Application for Transfer Between IFQ and GAF by a Community Quota Entity (CQE) is used to transfer annual IPHC Area 2C or 3A commercial IFQ held by a CQE for use as GAF by a community resident holding one or more CHPs for areas 2C or 3A. In addition, this application may be used to return unused GAF to the CQE from which it was obtained.

- ◆ A CQE applying for a transfer between IFQ and GAF must be eligible to hold IFQ on behalf of an eligible community in Area 2C or Area 3A and have received NMFS' notification of approval of eligibility to receive IFQ for that community. In addition,
- ◆ An individual applying to receive GAF from Area 2C or Area 3A IFQ held by a CQE must be an eligible community resident of the eligible community in whose name the CQE is holding IFQ.
- ◆ The CQE applying to receive GAF must hold one or more valid community CHPs.
- ◆ The CQE applying to transfer IFQ to GAF must submit a complete annual report(s) as required by 50 CFR part 679.5(1)(8).

NMFS will not transfer IFQ to GAF after November 1 and will return all unharvested GAF to the CQE on or about November 1 each year.

The CQE is responsible for all cost recovery fees (OMB Control No. 0648-0398) resulting from the GAF harvested as a result of this transfer. Unused GAF will be returned to the CQE from which they were obtained; no fees will be assessed for any unused GAF.

An application for transfer between IFQ and GAF by a CQE is available on the NMFS Alaska Region website at <http://alaskafisheries.noaa.gov/ram/default.htm>. The application may be submitted by mail or by hand delivery. Electronic submittals will not be accepted, as a notary signature is required.

Applications may be submitted to NMFS as follows:

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

By delivery: 709 West 9th Street, Suite 713  
Juneau, Alaska 99801

**Application for Transfer Between IFQ and GAF by a CQE**

Attachments

- Completed Application
- Copy of IFQ permit (s)
- Valid Charter Halibut Permit
- Power of Attorney (if applicable)

Identification of proposed transferor

- Name and NMFS Person ID of Transferor
- Name of Community represented by the CQE
- Permanent Business Mailing Address and Temporary Business Mailing Address
- Business Telephone No. and Business Fax No
- Business E-mail address (if available)

Identification of proposed transferee

- Name and NMFS Person ID of Transferee
- Name of Community represented by the CQE
- Permanent Business Mailing Address and Temporary Business Mailing Address
- Business Telephone No. and Business Fax No
- Business E-mail address (if available)

Identification of IFQ and/or GAF To be Transferred

- IFQ Permit Number
- IPHC Area
- Charter Halibut Permit Number
- GAF Permit Number (only required when GAF is returning to the IFQ permit holder)
- Number of GAF

Notarized certification of proposed transferor

- Signature and printed name of transferor (or authorized agent) and date signed
- If an agent, attach authorization
- Signature of notary public, date commission expires, and notary stamp or seal

Notarized Certification of proposed transferee

Signature and printed name of transferee (or authorized agent) and date signed

If an agent, attach authorization

Signature of notary public, date commission expires, and notary stamp or seal

Eighteen Area 2C communities are eligible to each receive up to 4 halibut charter halibut permits at no cost; 14 Area 3A communities are eligible to each receive up to 7 halibut charter halibut permits at no cost. Note that eligibility for community charter halibut permits is conditioned on the fact that the community must be represented by a non-profit community quota entity approved by NMFS. Thus, the number of eligible community entities that would be authorized to engage in GAF transfers is a maximum estimate

<b>Application for Transfer Between IFQ and GAF by CQE, Respondent</b>	
<b>Number of respondents</b>	<b>32</b>
18 Area 2C	
14 Area 3A	
<b>Total annualized responses</b>	<b>32</b>
Frequency of response = 1	
<b>Total burden hours</b>	
Time per response = 2 hr	<b>64 hr</b>
<b>Total personnel costs</b> (\$25 x 64)	<b>\$1,600</b>
<b>Total miscellaneous costs</b> (91.60)	<b>\$92</b>
Mail (1.32 x 30 = 39.60)	
Fax (6 x 2 = 12)	
Photocopy (.05 x 25pp x 32 = 40)	

<b>Application for Transfer Between IFQ and GAF by CQE, Federal Government</b>	
<b>Number of responses</b>	<b>32</b>
<b>Total burden hours</b>	<b>16</b>
Time per response = 30 min	
<b>Total personnel costs</b> (\$25 x 64)	<b>\$400</b>
<b>Total miscellaneous costs</b>	<b>0</b>

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with 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.**

“Fillable” applications are available at the NMFS Alaska Region Home Page at [www.alaskafisheries.noaa.gov](http://www.alaskafisheries.noaa.gov), for the participant to download, print, and mail or deliver to NMFS. NMFS is pursuing an Internet method in the future whereby all of the information will be entered online and submitted directly and automatically into a database.

**4. Describe efforts to identify duplication.**

None of the information collected as part of this information collection duplicates other collections. This information collection is part of a specialized and technical program that is not like any other.

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

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

Two classes of entities are directly regulated by this action:

- ◆ Guided charter businesses active in IPHC Areas 2C and 3A
- ◆ CQE-qualified communities and CQE groups formed by those communities in Areas 2C and 3A.

The Small Business Association (SBA) specifies that for marinas and charter/party boats, a small business is one with annual receipts less than \$6.0 million. It is possible that the largest of these charter operations, which are lodges, are large entities under SBA standards, but that cannot be confirmed because NMFS does not collect economic data on lodges. All of the eligible communities are considered small entities under the SBA definitions.

Thus, all charter operations regulated by the halibut CSP are considered small entities, based on SBA criteria.

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

Unless a mechanism for halibut transfer between sectors (IFQ, charter, subsistence) is established, an environment of instability and conflict in halibut fisheries will continue. The Council identified the following consequences of not having this collection, with respect to the recent growth of halibut charter operations:

- ◆ The recent growth of charter operations may contribute to overcrowding of productive grounds and declining halibut harvests per unit of effort for historical charter, commercial IFQ, and subsistence fishermen in some areas.
- ◆ As there is currently no limit on the annual harvest of halibut in the charter fishery, an open-ended reallocation from the commercial IFQ to the charter industry is occurring. This reallocation may increase, if the projected growth of the charter industry occurs. The economic and social impact on the commercial IFQ fleet of this open-ended reallocation may be substantial.
- ◆ In some areas, community stability may be affected as traditional sport, subsistence, and commercial IFQ fishermen are displaced by charter permit holders. The uncertainty associated with the present situation and the conflicts that are occurring between the various user groups may also impact community welfare.
- ◆ Information is lacking on the socioeconomic composition of the current charter industry. Information is needed that tracks the effort and harvest of individual charter operations and also tracks changes in business patterns.

**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.**

The NMFS Alaska Region submitted a proposed rule, RIN 0648-BA37, coincident with the original submission of this ICR, requesting comments from the public. *There were no comments affecting the information collection requirements of this request.*

**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.**

Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act as amended in 2006. Responses are also confidential under [NOAA Administrative Order 216-100](#), which sets forth procedures to protect confidentiality of fishery statistics.

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

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

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

Estimated total unique respondents: 1,946 from 909. Estimated total responses: 1,376 up from 433. Estimated total burden hours: 2,256, up from 826. Estimated total personnel costs: \$56,425, up from \$20,650. Personnel labor costs are estimated to the average wage equivalent to a GS-9 employee in Alaska, including COLA, at \$25 per hour.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.**

Estimated total miscellaneous costs: \$5,139 (rounded down to \$5,138 in ROCIS), up from \$3,337.

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

Estimated total burden hours: 721, up from 249. Estimated total personnel costs: \$18,925, up from \$7,125. Estimated total miscellaneous costs \$100,000, up from 0. Estimated initial start-up and administrative costs: \$400,000.

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

This revision is due to a new program, the halibut catch sharing program, integrated into the collection.

Application for transfer between IFQ and GAF

An increase of 911 respondents and responses, 911 instead of 0  
An increase of 1,366 hr burden, 1,366 hr instead of 0 hr  
An increase of \$34,175 personnel costs, \$34,175 instead of \$0  
An increase of \$1,710 miscellaneous costs, \$1,710 instead of \$0 (rounded down to 1,709 in ROCIS).

Application for transfer between IFQ and GAF from a CQE

An increase of 32 respondents and responses, 32 instead of 0  
An increase of 64 hr burden, 64 hr instead of 0 hr  
An increase of \$1,600 personnel costs, \$1,600 instead of \$0  
An increase of \$92 miscellaneous costs, \$92 instead of \$0

**Total increases due to this revision: 943 unduplicated respondents, 943 responses, 1,430 hours, \$35,775 in personnel costs, and \$1,801 in miscellaneous costs.**

All other information collections within OMB Control No. 0648-0592 remain the same.

**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.

**CHARTER  
HALIBUT  
LIMITED  
ACCESS****APPLICATION FOR TRANSFER  
(LEASE)****Between Individual Fishing Quota(IFQ)  
And Guided Angler Fish(GAF)  
COMMUNITY QUOTA ENTITY**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

A Community Quota Entity (CQE) holding International Pacific Halibut Commission (IPHC) Regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska) commercial individual fishing quota (IFQ) should use this application form to transfer individual fishing quota (IFQ) for use as guided angler fish (GAF) by a community resident holding one or more charter halibut permits for areas 2C or 3A. This form is only used if a CQE is the proposed transferor ("seller") or the proposed transferee ("buyer") of the IFQ; if not, a different form must be used.

The party to whom a CQE is seeking to transfer the IFQ must hold a Transfer Eligibility Certificate (TEC). The application must be signed by a representative of the community for whom the CQE holds the IFQ.

Use this form to return unused GAF to the CQE from which it was obtained. NMFS will not transfer IFQ to GAF after November 1 and will return all unharvested GAF to the CQE on or about November 1st each year.

**NOTE:** The CQE is responsible for all cost recovery fees resulting from the GAF harvested as a result of this transfer. NMFS will return unused GAF to the CQE from which they were obtained; no fees will be assessed for any unused GAF.

**ATTACHMENTS**

Use this block to determine which forms and other information must be included with your transfer. Please check each applicable box below to ensure that your application is complete and can be processed in a timely manner.

- Completed Application  
 Copy of IFQ permit (s) enclosed  
 Valid Charter Halibut Permit  
 Power of Attorney (if applicable)

**BLOCK A – IDENTIFICATION OF PROPOSED TRANSFEROR ("LESSOR")**

1. Name:		2. NMFS Person ID:	
3. Name of Community represented by the CQE:			
4. Permanent Business Mailing Address:		5. Temporary Business Mailing Address (see instructions):	
6. Business Telephone No.:	7. Business Fax No:	8. E-mail address (if available):	

**BLOCK B – IDENTIFICATION OF PROPOSED TRANSFEREE (“LESSEE”)**

1. Name:		2. NMFS Person ID:	
3. Name of Community represented by the CQE :			
4. Permanent Business Mailing Address:		5. Temporary Business Mailing Address (see instructions):	
6. Business Telephone No.:	7. Business Fax No.:	8. E-mail Address (if available):	

**BLOCK C -- IDENTIFICATION OF IFQ AND/OR GAF TO BE TRANSFERRED**

IFQ Permit Number	IPHC Area	CHP Number	GAF Permit Number	Number of GAF

**BLOCK D - REQUIRED SUPPLEMENTAL INFORMATION**  
*(To be completed by proposed transferor , if a CQE)*

Indicate the reason(s) you are proposing this transfer (check all that apply and provide a brief explanation on a separate sheet).

- CQE Management and Administration       Participation by Community residents
- Fund additional QS purchase                       Dissolution of Community Quota Entity
- Other (specify)

**BLOCK E -- NOTARIZED CERTIFICATION OF PROPOSED TRANSFEROR ("LESSOR")**

Under penalty of perjury, I swear, or affirm, that I have examined this application and, to the best of my knowledge and belief, the information presented hereon is true, correct, and complete.

1. Signature of proposed transferor or authorized agent:

2. Date:

3. Printed name of proposed transferor or authorized agent (**Note:** If an agent, authorization must be attached):

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

6. Affix Notary Stamp or Seal Here:

5. Commission Expires:

**BLOCK F -- NOTARIZED CERTIFICATION OF PROPOSED TRANSFEREE ("LESSEE")**

Under penalty of perjury, I swear, or affirm, that I have examined this application and, to the best of my knowledge and belief, the information presented hereon is true, correct, and complete.

1. Signature of proposed transferee or authorized agent:

2. Date:

3. Printed name of proposed transferee or authorized agent (**Note:** If an agent, authorization must be attached):

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

6. Affix Notary Stamp or Seal Here:

5. Commission Expires:

**BLOCK G -- NOTARIZED CERTIFICATION OF CQE COMMUNITY REPRESENTATIVE**

I swear, or affirm, that I am a permanent resident of the community on whose behalf the CQE is proposing to transfer the IFQ, that I have been a resident for at least 12 months, and that I intend to remain a resident. I am a duly authorized representative of the community on whose behalf the CQE is proposing to transfer IFQ. By my signature below, I attest that the applicant CQE has the approval of our community to complete this IFQ transfer, for the reasons set out on this application.

1. Signature of Community Representative:

2. Date:

3. Printed name and Title of Community Representative:

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

6. Affix Notary Stamp or Seal Here:

5. Commission Expires:

**Instructions**  
APPLICATION FOR TRANSFER (LEASE)  
BETWEEN IFQ AND GAF -- COMMUNITY QUOTA ENTITY (CQE)

**GENERAL INFORMATION**

This application is for use in transferring annual IPHC Regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska) commercial individual fishing quota (IFQ) held by a Community Quota Entity (CQE) for use as guided angler fish (GAF) by a community resident holding one or more charter halibut permits for areas 2C or 3A. If a CQE is not a party to the proposed transfer, use a different application.

The application must be signed by a representative of the community for whom the CQE holds the IFQ. The IFQ Program provides opportunities for small communities located on the coast of the Gulf of Alaska to hold, and to fish, quota share (QS) and IFQ. Such communities are represented by CQEs, who must use a special application form to provide for transfers of QS/IFQ to and from (and between) CQEs.

This application may only be used to apply for a transfer of IFQ for the current halibut fishing year. NMFS will notify the transferor and transferee once the application has been received and approved. A transfer is not effective until approved by NMFS.

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

- ◆ The transferee requesting GAF must hold a valid Charter Halibut Permit (this includes community charter halibut permit or military charter halibut permit).
- ◆ The transferee requesting GAF from a CQE must be a resident of the community represented by the CQE in this transfer.
- ◆ The CQE has completed and filed with NMFS the required annual report at 50 CFR 679.5(1)(8)
- ◆ A Transfer of IFQ to GAF will not be approved if it would cause the parties to exceed the use limits in 50 CFR xxxxx(c)(5)(i)(G)(3) or 50 CFR 679.42(e) or (f).
- ◆ Neither party to the transfer has any outstanding fines, civil penalties or other payments due and owing, or outstanding permit sanctions.
- ◆ Payment of all outstanding fees to NMFS

**NOTE: Unused GAF will be returned to the CQE from which they were obtained; no fees will be assessed for any unused GAF. The CQE is responsible for all cost recovery fees resulting from the GAF harvested as a result of this transfer. The GAF cost recovery fees will be charged at the same percentage rate as the commercial IFQ fees. GAF fees will be calculated using a standard price established for IPHC areas 2C and 3A using annual commercial IFQ values provided by annually by IFQ Registered Buyers. This standard value may not be challenged (i.e. actual values may not be substituted).**

## ADDITIONALLY

Print information in the application legibly in ink or type information. Complete the entire application, including all attachments; failure to do so could result in delays in the processing of your application.

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.

When completed, mail the original application to:

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

or deliver to:

**Room 713, Federal Building  
709 West 9th Street**

Items will be sent to you by first class mail, unless you provide alternate instructions and include a prepaid mailer with appropriate postage or corporate account number for express delivery.

If you have any questions, or if you need any assistance in completing the application, please contact RAM as follows:

**Telephone (toll Free): 1-800-304-4846 (press "2")  
Telephone (Juneau): 907-586-7202**

**E-Mail Address: RAM.Alaska@noaa.gov**

**Web Site: <https://alaskafisheries.noaa.gov>**

RAM will not process an application that does not bear original signatures (faxed applications will be returned); all signatures must be witnessed by a Notary Public (or, in some remote areas, the community Postmaster or Postmistress). Because of the legal importance of these documents, RAM will not otherwise process the application.

An application submitted and signed by an agent for a party to the transfer will not be processed unless clear and unambiguous certification of the agent's authority to do so is provided.

## COMPLETING THE APPLICATION

### BLOCK A – IDENTIFICATION OF PROPOSED TRANSFEROR

1. Legibly print or type the full name of the CQE proposing to transfer the IFQ
2. Enter the "NMFS Person ID"

3. If the proposed transferor is a CQE, enter the name of the community on whose behalf the CQE is applying.
4. Enter the permanent business mailing address.
5. If appropriate, enter the temporary business mailing address (the address to which the transfer documentation should be sent, if different from the permanent address).
- 6-8. Enter business telephone number, business fax number, and e-mail address (if available).

**BLOCK B – IDENTIFICATION OF THE PROPOSED TRANSFEREE**

1. Legibly print or type the name of the party proposing to receive by transfer the QS/IFQ.
2. Enter the “NMFS Person ID”
3. If the proposed transferee is a community member, enter the name of the community.
4. Enter the permanent business mailing address.
5. If appropriate, enter the temporary business mailing address (the address to which the transfer documentation should be sent, if different from the permanent address).
- 6-8. Enter business telephone number, business fax number, and e-mail address (if available).

**BLOCK C -- IDENTIFICATION OF IFQ AND/OR GAF TO BE TRANSFERRED**

- ◆ Enter the IFQ permit number of the 2C or 3A halibut CQE quota share holder
- ◆ Enter the International Pacific Halibut (IPHC) management area for the IFQ permit
- ◆ Enter the Charter Halibut Permit number of the transferee requesting a guided angler fish (GAF)
- ◆ Enter the GAF Permit number, if applicable, for a transfer of GAF back to the IFQ permit holder
- ◆ Enter the number of GAF requested in this transfer, expressed as number of fish not pounds of fish.

**BLOCK D - REQUIRED SUPPLEMENTAL INFORMATION**

(To be completed by proposed transferor , if a CQE)

Indicate the reason(s) you are proposing this transfer (check all that apply and provide a brief explanation on a separate sheet).

**BLOCK E -- NOTARIZED CERTIFICATION OF TRANSFEROR (SELLER)**

1. Enter printed name and signature of Transferor and date signed  
If completed by an authorized agent, attach authorization
2. Signature, commission expiration date, and stamp of notary public

**BLOCK F -- NOTARIZED CERTIFICATION OF TRANSFEREE (BUYER)**

1. Enter printed name and signature of Transferor and date signed  
If completed by an authorized agent, attach authorization
2. Signature, commission expiration date, and stamp of notary public

**BLOCK G -- NOTARIZED CERTIFICATION OF CQE COMMUNITY REPRESENTATIVE**

1. Enter printed name, title, and signature of Community Representative, and date signed.
2. Signature, commission expiration date, and stamp of notary public

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***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.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act as amended in 2006. Responses are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

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<b>CHARTER HALIBUT LIMITED ACCESS PROGRAM</b>	<b>APPLICATION FOR TRANSFER (LEASE)</b> Between Individual Fishing Quota(IFQ) And Guided Angler Fish (GAF)	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	
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This application form is for use in transferring International Pacific Halibut Commission (IPHC) Regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska) commercial halibut individual fishing quota (IFQ) for use as guided angler fish (GAF) by persons holding charter halibut permits for areas 2C or 3A. This form should also be used to return unused GAF to the IFQ permit holder from which it was obtained. GAF may not be transferred to any other person or for use as GAF by any other person.

**ATTACHMENTS**

Use this block to determine what information must be included with your transfer. Please check each applicable box below to ensure that your application is complete and can be processed in a timely manner.

- Completed Application
- Copy of IFQ permit (s) enclosed
- Copy of Charter Halibut Permit (Transferee receiving GAF must have a valid Charter Halibut Permit)
- Power of Attorney (if applicable)

**Notes:**

1. NMFS will not transfer IFQ to GAF after November 1 and will return all unharvested GAF to the IFQ permit holder on or about November 1 each year.
2. The IFQ permit holder is responsible for all cost recovery fees resulting from the GAF harvested as a result of this transfer. NMFS will return unused GAF to the IFQ permit holder from which they were obtained.
3. No fees will be assessed for any unused GAF unless it is later harvested by the IFQ permit holder.

**BLOCK A - IDENTIFICATION OF TRANSFEROR (or current holder)**

1. Name of Transferor:		2. NMFS Person ID:	
3. Permanent Business Mailing Address:		4. Temporary Business Mailing Address:	
5. Business Telephone Number:	6. Business Fax Number:	7. E-mail Address:	
8. Has transferor paid all fees, as required by § 679.45?			
YES <input type="checkbox"/>		NO <input type="checkbox"/>	
NOT APPLICABLE <input type="checkbox"/>			

**BLOCK B - IDENTIFICATION OF TRANSFEREE (or receiver)**

1. Name of Transferee:		2. NMFS Person ID:	
3. Permanent Business Mailing Address:		4. Temporary Business Mailing Address:	
5. Business Telephone Number:	6 Business Fax Number:	7. E-mail Address:	
8. Has transferee paid all fees, as required by § 679.45?			
YES [ <input type="checkbox"/> ]		NO [ <input type="checkbox"/> ]	
NOT APPLICABLE [ <input type="checkbox"/> ]			

**BLOCK C -- IDENTIFICATION OF IFQ AND/OR GAF TO BE TRANSFERRED**

IFQ Permit Number	IPHC Area	Charter Halibut Permit Number	GAF Permit Number <small>(only required when GAF is returning to the IFQ permit holder)</small>	Number of GAF* <small>(number of fish not pounds)</small>

\*The number of fish requested will be deducted from or added to the annual IFQ permit in round weight equivalent whole pounds. See annual conversion table to determine the number of pounds that will be added or subtracted from the annual IFQ permit. See instructions for more information on weight conversion. The conversion rate cannot be challenged.

**BLOCK D – CERTIFICATION OF TRANSFEROR**

*Under penalty of perjury, I certify by my signature below that I have examined the information and the claims provided on this application and, to the best of my knowledge and belief, the information presented here is true, correct, and complete.*

1. Signature of Transferor:

2. Date:

3. Printed Name of Transferor: *(If authorized representative, attach authorization)*

**BLOCK E – CERTIFICATION OF TRANSFEREE**

*Under penalty of perjury, I certify by my signature below that I have examined the information and the claims provided on this application and, to the best of my knowledge and belief, the information presented here is true, correct, and complete.*

1. Signature of Transferee:

2. Date:

3. Printed Name of Transferee: *(If authorized representative, attach authorization)*

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**PUBLIC REPORTING BURDEN STATEMENT**

Public reporting for this collection of information is estimated to average 2 hours, 20 minutes per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

**ADDITIONAL INFORMATION**

Before completing this form please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq.*); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act as amended in 2006. Responses are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics.

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**INSTRUCTIONS**  
**APPLICATION FOR TRANSFER (LEASE)**  
**BETWEEN INDIVIDUAL FISHING QUOTA(IFQ) AND GUIDED ANGLER FISH (GAF)**

**GENERAL INFORMATION**

This application form is for use in transferring International Pacific Halibut Commission (IPHC) Regulatory Areas 2C (Southeast Alaska) and 3A (Central Gulf of Alaska) commercial individual fishing quota (IFQ) for use as guided angler fish (GAF) by persons holding charter halibut permits for areas 2C or 3A. This form should also be used to return unused GAF to the IFQ permit holder from which it was obtained. **Note: NMFS will not transfer IFQ to GAF after November 1 and will return all unharvested GAF to the IFQ permit holder on or about November 1 each year.**

This application may only be used to apply for a transfer of IFQ for the current halibut fishing year. NMFS will notify the transferor and transferee once the application has been received and approved. A transfer is not effective until approved by NMFS.

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

- ◆ The transferee requesting GAF must hold a valid Charter Halibut Permit (this includes community charter halibut permit or military charter halibut permit).
- ◆ Neither party to the transfer has any outstanding fines, civil penalties or other payments due and owing, or outstanding permit sanctions.
- ◆ A transfer of IFQ to GAF will not be approved if it would cause the parties to exceed the use limits in 50 CFR xxx(c)(5)(i)(G)(3) or 50 CFR 679.42(e) or (f).
- ◆ Payment of all outstanding fees to NMFS.

The IFQ permit holder is responsible for all cost recovery fees resulting from the GAF harvested as a result of this transfer.

Unused GAF will be returned to the IFQ permit holder from which they were obtained.

No fees will be assessed for any unused GAF unless it is harvested by the IFQ permit holder prior to the close of the current fishing year.

The GAF cost recovery fees will be charged at the same percentage rate as the commercial IFQ fees.

GAF fees will be calculated using a standard price established for IPHC areas 2C and 3A using annual commercial IFQ values provided annually by IFQ Registered Buyers.

This standard value may not be challenged (i.e. actual values may not be substituted).

**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, National Marine Fisheries Service (NMFS)  
Restricted Access Management (RAM)  
P.O. Box 21668  
Juneau, AK 99802-1668**
  - By fax to RAM at: **907-586-7354**

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

Or by courier to: **NMFS Alaska Region  
Attn: 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

### BLOCK A – IDENTIFICATION OF TRANSFEROR (or current holder)

1. Enter the full name of the person who intends to transfer the annual IFQ to another person.
2. Enter transferor’s NMFS Person ID.
3. Enter the transferor’s permanent business mailing address.
4. Enter the transferor’s temporary business mailing address (this is the address, if different from #3, to which the applicant wishes materials to be sent).
- 5 - 7. Enter the transferor’s business telephone number, business fax number, and e-mail address.
8. Indicate whether transferor has paid all fees, as required by § 679.45.

### BLOCK B – IDENTIFICATION OF TRANSFEREE (or receiver)

1. Enter the full name of the person who intends to receive by transfer the annual IFQ.
2. Enter transferee’s NMFS Person ID.

3. Enter the transferee's permanent business mailing address.
4. Enter the transferee's temporary business mailing address (this is the address, if different from #3, to which the applicant wishes materials to be sent).
- 5 - 7. Enter the transferee's business telephone number, business fax number, and e-mail address.
8. Indicate whether transferee has paid all fees, as required by § 679.45.

**BLOCK C -- IDENTIFICATION OF IFQ AND/OR GAF TO BE TRANSFERRED**

- ◆ Enter the IFQ permit number of the 2C or 3A halibut quota share holder.
- ◆ Enter the IPHC management area for the IFQ permit.
- ◆ Enter the Charter Halibut Permit number of the transferee requesting a guided angler fish (GAF).
- ◆ Enter the GAF Permit number, if applicable, for a transfer of GAF back to the IFQ Permit holder.
- ◆ Enter the number of GAF requested in this transfer, expressed as number of fish not pounds of fish.

**Note: The number of GAF requested will be deducted from or added to the annual IFQ permit in round weight equivalent pounds. See annual conversation table to determine the number of pounds that will be added or subtracted from the annual IFQ permit. The conversion rate cannot be challenged.**

**BLOCKS D AND E – CERTIFICATION OF TRANSFEROR AND TRANSFEREE**

Print name, sign, and enter date of signature of both the transferor and transferee. Note, that if an authorized representative is completing the form, full authorization must be attached.

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**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.

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## TITLE 16--CONSERVATION

### CHAPTER 10--NORTHERN PACIFIC HALIBUT FISHING

#### SUBCHAPTER IV--NORTHERN PACIFIC HALIBUT ACT OF 1982

##### Sec. 773c. General responsibility

###### (a) Secretary of Commerce

The Secretary shall have general responsibility to carry out the Convention and this subchapter.

###### (b) Adoption of regulations; cooperation with Canadian officials

In fulfilling this responsibility, the Secretary--

(1) shall, in consultation with the Secretary of the department in which the Coast Guard is operating, adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this subchapter; and

(2) may, with the concurrence of the Secretary of State, cooperate with the duly authorized officials of the Government of Canada.

###### (c) Regional Fishery Management Council involvement

The Regional Fishery Management Council having authority for the geographic area concerned may develop regulations governing the United States portion of Convention waters, including limited access regulations, applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with regulations adopted by the Commission. Such regulations shall only be implemented with the approval of the Secretary, shall not discriminate between residents of different States, and shall be consistent with the limited entry criteria set forth in section 1853(b)(6) of this title. If it becomes necessary to allocate or assign halibut fishing privileges among various United States fishermen, such allocation shall be fair and

equitable to all such fishermen, based upon the rights and obligations in existing Federal law, reasonably calculated to promote conservation, and carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges: Provided, That the Regional Council may provide for the rural coastal villages of Alaska the opportunity to establish a commercial halibut fishery in areas in the Bering Sea to the north of 56 degrees north latitude during a 3 year development period.

(Pub. L. 97-176, Sec. 5, May 17, 1982, 96 Stat. 79; Pub. L. 104-208, div. A, title I, Sec. 101(a) [title II, Sec. 211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41.)

#### Amendments

1996--Subsec. (c). Pub. L. 104-208 made technical amendment to reference in original act which appears in text as reference to section 1853(b)(6) of this title.

#### Effective Date of 1996 Amendment

Section 101(a) [title II, Sec. 211(b)] of div. A of Pub. L. 104-208 provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

#### Transfer of Functions

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.